

The authority of Indonesian prosecutors in eradicating corruption in Indonesia

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Abstract

This study aims to describe the powers of the prosecutor's office in eradicating and enforcing corruption in Indonesia. In answering these questions, this study uses a normative research methodology with a statutory approach. Based on the results of the research, it is known that the prosecutor's authority in law enforcement of corruption is divided into 3, namely investigation, investigation and prosecution. Related to the investigation into the prosecutor's authority, they are: a. collect information, b. collect data / documents, c. take other action according to responsible law. Regarding the investigation into the authority of the prosecutor's office, the objective of finding evidence is to prove the case concerned, with regard to prosecuting the authority of the prosecutor's office, including: a. Conduct pre-prosecution, b. Appoint the general prosecutor, c. Prepare an indictment, d. Conducting court hearings, e. Take legal action, f. Carry out the execution of court decisions that have permanent legal force. Looking at the direction of policies regarding corruption cases handled by the prosecutor's office and the authority given, as the author describes in detail at the beginning of the discussion, there is no authority related to wiretapping to increase the effectiveness of eradicating criminal acts of corruption that are handled by the prosecutor at both the central and regional levels. This is of course a contradiction with the data obtained by the author, wherein the prosecution of corruption crimes committed by the Corruption Eradication Commission investigators tends to be dominated by the tapping method to obtain strong evidence.

Keywords: attorney general's office, corruption crime

Introduction

Within a week, corruption cases could not be separated from the news that was served by the print and electronic media. Both the development of corruption cases currently being handled by law enforcers and new corruption cases being exposed by law enforcers. The reporting of the corruption case seems to have turned into breakfast in the morning until dinner at bedtime. The public reaction that blasphemes the corruptors and the reaction of legal experts and various parties who speculate about the causes of corruption, about the dangers of corruption and even the increasingly widespread and rampant corruption network has made it increasingly attracting public attention to follow developments in corruption cases in Indonesia.

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The government responded to the strong public demand for the government to seriously fight corruption through various

policies. One of them is by issuing the last Law on Corruption Eradication, namely Law No. 31 of 1999 concerning Corruption Crime Law which has been amended and added to the Law No. 20 of 2001 will be referred to as (UU Tipikor). The reason for the government issuing Law no. 31 of 1999 jo. Law No. 20 of 2001 due to the Corruption Eradication Law No. 3 of 1971 (Anti-Corruption Law) is deemed unable to answer the legal needs in eradicating corruption and is considered very weak, especially in terms of crimes and convictions.

However, the current dilemma is the fact that this goal has not been implemented effectively, apart from the enforcement which still seems selective^[2] coupled with the ratio between the budget disbursed by the state to eradicate corruption which is very large compared to the return on state financial losses which are classified as very small^[3] which in 2012 said that the budget spent in the effort to eradicate corruption in the 2001-2009 period was Rp. 73.1 trillion, while the state financial losses that returned during

² Amirudin pada tulisannya pernah mengidentifikasi bahwa salah satu penyebab kerawanan korupsi di Indonesia yakni lemahnya kepatuhan terhadap peraturan, pengawasan dan penegakannya. Lihat dalam Amiruddin, Pemberantasan Korupsi Dalam Pengadaan Barang Dan Jasa Melalui Instrumen Hukum Pidana dan Administrasi, Jurnal Media Hukum, Vol. 19 No.1 Juni 2012. hlm 126

³ Menurut beberapa penelitian biaya eksplisit (yang dikeluarkan) untuk pemberantasan korupsi selama periode 2001--2009 adalah Rp73,1 triliun (sekitar US \$ 7,86 miliar). berbanding terbalik dengan kerugian keuangan negara yang berhasil dikembalikan dengan total hukuman finansial yang dijatuhkan oleh hakim agung selama periode 2001--2009 adalah Rp5,3 triliun (sekitar US \$ 573,12 juta), sehingga ada selisih Rp67,77 triliun (US \$ 7,28 miliar). Lihat dalam, Rimawan Pradipto, Does Corruption Pay in Indonesia? If So, Who are Benefited the Most?, Munich Personal RePEc Archive Paper No. 41384, 17 Sep 2012. hlm 1

¹ Evi Hartanti. Tindak Pidana Korupsi dan Penegakan Hukum, Jakarta: Sinar Grafika, 2007, hlm.1.

the same period of time were Rp. 5.3 trillion. The ineffectiveness of the steps taken in eradicating this is reinforced by the Corruption Perception Index in Indonesia which is still relatively high, namely 40 (forty) in position 85 out of 180 countries in the world^[4].

Moving on to other related aspects so far the eradication of corruption in Indonesia and the world focuses on three main issues, namely prevention, eradication and return of assets resulting from corruption (asset recovery). Talking about the main issue regarding the eradication of criminal acts of corruption in Indonesia which must be recognized that in eradicating and enforcing the law, the methods of imposing sanctions on perpetrators of criminal acts of corruption rather than returning state assets, in this eradication effort tend to be heard by the general public that in eradication In an effort to find preliminary evidence of criminal acts of corruption, a mechanism in the form of wiretapping is then followed by a hand arrest operation (OTT)^[5].

News about hand-catching operations (hereinafter referred to as OTT) against corruption perpetrators is still common. What was quite shocking was the arrest of 41 out of 45 members of Malang City DPRD by the KPK. Then, no less shocking was the news about the arrest of a member of the Mataram City DPRD who carried out extortion related to the aid for the rehabilitation of education facilities affected by the earthquake in Lombok, NTB.

As is well known, in the case of eradicating corruption in Indonesia, it is not only relying on the KPK as the front guard in the eradication, in terms of investigations. Law enforcement in Indonesia, especially in criminal acts of corruption, is a top priority for law enforcers, especially the Attorney General's Office, the Police and the Corruption Eradication Commission (KPK) in uncovering and eradicating corruption that occurs in Indonesia []. Disclosure of corruption cases carried out by law enforcers is highly dependent on the stage of investigation by maximizing the efforts of law enforcers in uncovering corruption cases with the facilities and infrastructure as well as the authorities possessed under the laws and regulations. Although there are similarities in the powers of the two institutions in conducting investigations into suspected corruption crimes, the KPK has other powers that the Attorney General and the Police do not have. The other authority is in carrying out investigative duties, namely through Article 12 Paragraph 1 of the KPK Law it is said that "In carrying out investigative and investigative tasks as referred to in Article 6 huruf e^[6], The Corruption Eradication Commission has the authority to do wiretapping". Although in the post-enactment of the latest KPK Law, this authority was obtained after obtaining permission from the KPK Supervisory Board^[7]. So based on the explanation above, in writing this paper the author will further describe

the duties and powers of the Indonesian prosecutor's office in efforts to eradicate and enforce the law against criminal acts of corruption in Indonesia.

