

Implementation of the Law on the Role of Prosecutors as Corruption Crime Investigation Officers

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Abstract. Corruption is a reality of human conduct in social interactions, considered to be deviating and endangering society and the state. The research conducted is normative-legal, that is, research that uses law as a basis for solving the problems posed, and empirical-legal research through the conduct of interviews. The data used is secondary data and the data collection methods used in this study are library surveys and field surveys. The analysis of data used is qualitative data. Based on the findings, it is believed that the Anti-Corruption Commission can only investigate cases of corruption offenses that have affected state apparatus and have resulted in state financial losses of at least billion rupiah, for this reason the role of prosecutors as investigators in criminal cases is required. Corruption that does not meet the requirements for investigation by the Anti-Corruption Commission. Legal and Non-Judicial Constraints Are Limiting Factors in Corruption Crimes Investigations.

Keywords: Prosecutors, Investigators, Corruption

1. INTRODUCTION

Corruption is an *extraordinary crime* in terms of its complexity and negative effects that cause great damage to the state, resulting in social disasters such as increasing poverty in society and destroying the national economy (Magherescu, 2020). The problem of corruption has occurred systematically, structured, and massively. Lately, corruption that is often heard by the public occurs in the public sector involving parties holding public power or government officials; often referred to as occupational *crime*. In the public sector, the form of corruption that is rife is bribery and abuse of public authority. Officials who have certain authority are referred to as public officials (Munzhedzi, 2016).

The government has made various efforts to eradicate corruption, ranging from the establishment and renewal of laws to the establishment of the Commission for combating corruption, but in fact the discordant voices of the public still resonate and the spotlight on the government lasts from time to time (Waltz, 2022). The current development process is affecting not only the rapid advancement of people's livelihoods but also the rapid development of criminal activity, which is a growing concern for local communities (Schreckenberget al., 2016). One of the crimes focused on and discussed in all areas of society is corruption. This is because corruption not only damages national finances, but also violates the social rights of local communities, hinders national development, and disturbs national economic stability (Ostrohliad et al., 2021). It really should be, and should be used wherever possible for the public good (Ostrom & Ostrom, 2019).

One of the most amazing crimes is corruption. This occurrence is comprehensible, given that the adverse consequences triggered by this offense can impact diverse aspects of existence. The proliferation of corruption in Indonesia will escalate, spiral beyond the Indonesian populace's management, and wreak havoc on the country and its citizens' lives (Dawson, 2017). The surge in corruption incidents is an exceedingly critical issue. This is because corruption endangers the stability and security of the state and its people, endangers the socio-economic development of society and politics, and can be damaging by fostering democratic and national values. because there is moral corruption (Lytvyn et al., 2023).

A social phenomenon called corruption is considered a reality of human behavior in social interactions, deviant and endangering societies and nations. This act is therefore condemned in every way by society, including the corrupt themselves, according to the expression "corrupt shouts corrupt". Public denunciations of corruption by judicial authorities especially need to be addressed and appear in the text of the law as offenses with considerable criminal offenses. (Luz & Spagnolo, 2017). The term 'extraordinary crime' is always associated with the criminal act of corruption because the consequences caused by the criminal act of corruption itself are so extraordinary. The aforementioned also pertains to Act No. 20 of 2001 modifying Act No. 31 of 1999 on the Prevention of Corruption Offenses. The law stipulates that widespread corruption crimes not only damage state finances, but also violate the social life and economic rights of its citizens. Corruption crimes must therefore be categorized as criminal offenses that must be ostensibly eliminated by normal means.

There are good grounds for classifying corruption as an exceptional crime that its eradication must be carried out through the use of exceptional and exceptional legal means. Since corruption is a special crime, the combating of corruption is also specifically regulated. Various anti-corruption regulations and the establishment of anti-corruption institutions have not completely eradicated corruption. This shows that the existing legal instruments, especially the criminal policy aspects of those that regulate corruption, are dysfunctional.