Discussion

Since the collapse of the New Order regime under the leadership of President Soeharto in 1998, efforts to uphold the law on corruption have continued to this day. Even these law enforcement efforts were also carried out by establishing several bodies and the Corruption Eradication Commission (KPK). In fact, in eradicating corruption, the existence of the KPK is alleged to be a form and form of politics in the field of law for law enforcement for criminal acts of corruption.

With the release of political products in the field of law, it can be ascertained that there is seriousness from the government and the House of Representatives (DPR) which in this case represent the Indonesian people regarding the need to deal with corruption seriously and seriously, so that the KPK needs to be formed. The KPK is a state institution that has high authority in the matter of resolving corruption crimes. As a political product formed with awareness in efforts to eradicate corruption, the performance of the KPK is expected to be able to enforce the law by punishing perpetrators of corruption. In its capacity, the KPK is of course expected to always coordinate with the prosecutor's office, the police and other institutions involved in law enforcement, in particular the eradication of corruption. This is because with the formation of the KPK as one of the institutions that deals with corruption, it is hoped that corruption cases can be eliminated. The KPK is expected to make the law effective by providing sanctions.

Whereas so far the criminal act of corruption has become a very extraordinary crime, therefore it needs to be handled by a special institution, namely the KPK. The consequence of the establishment of the KPK is the establishment of a Special Corruption Crime Court (Tipikor Court). Regarding the duties of the corruption criminal court, it is to carry out investigations as well as to decide on criminal acts of corruption whose prosecution has been submitted by the KPK. Or in other words, the Corruption Court has the authority to examine, adjudicate, decide cases of corruption, namely corruption as referred to by Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption Crimes (State Institute of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by UURI No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the eradication of criminal acts of corruption (State Institution of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150).

In terms of legal politics, it can be seen that the formation of the Corruption Eradication Commission and a special court for corruption is a form of state work in striving to eradicate corruption, this effort certainly brings fresh air to the handling of corruption cases that are getting worse and more dangerous for the Indonesian nation. However, corruption crimes continue to occur in various sectors of life. The corruption crime can even be said to have reached a very concerning point. Corruption is rooted and rampant endlessly. Even the various laws and regulations that exist are also unable to stem or even stop the culture of corruption that has mushroomed in the life of the nation and state.

⁴ Lihat dalam, <https://www.kpk.go.id/id/berita/berita-kpk/1462-indeks-persepsi-korupsi-indonesia-membaik>, diakses pada tanggal 16 Agustus 2020, pukul 18.45 WIB

⁵ Wicipto Setiadi, Korupsi di Indonesia (Penyebab, Bahaya, Hambatan dan Upaya Pemberantasan, Serta Regulasi), Jurnal Legislasi Indonesia Vol 15 No.3 November 2018, hlm 250

⁶ Pasal 6 Huruf e Undang-Undang Nomor 19 Tahun 2019 tentang Perubahan Kedua Atas Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi, menyatakan bahwa Komisi Pemberantasan Korupsi bertugas untuk melakukan "penyelidikan, penyidikan, dan penuntutan terhadap Tindak Pidana Korupsi"

⁷ Lihat dalam Pasal 12 Ayat (1) dikatakan bahwa "Penyadapan sebagaimana dimaksud dalam Pasal 12 ayat (1), dilaksanakan setelah mendapatkan izin tertulis dari Dewan Pengawas"

If we look at the history of criminal acts of corruption in Indonesia, indeed the problem of corruption has become an inseparable part of the journey of the Indonesian nation in filling the era of the proclamation of independence, where state money has been eroded for the interests of certain individuals or groups, this has happened since Indonesia was proclaimed as a sovereign state^[8].

Seeing this condition, that corruption has occurred long ago since the era of the proclamation, even up to this moment, it seems that the existing law has no meaning at all. Laws are passed but corruption continues. Ironically, as a rule of law, Indonesia in its efforts to enforce the law on corruption cases has carried out various strategic ways, such as making legal products, in the form of legislation to eradicate corruption. Finally, Indonesia has the Corruption Eradication Law Law No. 31 of 1999, which was later amended by Law Number 20 of 2001, and Law Number 30 of 2002 concerning the Corruption Eradication Commission^[9]. In Japan and South Korea, when a corruption crime occurs, the handling does not merely rely on laws and regulations, but the handling of corruption cases is carried out through a cultural strategy. This means that if a corruption case occurs, cultural instruments can be used as a way to eradicate it.

The failure of Indonesia to get out of the disease of corruption, even though it already has a good law in handling corruption crimes is inversely proportional to the condition and status of Indonesia as a rule of law. In fact, if a country has positioned itself as a rule of law, the consequence is that all statutory regulations become a measure of law enforcement in the midst of people's lives. In a constitutional state, people are required to comply with existing laws, because in law there are prohibitions. If the prohibition is not obeyed, there will be sanctions for those who violate it. These sanctions are binding for anyone without exception. From that, in a rule of law, law should actually be the commander who cannot be defeated. The law must be strict for anyone who commits a criminal act of corruption. The law must be applied equally to all parties. And the law must be fair to everyone, without exception.

If the law for perpetrators of corruption is not strictly enforced, it will clearly endanger the life of the nation and state. This is because corruption has taken people's rights which can actually be used for poverty alleviation and health. Law enforcement and justice issues are the key to eradicating corruption crimes. This includes court decisions that are at the forefront of law enforcement in corruption cases. For this reason, all levels of society must obey the law, both small people, traders, farmers and high-ranking officials as well as the President without exception and no one is immune to the law, as long as the person concerned commits crimes, whether fraud, giving false information, and acts of corruption must be prosecuted according applicable law^[10].

Court decisions also relate to issues of law enforcement and issues of justice. It is hoped that court decisions can synchronize law enforcement and the realization of a sense

of justice for the community^[11] In the view of a legal expert and former Attorney General Baharuddin Lopa, there are several causes of corruption. Among the causes are: First, moral depravity. Second, indecisiveness in law enforcement^[12].

For this reason, law enforcement in eradicating corruption really requires seriousness and very strong handling of law enforcement officials such as the police, prosecutors and KPK. In particular, the prosecutor's office must be really encouraged and work optimally in handling and prosecuting corruption crimes. Because corruption is not only taking state funds above IDR 1 billion, but also below IDR 1 billion. It is true that the KPK was formed to handle corruption cases over Rp 1 billion. Thus, if there is a case of extortion, facilitation payments and the like, it may be reported immediately to the competent authorities or competent related parties. This is because the crime of corruption must be considered as deviant behavior and violates the prevailing laws and regulations. Laws made and lived in society should be able to function in such a way, namely by enforcing the law properly and correctly.

In order for the law to function in society, law enforcers or law enforcers themselves must have guidelines for enforcing the law, namely statutory regulations. If the legal apparatus does not have guidelines, there will clearly be arbitrariness. This means that these guidelines can be used as guidance in carrying out law enforcement. Then also required willingness and honesty in accordance with their respective professionalism.

Then, one of the law enforcement agencies that has the authority to enforce law is the prosecutor of the Republic of Indonesia. Then the second point is that there is professionalism in implementing the law. Professional analysis can be pursued by always honing knowledge in accordance with the provisions of existing laws, such as understanding the Corruption Crime Law. So that if later in handling corruption cases it can be successful, namely by punishing the perpetrators. Punishing the perpetrators in accordance with existing laws is the hope of all Indonesian people, because corruption is a crime that takes people's rights by force.

One of the state apparatuses authorized by law to carry out their duties and according to their authority is the Republic of Indonesia Prosecutor's Office. This institution has a very significant role in building a better country, especially in the field of law enforcement and more specifically in the field of prosecution. The AGO exercises state power in the field of prosecution and other powers based on law. Although the existence of the Attorney General's Office of the Republic of Indonesia has not been explicitly stated in the 1945 Constitution of the Republic of Indonesia which functions as the state constitution of the Republic of Indonesia or as a constitutional basis, the mention of the Prosecutor's Office is in the explanation of the Law on Judicial Power Number 48 of 2009 Article 38 paragraph (1) That what is meant by "other agencies" include the Police, Attorney General's Office, Advocates, and Correctional Institutions.

The presence of the police, prosecutors, lawyers and correctional institutions is a manifestation of the presence of the state to enforce law in accordance with its duties and

⁸ Aswanto Budiharjo, *Perilaku Menyimpang Budaya Korupsi*, (Jakarta: Raja Grafindo Press, 2001), hlm. 59.

⁹ Indriyanto Seno Adji, *Korupsi dan Hukum Pidana*, (Jakarta: Kantor Pengacara & Konsultasi Hukum Prof. Oemar Seno Adji, SH & Rekan, 2002), hlm. 6.

¹⁰ Monang Siahaan, *KPK dan Polri Bersatulah Memberantas Korupsi*, (Jakarta: PT Elex Media Komputindo Kompas Gramedia, 2015), hlm. 229.

¹¹ Hari Utomo, *Mencari Keadilan Dalam Putusan Pengadilan*, (Advokasi Hukum & Operasi, Edisi, 33 Oktober 2013), hlm. 31.

¹² Baharudin Lopa, *Masalah Korupsi dan Pemecahannya*, (Jakarta: Kipas Putih Aksara, 1997), hlm. 171-72.

authorities in exercising state power in the field of law, so that later judicial processes will be held to uphold law and justice. Thus, the agencies referred to above are law enforcers in an Indonesian constitutional state. As a rule of law, where in the administration of government based on law, and guided by the basic law (grundnorm), namely the 1945 Constitution which functions as the constitution or constitutional foundation. As a rule of law, it is the duty of the prosecutor's office and other institutions to bring Indonesia to become a country whose laws can be obeyed and enforced by the community, so that there are no acts against or against the law, including corruption by citizens. Whereas Indonesia is a country based on law (rechtsstaat) and not based on mere power (maachsstaat) and government based on a constitutional system (basic law) and not absolutism, as contained in the Explanation of the 1945 Constitution of the Republic of Indonesia prior to amendment, has been published as material norm in the body of the 1945 Constitution of the Republic of Indonesia as a result of changes. Talking about law enforcement, then talking about law enforcement agencies and existing laws and regulations. In fact, law enforcement is an inseparable part of the legal apparatus and laws and regulations.

Law enforcement will support the implementation of a just community development. In the end, it will uphold the rule of law foundation. Law enforcement requires a commitment to the obedience of all components of the nation to the law. Therefore, law enforcement officers must enforce and guarantee legal certainty. Especially in the enforcement of corruption cases. One of the law enforcement agencies whose job is to carry out law enforcement in corruption cases is the Attorney General's Office of the Republic of Indonesia in addition to the Corruption Eradication Commission ("KPK") and the Police. This means that the prosecutor's office is also given the authority to investigate corruption cases.

As described above, according to the provisions of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Republic of Indonesia Public Prosecutor's Office, it is explained that: In the criminal field, the prosecutor's office has the duty and authority to investigate certain criminal acts based on law. Furthermore, in the elucidation of Article 30 paragraph (1) letter d of the Law on the Prosecutor's Office of the Republic of Indonesia it states: The authority in this provision is the authority as regulated, for example in Law Number 26 of 2000 concerning Human Rights Courts and Law Number 31 of the Year. 1999 concerning the Eradication of Corruption Crime as amended by Law Number 20 of 2001 jo. Law Number 30 of 2002 concerning the Corruption Eradication Commission. From what is described above, it is very clear that the Attorney General has the authority to carry out investigations into corruption cases. In order to fulfill the expectations of the people who continue to demand and hope that corruption cases can be stopped or eradicated, the prosecutor's office must work as much as possible. Or at least the AGO can reduce the number of corruption.

According to data from Indonesia Corruption Watch (ICW), in the handling of corruption cases at the prosecutor's office, it appears that the prosecutor's office is still far from expectations. ICW noted that the AGO still has quite a lot of arrears in corruption cases. This means that there are a lot of cases arrears at the AGO. In 2015 there were around 911 corruption cases with investigative status. 755 cases among

these were in place from the second semester of 2015 to the first semester of 2016. Then there were 156 cases that moved up to prosecution from a total of 911 cases ^[13]. Even the head of the Prosecutor's Office, HM Prasetyo, admits the low performance of the institutions he leads in handling corruption cases. The Attorney General argues that the prosecutor's office does not only handle corruption cases, but also cases of other general crimes and even cases in the civil sector ^[14].

Reading and listening to cases that have been handled by the prosecutor's office above, the role of the prosecutors in law enforcement needs to be optimized. In Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, it is stated that the Prosecutor's Office is a government institution that exercises state power in the field of prosecution and other powers based on law. In this law, there are two roles of the prosecutor's office, namely as a government institution (including in the executive sector), and exercising state power in the field of prosecution and other powers based on law (including in the judiciary). If we look again at the provisions of Article 30 of Law Number 16/2004 concerning the Republic of Indonesia Public Prosecutor's Office, it is very clear that in the criminal field, the prosecutor's office has the following duties and powers: (a) To conduct investigations of certain crimes based on law; (b) Completing certain case files and for that purpose can carry out additional examinations before being delegated to court which in the implementation is coordinated with the investigator.

Referring to the sound of the Law on the Attorney General's Office as mentioned above, the position of the prosecutor is in a very strategic and central position in law enforcement of corruption crimes in Indonesia. This law gives independence to the prosecutor's office in handling corruption cases. It is not wrong then, that the President as the head of government ordered the Attorney General to optimize efforts to investigate and prosecute corruption crimes, of course by punishing the perpetrators with appropriate penalties and returning state finances.