Corruption cases are difficult to detect because the perpetrators are educated individuals who use sophisticated methods and procedures, and are usually secretly organized and carried out by multiple persons. It is difficult. Therefore, this crime is often called an extraordinary crime, or an extraordinary crime eliminated by extraordinary means. Corruption crimes take a long time to unravel, as perpetrators use clever means to cover up their crimes and protect each other (Gottschalk & Tcherni-Buzzeo, 2017). The Public Prosecutor's Office, as a state agency, has duties and powers to deal with corruption issues under Law No. 20 of 2001 amending the Anti-Corruption Law No. 31 of 1999, which is a substantive criminal law, and Statute No. 16 of 2001. Statute No. 8 of the Republic of Indonesia and Statute No. 8 of 1981, as the authorized penal code, have a crucial part to play in probing and fighting against fraudulent activities (Hermanto & Riyadi, 2020).

The investigation process is whether an event that occurs is sufficient evidence and is a criminal act or not, whether the offense meets the elements of criminal provisions or not, so that the final verdict or judge's verdict is also influenced by the process of collecting evidence at the investigation stage, therefore the professional investigator is important, because the misapplication of the article will be fatal to the subsequent law enforcement process and the inability to apply the normative rules of law Criminal in concrete legal events that occur will have an impact on the bluntness of law enforcement or rampant crime, so that dreams of law enforcement will be far from expectations (Sherman et al., 2016)

2. METHOD

Research is done to find usefulness or seek answers from curiosity. Knowledge and technology obtained today are ensured through research activities including social sciences which include legal sciences (Manzi, 2022). This study is a descriptive analysis. H. Studies that describe, investigate, explain and analyze legislation relevant to the purposes of this study (Zuiderwijk et al., 2020). The aim of explicative investigation is to precisely depict the attributes of a specific person, state, state of affairs, or collective, or to recognize the occurrence or predominance of a state, or the presence of a definite correlation between a state and other states. to determine how often. A community society exists. The main purpose of analyzing legal material is to know the conceptual meaning of terms used in legal norms and their application in practice and in legal decisions (Ariani & Prasetyoningsih, 2022).

Normative legal research and empirical legal research are used depending on the research question and purpose. Normative studies are legal studies that define law as a constructive normative system. The normative system in question concerns principles, norms, laws, regulations, court judgments, conventions, doctrines (doctrines). An empirical legal study is a study conducted by interviewing prosecutors of the Medan. The Prosecutor's Office is a crucial element of the justice system as it ensures that individuals who violate the law are held accountable for their actions (, Dr. Dastagir Ghulam, Shyam Lal, 2023). In a similar vein, data collection is an essential component of research as it provides the necessary information for future predictive analysis (Bambang Hermanto & Slamet Riyadi, 2022). In this particular study, the literature review method was employed to collect data. The data for this study were derived from secondary data, that is, data collected through a study of literature sources. Secondary data is data such as official documents, books related to research subjects, and laws and regulations (Walliman, 2021).

In data analysis, data is classified (categorized) and grouped, codes are devised, codes are managed, and themes are explored. The qualitative method of developing theories from this data is research on legal norms included in laws and court judgments, and norms that live and develop in society.

3. RESULTS AND DISCUSSION

The tasks and authorities bestowed upon public prosecutors by legislation regarding the battle against corruption consist of: 1. The function of the Public Prosecutor's Office in countering corruption in general is evident from Article 2(1) and more specifically Article 30(1) of Law No. 16/2004 on the Public Prosecutor's Office. According to Article 2, clause 1, "The Public Prosecutor's Office of the Republic of Indonesia (hereinafter referred to as the Public Prosecutor's Office of the Republic of Indonesia in this Law) is a government institution that exercises state authority in the realm of law enforcement and other institutions under the Undang Law." On the other hand, Law No. 16 of 2004 on Public Prosecution, Article 30, Paragraph 1 states the following: A. Conduct the identification of judges and court verdicts that have obtained permanent legal effect. B. Supervise the implementation of conditional judgments, supervisory judgments, and parole decisions. C. Investigate specific offenses under the law (Zulyadi, 2020). D. It is possible for us to finalize particular case documents and carry out additional research prior to submitting them to the court. This will be coordinated with investigators for implementation (Panjaitan, 2022).

the authority to conduct investigations, as specified in this provision, is in accordance with the regulations set forth in Law No. 31 of 1999 on the prevention of corruption, which has been revised by Law No. 26 of 2000 and Law No. 20 of 2001, relating specifically to the power of investigation. the Human Rights Court (HAM) and Law No. 30. Based on In 2002 he was elected to the Anti-Corruption Commission (KPK).