As law enforcers, this is almost simultaneously with one of the duties and authorities of the Indonesian police, which are also law enforcers. In Police Law Number 2 of 2002 concerning the Indonesian National Police, Article 14 paragraph (1) g, states that the police are tasked with conducting investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations.

So based on this, it can be seen that in terms of eradicating corruption, the prosecutor's office only refers to its powers as regulated in the Criminal Procedure Code (HAP) and the Law on the Prosecutor's Office which substantively does not give the institution the authority related to wiretapping in the eradication of criminal acts of corruption in Indonesia. As it is known that based on HAP and the Law on the Prosecution and several regulations and decisions made by the prosecutor's office through the Attorney General, the prosecutor's authority is divided into 3 parts, namely investigation, investigation and prosecution, which the authors will further elaborate on:

¹³ Yeremia Sukoyo, Penanganan Kasus Korupsi di Kejaksaan Masih Jauh dari Harapan, Suara Pembaharuan, Rabu, 20 September 2017.

¹⁴ Jawa Pos, Prasetyo Akui Penanganan Kasus Korupsi di Kejaksaan Agung Lemah, Selasa, 09 Januari 2018.

Investigation activities

Investigation of corruption cases by the Attorney General's Office is carried out by the Special Crimes Division. As stipulated in the provisions of Presidential Regulation Number 38 of 2010 concerning Organization and Work Procedures of the Republic of Indonesia Public Prosecutor, Article 21 paragraph (1) and paragraph (2) in conjunction with Regulation of the Attorney General of the Republic of Indonesia Number: PER009 / A / JA / 01/2011 concerning Organization and Work Procedures The Attorney General's Office of the Republic of Indonesia, Article 243 paragraph (1) and paragraph (2) which states that ^[15].

1. The Deputy Attorney General for Special Crimes has the duty and authority to carry out the duties and powers of the prosecutor's office in the field of special crimes;
2. The scope of the special criminal offense as referred to in paragraph (1) includes investigation, investigation, pre-prosecution, additional examination, prosecution, legal remedies, implementation of judges' orders and court decisions that have permanent legal force, examination and supervision of the implementation of conditional crimes. and conditional release decisions in cases of special crimes and other legal actions.

An investigation is a series of actions by an investigator to search for and discover an event that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out in a manner regulated by law ^[16]. From this formulation, it can be understood that an investigation is an act of the first stage / initiation of an investigation and investigation activities are not separate from the investigation function.

If borrowed from the words used in the Guidelines for the Implementation of the Criminal Procedure Code of the Ministry of Justice, an investigation is one of the methods or methods or a sub-function of the investigation that precedes other actions, namely action in the form of arrest, search, seizure, examination of letters, summons, investigation actions. and submission of files to the public prosecutor ^[17].

Investigative action that is carried out prior to carrying out an investigative action, with the aim and objective of gathering preliminary evidence or sufficient evidence so that a follow-up investigation can be carried out. Perhaps an investigation can be equated with the definition of an investigation as an attempt to find and find traces in the form of information and evidence of an event that is suspected to be a criminal act ^[18]. Even before the Criminal Procedure Code came into effect, the term "opsporing" or "orderzoek" was often used to mean investigation and in English terms it was called "investigation". Concretely speaking, the vision of the investigation will be incomplete and will get an adequate description without offending the meaning of the investigation ^[19].

In carrying out the task of an investigation, an investigator has the authority, among others, to seek information and

evidence in the framework of preparing materials in the form of facts, information and evidence as a legal basis for starting an investigation. In order to obtain information, facts and evidence that is effective and can be accounted for in court, an investigation should be carried out in order to find such information as carefully and as thoroughly as possible and carried out by methods, techniques and tactics of scientific investigation (scientific criminal detection), not with using the chromo strike method by manipulating - manipulating data in order to pursue a specific target ^[20].

This investigative activity starts from analyzing and studying suspected criminal acts of corruption originating from investigative sources consisting of: reports, audit results of the Supreme Audit Agency (BPK) / Finance and Development Supervisory Agency (BPKP), results of examinations and delegations from internal prosecutors. Intelligence, General Crime, Datun and Supervision) ^[21].

The source of the investigation that comes from the report, can be in the form of a public complaint report, either individually or a non-governmental organization (NGO) or other community groups. Meanwhile, the sources of investigation originating from the results of BPK / BPKP audits can be in the form of investigative audits or general audits. For sources of investigation from internal prosecutors, this can be in the form of reports on intelligence activities that contain allegations of corruption (intelligence findings) which are the result of data collection and information from the Intelligence Division, reports on the handling of general criminal cases containing allegations of criminal acts of corruption from the Criminal Action Sector. General, state loss reports / civil suit containing allegations of criminal acts of corruption from the Civil and Administrative Sector (DATUN) and internal supervision reports containing allegations of criminal acts of corruption from the Supervision Sector.

In addition to some of the things that are the source of the above investigations, other sources of investigation that can be used as starting materials for conducting investigative activities are reports from local / central government agencies, case delegations from the Corruption Eradication Commission (KPK) on certain cases with losses. under 1 billion rupiah, reports / information on suspicious financial transactions from the Financial Transaction Analysis Reporting Center (PPATK) and reports / results of inspections by the Regional / Regional Inspectorate and other sources that can be used as initial consideration for conducting investigative activities.

With regard to the reports / findings on the alleged criminal act of corruption, a staff review is then made as material for the leadership to provide guidance on whether the report / findings will be followed up or not. If the results of the staff's review conclude that there are allegations of irregularities indicating a criminal act of corruption, the leadership will take a policy by issuing an Investigation Warrant (P-2) ^[22] In the Investigation Warrant, the investigating team consisting of prosecutors includes one of

¹⁵ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung Republik Indonesia Nomor: PER-009/A/JA/01/2011 tentang Organisasi dan Tata Kerja Kejaksaan RI, (Jakarta: Kejaksaan Agung RI, 2011), hlm 7

¹⁶ Rusli Muhammad, Sistem Peradilan Pidana Indonesia, Cetakan Pertama (Yogyakarta: UII Press, 2011), hlm 63

¹⁷ Yahya Harapan, Op.cit, hlm 101

¹⁸ Ibid.,

¹⁹ Lilik Mulyadi, Hukum Acara Pidana Normatif, Teoritis, Praktik dan Permasalahannya, (Bandung: PT. Alumni, 2007), hlm 54

²⁰ Rusli Muhammad, Kemandirian Pengadilan Indonesia, Cetakan Pertama (Yogyakarta: FH UII Press, 2010), hlm 153

²¹ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA039/A/JA/10/2010 Tanggal 29 Oktober 2010 tentang Tata Kelola Administrasi dan Teknis Penanganan Perkara Tindak Pidana Khusus, (Jakarta: Kejaksaan Agung RI, 2010) hlm 5

²² Tim Redaksi Kejaksaan Agung RI, Keputusan Jaksa Agung RI Nomor: KEP- 158/A/JA/11/2001 Tanggal 1 Nopember 2001 tentang Administrasi Perkara Tindak Pidana, (Jakarta: Kejaksaan Agung RI, 2001), hlm 3

them as team leader, while to assist the investigation activities carried out by the investigating team, the Leadership also issues an Investigative Administration Task Order which consists of administrative staff who are assigned and responsible. on the implementation of investigative administrative duties.