In relation to combating corruption, the editorials “Other legal authorities” and “Conducting investigations into , here you can see that we are editing a specific crime. Point d and its elucidation pertain to the scrutiny of graft offenses. Consequently, the statute of Public Prosecutor's Office Law No. 16 of 2004 stipulates that public prosecutors, in their capacity as law enforcement officials, possess the authority to delve into and arraign corruption suits. 1. Law No. 31 of 1999 and Law No. 20 of 2001 on Anti-Corruption Measures (Adiguna, 2021).

The regulations that outline the authority of the public prosecutor's office in investigating corruption cases in accordance with Law No. 31 of 1999 and Law No. 20 of 2001 on Combating Corruption Crimes can be found in Article 26. This article specifies that corruption trials must follow the applicable Code of Criminal Procedure, unless otherwise stated by law. The procedural law that applies to Law No. 31 of 1999 and Law No. 20 of 2001 is covered by the Code of Criminal Procedure outlined in Law No. 8 of 1981 (Article 284(2)) and PP No. 27 of 1983 (Article 17) which details the public prosecutor's role as an investigator (Suramin, 2021).

The first clause of the Code of Criminal Procedure (Article 1, Paragraph 1) dictates that investigators are members of the Indonesian National Police force. This term encompasses various officials who have been granted the authority to conduct investigations under the law, including prosecutor investigators. The legal basis for the public prosecutor's role as an investigator is outlined in Article 30, Paragraph 1, Subsection (d) of Law No. 16 of 2004 on the Public Prosecutor's Office. Consequently, in order to gain a comprehensive understanding of the regulations pertaining to the investigative powers of public prosecutors as referred to in this legislation, it is imperative to meticulously analyze the provisions of other laws, such as the Code of Criminal Procedure and Law No. 16 of 2004 on public prosecutors (Terziev et al., 2020).

Acknowledgment of the capability and proficiency of the public prosecutor in handling corruption cases can also be found in Article 27 of his Law No. 31 Year 1999 and Law No. 20 Year 2001 on Combating Corruption Crimes. For complex criminal offenses, collaborative teams may be established under the supervision of the Attorney General. In the explanation of Article 27, challenging-to-uncover corruption is interpreted to comprise corruption in banking, taxation, capital markets, industrial trade, commodity futures trading, or in the financial and financial sector, which is fundamentally cross-functional. It is emphasized that it should employ cutting-edge technology or is executed by individuals qualified as government administrators (Davis, 2021).

Law No. 30 of 2002 on the Anti-Corruption Commission The Anti-Corruption Commission Law No. 30 of 2002 also regulates the KPK's special powers related to the investigation and prosecution of corruption cases, but the Anti-Corruption Commission Law No. 30 of 2002 does not provide for these provisions. not abolished. Powers exercised by civil servant investigators to clarify corruption cases (Setyawan, 2020). Relevant provisions are contained in Sections 6(a) and 7(a) as follows:

- a. Section 6(a) "The task of the KPK is to coordinate with the authority authorized to remove the TPK."
- b. Section 7(a) "While performing the coordinating responsibilities mentioned in Section 6(a), the KPK is empowered to synchronize inquiries, probes, and litigations associated with trafficking. The principle of cooperation between the KPK and anti-corruption agencies is one of the principles with the Public Prosecutor's Office, creating synergies between the Public Prosecutor's Office and the KPK. This coordination was established by co-regulation of the Attorney General of the Republic of Indonesia No. : Kep-347 / JA / 12/2005 and Chair of KPK No 11/KPK-KECORN/XII/2005 "Cooperation between the Anti-Corruption Commission and the Public Prosecutor's Office of the Republic of Indonesia in Eliminating Corruption Crimes". With respect to powers to investigate, investigate and prosecute corruption cases, there is a limitation that the KPK conducts investigations of corruption cases involving government losses of at least one billion (Rp 1 billion). This differs from the investigative powers of the Public Prosecutor's Office, which does not allow the government to minimize or limit losses in conducting investigations, investigations, or prosecutions. Corruption case. The comprehensive function of the Public Prosecutor's Office in dealing with corruption cases is broader than that of the KPK, particularly in terms of the state's loss value. This is evident in Article 1, paragraph 1 of the Code of Criminal Procedure (Law No. 8 of 1881), which establishes that investigators are officers of the National Police of the Republic of Indonesia or designated officers authorized by law to conduct investigations. This provision is also stipulated in Article 6(1)(b) of the same law. It is evident that this is a special power under Section 30(1)(1) of Law No. 16 of 2004 on Public Prosecution. In this case, the prosecutor's role as an investigator is autonomous and not subordinate to the police investigator. Although the principle of coordination between the public prosecutor's office and the police in handling corruption cases is still upheld, this coordination is now regulated by the Joint Regulation of the Attorney General of the Republic of Indonesia. KEP-019/A/JA/03/2006 and Chief of National Police of the Republic of Indonesia Number POL:2, 2006, "Optimizing Coordination in Fighting Corruption Crime". 2. Presidential Directive No. 5 of 2004 on Accelerating the Fight against Corruption (Nugroho, 2021).

The provision of Presidential Decree No. 5 of 2004 is one of the special orders issued by the President of the Republic of Indonesia to the Attorney General of the Republic of Indonesia, aimed at streamlining efforts to investigate and prosecute crimes of corruption. Judge and punish perpetrators and save national finances. This directive has strong bureaucratic legitimacy for the prosecutor as a government agency that implements policies and directives from the president as head of state. Accordingly, the anti-corruption provisions set forth in this Presidential Directive derive from various technical mandates of the Prosecutor's Office involving other law enforcement agencies, including those related to cooperation to accelerate the fight against corruption (Mozol et al., 2020).

Abuse of power in this country has reached an alarming scale. Abuse of power in this country is so serious that power is no longer a means of service to the community, but a place of wealth, and corrupt practices are ubiquitous (Omelchuk et al., 2022). Due to increasingly serious and decentralized acts of corruption, our country has come to be known as the "Republic of Thieves." Power is used completely naked to blindly fill the coffers. Ironically, this practice is containerized as if it were a democracy (Cherniei et al., 2022).

Investigators tasked with investigating corruption cases need to study and understand the findings and regulations relevant to the corruption crimes under investigation so that they can identify the wrongdoings that have occurred and the evidence supporting those wrongdoings. In addition to disclosing the actions of suspects, it is also very important to disclose and protect assets from corruption crimes. The security of corrupt assets is equally important in our efforts to combat corruption (Hutahaean & Indarti, 2020).

Corruption is a crime, and its modus operandi is constantly evolving with the times and the evolution of society. Investigating prosecutors must therefore continually learn to be focused, thorough, persistent and competent in investigating corruption crimes in the hope that cases will be clarified, and investigative prosecutors must should remain up-to-date on developments, particularly in corruption cases. A criminal act that attracts public attention (Sitompul & Hasibuan, 2021).

4. CONCLUSION

The Medan State Prosecutor's Office enforces the law in Indonesia by regulating the role of the prosecutor as an investigator of corruption crimes. This is based on the legal provisions outlined in Article 2 paragraph (1) and specifically in Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office. The prosecutor's authority and responsibility at the Medan State Prosecutor's Office is to investigate corruption cases that are not within the jurisdiction of the Corruption Eradication Commission. The commission is limited to investigating cases of corruption involving state officials that result in state financial losses of at least one billion rupiah. Therefore, the prosecutor's role in investigating corruption cases that fall outside the commission's jurisdiction is important. Juridical obstacles, such as cases of corruption with small state losses, changes in legal norms through decisions by the Constitutional Court (MK), requests for expert examination, establishment of corruption courts, and non-judicial constraints including budget issues, personnel issues, examination of witnesses, experts, suspects/defendants, and problems with suspects, defendants, and escaped convicts (DPO) pose challenges in the investigation process of corruption.

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