The period of the investigation of criminal acts of corruption carried out by the investigation team is a maximum of 14 (fourteen) working days and can be extended for 14 (fourteen) working days ^[23] If within that time it is still insufficient and it is still very necessary to complete the investigation activity, then for a proper and unavoidable reason, the investigation activity can be extended again for a maximum of 14 (fourteen) working days, based on a request from the investigating team with explain the reasons for the extension of the investigation period. Particularly for areas of the Type B Public Prosecutor's Office outside Java, Madura and Bali, the time of investigation can be adjusted to the local geographic situation and conditions, with the leader's policy that the time of the investigation is a maximum of 20 (twenty) working days.

The period of the investigation is usually stated in the Investigation Warrant with an order that the Investigating Team carry out its investigative duties with full responsibility and to make a report on the results of its implementation to the leadership within the period stated in the order. But what if the investigating officer does not want to accept the report or complaint submitted to him? Things like this are often heard, where investigating officials are approached by reporters or complainants, they are ignored. So it is very likely that various reports or complaints submitted by members of the public will disappear and be swallowed up by the indifference of investigating officials ^[24]

For this matter, the Attorney General has provided instructions that after receiving a report or complaint from the public as a source of investigation, the Head of the local Attorney General has the opinion to follow up or not follow up on the source file of the investigation within a period of 10 (ten) working days to issue a notification letter to the reporting party. / related agencies (Pidsus-2) ^[25] which says "that the report or complaint in question cannot be followed up because the material of the report or complaint has nothing to do with alleged corruption or is outside the authority of the Attorney General's Office / is followed up with research".

After the investigation source file is carried out, the local Attorney General's Office within a period of 10 (ten) days has the obligation to study and make decisions regarding the follow-up, which is then issued a Notification Letter as a technical action or other action (Pidsus-3A / B), ^[26] which contains "that the report or complaint in question, cannot be followed up because the material of the report / complaint has nothing to do with the alleged corruption or material outside the authority of the Prosecutor's Office / is followed up by being sent to another agency or investigation or investigation". With the instructions of the Attorney General, the Head of the local Attorney General who

receives reports or complaints from the public as a source of investigation cannot play with the reporter or in other words respond to the report or complaint by notifying that the report or complaint has been received for research and follow-up whether it can be done. investigation or not so that it will provide legal certainty for the reporting party regarding the status of the report or complaint submitted to the Prosecutor's Office.

In carrying out investigative duties, the investigation team must be based on the provisions of the prevailing laws and regulations. In addition to being guided by the internal regulations of the prosecutor's office, the Investigative Team is also guided by the applicable criminal procedure law, namely the Criminal Procedure Code (KUHP). Article 1 point 5 of the Criminal Procedure Code states that ^[27]

"An investigation is a series of actions by an investigator to search for and discover an event that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out in a manner regulated by this law".

In looking for and finding events that are suspected of being a criminal act of corruption, the investigation team can take several actions. Types of actions that can be taken by the investigation team are ^[28]

To be able to carry out these actions, after receiving the investigation order, the Investigating Team prepares an Investigation Plan (P-3) ^[29] The investigation plan contains the main points, including: the alleged violation of the article, the necessary information and evidence, the source of data / information and legal actions to be taken by the Investigating Team. In order to complete the investigation plan, an activity schedule plan is made which contains: legal actions to be taken, the time and place for carrying out activities and the person being asked for information / object of the activity. Then the investigating team proposed summons, requests for data / documents and other actions (Pidsus-4). Furthermore, the author will describe the actions taken by the investigating team in investigating corruption crimes, namely:

Gather information

To collect the necessary information, the investigating team requests information from people relating to reports / information on suspected corruption cases. The investigative team summons the people concerned, then asks for information in a professional and proportionate manner with full wisdom in order to obtain information that can clarify information regarding alleged irregularities that indicate corruption. The information obtained by the investigating team is contained in the Minutes of Request for Information (Pidsus-8) ^[30]

The Investigative Team requests information from the person concerned on a working day for a maximum of 8 (eight) hours with an appropriate rest period. If the request for information made by the Investigating Team is not sufficient, the time for the inquiry can be rescheduled by calling back or it can be determined the time for the request for information without calling but based on the agreement

²³ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039....Op.cit, hlm 8

²⁴ Yahya Harahap, Op. cit, hlm 104

²⁵ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039.... Op.cit, hlm 42, 448

²⁶ Ibid, hlm 43.

²⁷ Andi Hamzah, KUHP..... Op.cit, hlm 230

²⁸ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039....op.cit , hlm 82

²⁹ Tim Redaksi Kejaksaan Agung RI, Keputusan Op.cit, hlm 6

³⁰ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039.... Op.cit., hlm 457

between the Investigating Team and the person being questioned. Requests for information made by the Investigating Team may exceed 8 (eight) working days if the person being questioned wants or does not object provided that it does not exceed the time limit at 22.00 local time and is set forth in the Minutes of Request for Information.

The information obtained in the investigation activity is then studied carefully and analyzed in depth in order to answer the questions: what happened, who did it, when it was done, where it was done, how to do it and why it happened. If these questions cannot be answered, it can be seen that the inquiry activity has not been completed, so the investigating team needs to make summons and inquiries of the people concerned who appeared at the time of the previous inquiries.

After the investigating team can conclude that the information originating from the source of the investigation indicates a suspected corruption crime, the Investigating Team then conducts a selection by separating those who have been asked for information who can explain what has been experienced, seen and heard themselves as potential witnesses. Meanwhile, persons suspected of having committed irregularities which indicate an alleged corruption act can be separated as potential suspects. Meanwhile, people who have been questioned but whose testimony is not clear and does not support the investigation of suspected corruption, are separated to be used as archives.

In conducting activities of inquiries of the people concerned, the Investigating Team routinely holds internal exposures of the Investigating Team in order to know early on any progress of the results of inquiries and to plan the next steps in gathering information by making inquiries to several people related to the incident. which indicates the corruption crime. In the case of collecting information by asking for information from several people related to the case being handled, especially against people who have a criminal responsibility (potential suspects), they must still respect the presumption of innocence as stated in the general explanation point 3 c of the Criminal Procedure Code. The application of this principle is none other than to protect the interests of the law and the rights of suspects from the arbitrary power of law enforcers^[31].

Collecting data / documents

In terms of collecting data / documents, the Investigating Team usually does this when asking for information from the people concerned and will obtain documents relating to the implementation of activities being carried out by the Investigating Team. On another occasion, several people who have provided information to the Investigating Team can provide information on where the related documents are stored or in the possession of several people. The action taken by the Investigating Team is to borrow in coordination in the interests of case handling, for which a document / data loan receipt is made (Pidsus-10),^[32] provided that if it has been completed and no need to return, the document / data will be returned to the person who lent the document / data. However, in certain cases at the will of those who are

asked for information, data / document collection can be done without a receipt, for example the person being asked for information has provided a photocopy of the data / document which is voluntarily given to the Investigating Team.

In the case of obtaining data / documents that the person being asked for information cannot be made by force by the investigator if the person who controls the data / document objects. This is based on the Attorney General's Guidance which states that the investigating team requests data from the agency where it is called to work or to other people who volunteer to provide data in a professional and proportionate manner with full wisdom. After the Investigative Team has succeeded in collecting data / documents, it will then be inventoried by making a list of data / documents which are then formulated as potential evidence in the case concerned.

Perform other actions according to responsible law

When examined, the duties and authorities appear to refer to the provisions of Article 5 paragraph (1) letter a item 4 of the Criminal Procedure Code, which in essence has the task and authority to carry out "other acts according to responsible law". Regarding this formulation, Yahya Harahap is of the opinion that the formulation of the article is very vague and it is not clear what is meant by other actions according to responsible law. It is very difficult to determine the time and form of action referred to in the provisions of Article 5 paragraph 1 letter a point 4.³³ Even though it is explained in the explanation of the article, it has not been able to emphasize the form and form of action that can be tangibly felt. It is as if the explanation gives the investigator the flexibility to act at will, assuming that what is done is an obligatory act and is still in line with the obligations as referred to in letters b and c.

In carrying out these duties and powers, the Attorney General's Office maintains the prevailing laws and regulations and strives to place investigators to work professionally and proportionally and adhere to the provisions of the prevailing laws and regulations. In practice, investigators at the AGO who are handling cases of corruption are manifested by taking actions, including:

- a. Conducting local inspections by checking the locations that are the object of cases of suspected corruption crimes or known as the Crime Scene (TKP). Activities that can be carried out by the Investigating Team at a TKP are taking measurements, shooting, checking the materials used and at the same time looking for other information at the scene of the crime related to the case in question.
- b. Coordinating with the competent authorities to calculate State losses, in this case the BPK or BPKP in order to formulate whether an investigative audit will be carried out or sufficient calculation of State losses.
- c. Search for and collect provisions of laws and regulations relating to these activities and statutory provisions that are violated by the perpetrator / potential suspect by coordinating with relevant agencies and browsing the internet.
- d. Requesting support for the implementation of security of investigations to the Intelligence Division of the Prosecutor's Office and other relevant agencies in order to ensure that the Investigating Team is able to work

³¹ Rusli Muhammad, loc.cit.

³² Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039.... Op.cit, hlm 460

³³ Yahya Harahap, op. cit, hlm 106

optimally and important documents can be properly preserved.

Investigation activities carried out by the Investigating Team are reported intensively to the leadership through the investigation progress report by making an Investigation Result Report (P-5). In the report on the progress of the investigation, the Investigative Team formulates what is obtained from the results of the investigation, what conclusions and suggestions for follow-up actions will be made. The leader who receives the report on the progress of the investigation then decides to take actions in the form of: continuing the investigation by increasing the investigation stage, extending the time of the investigation, stopping the investigation or taking other actions for certain reasons based on responsible law. However, before the leadership makes a decision, the leadership asks the Investigating Team to expose the case as a basis and consideration for the leadership in making decisions.

Exposure is carried out at a predetermined time and place, followed by the Investigating Team, Leaders, relevant structural officers and functional officials. Exposure executor presents the results of the investigation in the form of a matrix / flowchart or in narrative form. In the implementation of the exposure, after the executor of the exposure explained the results of the investigation activity, then the exposed participants could ask questions, provide opinions and suggestions, which in the end concluded the results of the exposure.

If the results of the implementation of the exposure conclude that the case in question is stated to be able to be upgraded to the investigation stage, then the Investigating Team will make a report on the results of the investigation (P-5) and make a report on the occurrence of a criminal act (P-6). The investigator is obliged to convey the results of the implementation of the action as long as it concerns the actions referred to in Article 5 paragraph (1) letters a and b. The definition of a report on the results of the implementation of an investigation must be a "written report" ^[34] So in addition to an oral report, a written report must be followed for the sake of accountability and supervision of the investigator, so that whatever the investigator does is stated in the report.

This is in line with the instructions of the Deputy Attorney General for Special Crimes in connection with investigative activities which are explicitly stated that before increasing the results of the investigation to the investigation stage, a case degree (exposure) is carried out to determine whether there is sufficient preliminary evidence. Furthermore, in the implementation of a case title (exposure), the expose must prepare exposure material consisting of a modus operandi chart and a matrix of evidence of the elements of the suspected crime ^[35].

Investigative Activities

In connection with the duties and powers of the Attorney General's Office in eradicating criminal acts of corruption, even though some elements of society have doubts about the authority of the Attorney in investigating criminal acts of corruption, this is contradicted by the provisions of laws and

regulations which clearly regulate the authority of the prosecutor in conducting investigations of criminal acts of corruption. The authority of the Attorney General's Office to conduct investigations into criminal acts of corruption is based on the provisions of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Republic of Indonesia Public Prosecutor's Office which states that "in the criminal field, the prosecutor's office has the duty and authority" to investigate criminal acts. certain based on the Law ". In the explanation of the article concerned it is stated that "the authority in this provision is the authority as regulated for example in Law no. 26 of 2000 concerning Human Rights Courts and Law no. 31 of 1999 concerning Eradication of Corruption Crime as amended by Law no. 20 of 2001 jo. UU no. 30 of 2002 concerning the Corruption Eradication Commission" ^[36].

The provisions regarding the authority of the Attorney General's Office in conducting investigations into criminal acts of corruption at the same time strengthen the provisions of Article 284 paragraph (2) of the Criminal Procedure Code which underlies the Attorney's authority in conducting investigations of corruption crimes. The Transitional Provisions in Article 284 paragraph (2) of the Criminal Procedure Code clearly state that "within two years after this law (KUHAP) is promulgated, this provision will apply to all cases, with the temporary exception of the special provisions on criminal procedures as mentioned in the law certain laws, until there are changes and / or are declared no longer valid ". In the explanation of the article it is stated that ^[37].

What is meant by all cases are cases that have been transferred to the Court. What is meant by "special provisions on criminal procedure as referred to in certain laws" are special provisions for criminal procedures as referred to in, among others: 1. Law on the investigation, prosecution and trial of economic crimes (Law No. 7 Drt. 1955). 2. Law on the Eradication of criminal acts of corruption (Law No. 3 of 1971).

In addition to that in Government Regulation Number 27 of 1983 as amended and supplemented by Government Regulation Number 58 of 2010 concerning Implementation of the Criminal Procedure Code, Article 17 confirms that investigations according to the special provisions of criminal procedures as referred to in certain laws as intended in Article 284 paragraph (2) the Criminal Procedure Code is implemented by investigators, prosecutors and other authorized investigating officials based on statutory regulations ^[38].

In its development, there are still some elements of society who have an understanding that the prosecutor's office is not authorized to carry out investigations into corruption crimes. However, this was denied by the Constitutional Court Decision which strengthened the Attorney's Office to carry out investigations into criminal acts of corruption, namely the Constitutional Court Decision Number 28 / PUU-V / 2007 dated 27 March 2008, Constitutional Court Decision Number 2 / PUU-X / 2012 dated January 3, 2013 and the Decision of the Constitutional Court Number 16 / PUU-X / 2012 dated October 23, 2013. Regarding the meaning of

³⁴ Yahya Harahap, op. cit, hlm 108

³⁵ Surat Jaksa Agung Muda Tindak Pidana Khusus, Nomor: B-1269/F/Fd.1/06/2012 tanggal 18 Juni 2012 perihal Petunjuk Tehnis Tindak Lanjut Hasil Rakernas Kejaksaan RI Tahun 2011

³⁶ Tim Redaksi Sinar Grafika, op.cit, hlm 37

³⁷ Andi Hamzah, KUHP.....op.cit, hlm 346

³⁸ Hari Sasangka dan Lily Rosita, Komentor Kitab Undang – Undang Hukum Acara Pidana, Cetakan Kedua, (Bandung: Mandar Maju, 2003), hlm 315

investigation it has been regulated in Article 1 point 2 of the Criminal Procedure Code which states that ^[39].

"Investigation is a series of actions by the investigator in terms and according to the manner regulated in this law to seek and collect evidence which with this evidence sheds light on the criminal act that has occurred and in order to find the suspect".

According to Rusli Muhammad, if you pay attention to all the provisions in the Criminal Procedure Code, it can be seen that the investigation process carried out by investigators can be described as follows ^[40].

- a. It begins with the input of a criminal act.
- b. Take the first action on the scene.
- c. Summons and examination of suspects and witnesses.
- d. Make the necessary forceful efforts.
- e. Making investigation report.

In contrast to the investigation action which emphasizes the act of "searching for and finding an event which is considered or suspected to be a criminal act", the action of investigation focuses on the act of "seeking and gathering evidence so that the criminal act found can be clear and in order to find and determine the perpetrator". In connection with criminal procedures, Andi Hamzah divides investigative activities into the following sections ^[41].

- a. The provisions of the provisions regarding investigation tools.
- b. Provisions regarding the occurrence of an offense.
- c. Examination at the scene.
- d. Summons of the suspect or defendant.
- e. Temporary detention.
- f. Search.
- g. Minutes (search, interrogation and on-site examination).
- h. Foreclosure.
- i. Waiver of cases.
- j. Delegation of the case to the Public Prosecutor and returning it to the investigator for perfection.

In the prosecutor's office, investigation activities are carried out by the Special Crime Unit and are carried out based on the results of investigations by the Attorney General's Office. So that the results of investigation activities that have been completed by the Investigating Team are very important and will greatly determine the success of the investigation activities that will be carried out.

Investigation activities that produce sufficient evidence greatly facilitate the conduct of investigative activities. Sufficient evidence is the existence of facts from the collection of information and data showing that there are illegal acts committed by the perpetrators with evidence that laws and regulations have been violated, the perpetrators of the alleged corruption, the state losses incurred. , there are documents / evidences which indicate that there has been a suspicion of corruption.

These facts will serve as the basis for executors of investigation activities to achieve the success of investigative activities. Apart from the existence of the formulation of the meaning of investigation in the Criminal Procedure Code and the results of the investigation that have

not yet determined a potential suspect, investigation activities that have succeeded in finding events that are suspected of being a criminal act by determining potential suspects and sufficient evidence to make clear that the occurrence of a criminal act of corruption is very important to determine the success in the implementation of investigative activities conducted by the Attorney General's Office.

After the Investigating Team finds sufficient preliminary evidence of the alleged occurrence of a criminal act of corruption and completes the investigation report (P-5) and reports the occurrence of a criminal act (P-7), the Leadership then considers the results of the investigation and the conclusion of the exposure results to decide on the case in question can be upgraded to the investigation stage, then the leadership issues an investigation order (P-8) ^[42] with the contents of the order that the prosecutor who is appointed as the investigator, conducts investigations into the criminal act of corruption in the case concerned with full sense of responsibility and reports the progress of the investigation to the leadership

The appointed Investigative Team consists of prosecutors, one of whom is appointed as the team leader. In addition, the Leadership also appoints Administrative Staff to assist investigation activities with the task of carrying out investigation administration. With the issuance of an Investigation Order, the Investigator can begin to carry out an investigation by first notifying the Public Prosecutor as mandated in the provisions of Article 109 paragraph (1) of the Criminal Procedure Code which states that: "In the event that an investigator has started investigating an event which is a criminal act, the investigator will notify it is to the public prosecutor" ^[43].

The notification of commencement of an investigation that is conveyed by the investigator to the public prosecutor is often known as the language "SPDP". In addition, the Attorney General's Office is also obliged to notify the Corruption Eradication Commission (KPK) through the administration of Pidsus-11 as stipulated in the provisions of Article 50 paragraph (1) of Law Number 30 of 2002 concerning the Corruption Eradication Commission, as amended in the Law. Number 19 of 2019 concerning the Corruption Eradication Commission which states that:

In the event that a criminal act of corruption occurs and the Corruption Eradication Commission has not conducted an investigation, while the case has been investigated by the Police or the Attorney General's Office, the agency is obliged to notify the Corruption Eradication Commission no later than 14 (fourteen) working days from the date the investigation begins.

The obligation of investigators to notify the public prosecutor and the Corruption Eradication Commission (KPK) is realized by sending an SPDP as directed by the Junior Attorney General for Special Crimes through the Director of Investigation, which basically states that every issue of an Investigation Order (P-8) also issues an SPDP. and immediately send the SPDP, attaching the Investigation Order concerned to the KPK and the Public Prosecutor ^[44] If the results of the investigation have identified a potential

³⁹ Andi Hamzah, KUHP.....op.cit., hlm 229

⁴⁰ Rusli Muhammad, Sistem.....op. cit, hlm 64

⁴¹ Andi Hamzah, Pengantar Hukum Acara Pidana, (Jakarta: Ghalia Indonesia, 1984), hlm 122

⁴² Tim Redaksi Kejaksaan Agung RI, Keputusanop.cit, hlm 16

⁴³ Andi Hamzah, KUHP.....op. cit, hlm 276

⁴⁴ Surat Direktur Penyidikan, Nomor: B-626/F.2/ Fd.1/03/2011 tanggal 15 Maret 2011 perihal Kewajiban Menyampaikan Surat Pemberitahuan Dimulainya Penyidikan (SPDP) Tindak Pidana Korupsi

suspect, the Investigation Order issued by the Management will include the suspect's name. However, it does not mean that every Investigation Warrant issued must include the name of the suspect, this is based on the formulation of the meaning of investigation as stated in Article 1 point 2 of the Criminal Procedure Code, which in essence states that investigation activities aim to find the suspect.

In the event that the Investigation Order does not include the name of the suspect, the Investigating Team is given a maximum period of 30 (thirty) days from the issuance of the Investigation Order to find and determine the suspect. If within that time, the Investigating Team has not been fulfilled then the Investigating Team is given a maximum period of 50 (fifty) days from the issuance of the Investigation Order is obliged to find and determine the suspect^[45]. After receiving the Investigation Warrant, the Investigative Team prepares an Investigation Activity Schedule Plan (P-8A) which includes, among other things: the alleged article, the evidence required and the legal action to be taken. The period of investigation activities that can be carried out by the Investigating Team is no longer than 30 (thirty) working days from the date of the investigation order. If necessary, it can be extended for a maximum of 30 (thirty) working days and the Investigating Team is obliged to prepare an Investigation Progress Report (P-12) stating the reasons for the extension of the investigation period. If the time of investigation is still insufficient, it can be extended again by no later than 30 (thirty) days and the Investigating Team shall prepare an Investigator Progress Report (P-12) within 100 (one hundred) working days from the issuance of the Investigation Order. Although the extension of investigation time is not regulated in a limitative manner in the Regulation of the Attorney General of the Republic of Indonesia regarding Administrative and Technical Management of Special Crimes Cases, in this case it can be understood that the period of investigation activities is a maximum of 100 (one hundred) working days from the issuance of the Investigation Order. The actions taken by the Investigating Team in carrying out investigative tasks based on an Investigation Order are with the aim of finding evidence for the purposes of proving the case concerned. With regard to evidence as stipulated in Article 184 paragraph (1) of the Criminal Procedure Code which states that, valid evidence is:

- a. witness testimony
- b. expert statement
- c. letter
- d. hint
- e. statement of the defendant.

Actions that can be taken by the Investigative Team according to the Criminal Procedure Code are as follows:

- a. Conduct examination of witnesses.
- b. Do an expert check.
- c. Take hold
- d. Carry out a search
- e. Make a foreclosure
- f. Carry out an examination of the suspect.

Prosecution Activities

In the provisions of the Criminal Procedure Code (KUHP)

Article 1 point 7 states that:

"Prosecution is an act of a public prosecutor to delegate a criminal case to the competent district court in matters and according to the manner regulated in this law by requesting that it be examined and decided by a judge in a court session".

Whereas in order to delegate criminal cases, especially cases of corruption to the Corruption Crime Court, the Prosecutor, through the Public Prosecutor, must prepare sufficient materials to convince judges at trial and serve as consideration for the court to impose crimes as expected by the prosecutor acting as prosecutor. general. The sufficient materials referred to are case files and indictment papers that meet the formal and material requirements. In addition, the Public Prosecutor must also prepare a minimum of 2 (two) fairly good pieces of evidence obtained from witness statements, expert statements, defendants' statements, documentary evidence and instructions as well as evidence that can confirm that a criminal act has been committed. by the perpetrator of a criminal act. Prosecution activities include:

- a. Pre-prosecution
- b. Appoint the public prosecutor
- c. Make an indictment.
- d. Conduct a court hearing
- e. Take legal action.
- f. Carry out the execution of court decisions that have permanent legal force.

The handling of corruption cases carried out by the Attorney General's Office, both at the central and regional level, focuses more on cases of corruption, the losses are quite high in line with the Instructions for the Junior Attorney General for Special Crimes which states that handling cases of corruption are prioritized on disclosing cases that are big fish (large scale, seen from the perpetrators and / or the value of state financial losses) and still going on (corruption crimes committed continuously or continuously), in accordance with the explanation of the Attorney General of the Republic of Indonesia during a Working Meeting with Commission III DPR RI dated May 5, 2010 and the direction of the President of the Republic of Indonesia at the opening of the MAHKUMJAPOL Coordination Meeting at the State Palace on May 4, 2010 so that law enforcement promotes a sense of public justice, especially for people whose awareness has returned state financial losses (restorative justice), especially related to criminal cases. a. corruption in which the value of state financial losses is relatively small needs to be considered not to be followed up, except for those that are still going on.

In this case, the authors do not agree with the direction of the objective of corruption eradication by the prosecutor's office, which only targets large-scale corruption crimes. So the question is what are the parameters of the big fish corruption crime? How much is the state's loss? Then, if the perpetrator of the criminal act of corruption is a state official even though the state losses caused by the corrupt behavior are relatively small, will it still not be followed up? Looking at the direction of policies regarding corruption cases handled by the prosecutor's office and the authority given, as the author describes in detail at the beginning of the discussion, there is no authority related to wiretapping to increase the effectiveness of eradicating criminal acts of corruption that are handled by the prosecutor at both the

⁴⁵ Tim Redaksi Kejaksaan Agung RI, Peraturan Jaksa Agung RI Nomor: PERJA- 039....op.cit, hlm 173

central and regional levels. This is of course a contradiction with the data obtained by the author, wherein the prosecution of corruption crimes committed by the Corruption Eradication Commission investigators tends to be dominated by the tapping method in order to obtain strong evidence..

Conclusion

It is known that the prosecutor's authority in law enforcement for corruption is divided into 3, namely investigation, investigation and prosecution. Related to the investigation into the prosecutor's authority, they are: a. collect information, b. collect data / documents, c. take other action according to responsible law. Regarding the investigation into the authority of the prosecutor's office, the objective of finding evidence is to prove the case concerned, with regard to prosecuting the authority of the prosecutor's office, including: a. Conduct pre-prosecution, b. Appoint the general prosecutor, c. Prepare an indictment, d. Conducting court hearings, e. Take legal action, f. Carry out the execution of court decisions that have permanent legal force. Looking at the direction of policies regarding corruption cases handled by the prosecutor's office and the authority given, as the author describes in detail at the beginning of the discussion, there is no authority related to wiretapping to increase the effectiveness of eradicating criminal acts of corruption that are handled by the prosecutor at both the central and regional levels. This is of course a contradiction with the data obtained by the author, wherein the prosecution of corruption crimes committed by the Corruption Eradication Commission investigators tends to be dominated by the tapping method in order to obtain strong evidence.

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