

# Enforcement of Law by the Prosecutor in Criminal Acts of Corruption as An Extraordinary Crime in The Perspective of Article 38 of Law No. 48 of 2009

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**Abstract.** Article 38 of Regulation No. 48 of 2009 concerning Legal Authority underscores corruption as a severe offense detrimental to the nation and society, granting substantial authority to prosecutors for its investigation and prosecution. It serves as both a legal cornerstone and a moral compass, guiding rigorous and uncompromising actions against corruption, aiming to uphold justice and protect societal integrity effectively. This article provides a strong foundation for effective and efficient law enforcement efforts in handling extraordinary crimes that harm the state and society as a whole. Data analysis was conducted descriptively and qualitatively. Conclusions were drawn using a deductive method. This exploration brought about discoveries that the Job of the Examiner in policing debasement is likewise managed by Article 38 of Regulation No. 48 of 2009 concerning Legal Power. According to this article, corruption is an extraordinary crime that has negative effects on society and the state. As a result, the Prosecutor's Office is given a broad mandate and authority to investigate cases of corruption with tenacity and uncompromising resolve. With a solid legitimate premise from different guidelines, the Examiner's Office has huge power and obligation in taking care of defilement cases. By leading examinations, indictments, and indictments expertly and freely, the Examiner's Office plays a bleeding edge job in fighting defilement and maintaining equity for all citizenry.

**Keywords:** Law Enforcement, Prosecutor's Office, Corruption Crimes, Perspective of Article 38 of Law No. 48 of 2009.

## 1 Introduction

In the legal world, law enforcement efforts against corrupt practices play a crucial role as the primary defense in upholding justice and the continuity of the state. The Public Prosecutor's Office, as the prosecuting authority, plays a crucial role in handling corrupt practices, which are legally regarded as extraordinary crimes. Article 38 of Regulation No. 48 of 2009 concerning the Legal Power gives areas of strength for a premise to the Public Examiner's Office to circle back to debasement cases. According to the viewpoint of this article, the Public Examiner's Office is conceded an order and expansive position to make a lawful move against culprits of degenerate practices. The Public Prosecutor's Office handles corruption cases through a variety of legal procedures, including investigation, prosecution, and implementation of court decisions.[1] Besides, the Public Examiner's Office is additionally answerable for planning with

significant establishments, for example, the Police and the Debasement Annihilation Commission (KPK), to guarantee the progress of policing.

In handling corruption cases, the Public Prosecutor's Office strives to provide fair and transparent treatment to all parties involved. This is in line with legal principles that guarantee human rights and justice for all individuals, without discrimination. However, the challenges in law enforcement against corruption are not easy. The Public Prosecutor's Office must face various obstacles, such as political power, pressure from parties involved in corruption cases, as well as limitations in resources and infrastructure.

Nevertheless, the Public Prosecutor's Office remains committed to carrying out its duties professionally and independently to end the culture of corruption that harms society and the nation. Thus, law enforcement by the Public Prosecutor's Office in corruption cases becomes one of the main pillars in efforts to create a strong legal order and justice for all Indonesian people.[2]

Article 38 of Regulation No. 48 of 2009 concerning the Legal Power explicitly expresses that "Debasement is an exceptional wrongdoing that hurts the state and society." With regards to policing, article gives major areas of strength for a to the Public Examiner's Office to act in taking care of debasement cases. The article also emphasizes the importance of special treatment for corruption cases, which require a different legal approach from other criminal cases. The existence of this article reflects legislative awareness of the level of damage caused by corrupt practices to the nation and state. Therefore, the Public Prosecutor's Office is granted a broad mandate and authority to follow up on every corruption case firmly and without compromise.[3] Thus, Article 38 of Law No. 48 of 2009 not only serves as a legal foundation but also as a moral compass for the Public Prosecutor's Office in carrying out its duty to uphold justice and combat corruption. This article provides a strong basis for effective and efficient law enforcement efforts in addressing extraordinary crimes that harm the state and society as a whole.

In the fight against corruption in Indonesia, Article 38 of Law No. 48 of 2009 pertaining to the Judicial Power serves as a crucial foundational piece. This article solidly expresses that defilement is an exceptional wrongdoing that hurts the state and society. With regards to policing, article gives areas of strength for a to the Public Examiner's Office to act in taking care of defilement cases. Furthermore, the Public Investigator's Office likewise alludes to Article 2 of the Crook Code (KUHP), which expresses that "Any demonstration disallowed by a crook arrangement, assuming that committed, is deserving of regulation." On account of defilement, culprits demonstrated to take part in degenerate practices can be dependent upon criminal authorizations as per the arrangements of the Lawbreaker Code.[4]

Besides, Article 10 of Regulation No. 31 of 1999 concerning the Destruction of Defilement Violations likewise gives a legitimate premise to examiners to uphold the law against criminal demonstrations of debasement. This article orders the Investigator's Office to do examinations and indictments of defilement cases solidly and without segregation. With a solid legitimate premise from these different guidelines, the Examiner's Office has extraordinary power and obligation in taking care of defilement cases. Via completing requests, examinations, and indictments expertly and freely, the Investigator's Office assumes a part as the front guard in fighting corruption and maintaining justice for all of society.

In enforcing the law against criminal acts of corruption, the Prosecutor's Office relies on various articles in the Criminal Code (KUHP) as the legal basis for conducting inquiries, investigations, and prosecutions against perpetrators of corruption. One of the important articles

is Article 55 of the Criminal Code which expresses that "The offended party who professes to be a Public Examiner can indict any individual associated with perpetrating a wrongdoing that can be indicted by regulation, as well as to do requests, examinations and arraignments against him." The article gives the power to the Examiner's Office to make a legitimate move against any individual associated with perpetrating criminal demonstrations of defilement, both in the request and examination stages. The examiner's office is likewise given the position to arraign culprits of debasement in court by material lawful arrangements.[5] In addition, Article 56 of the Criminal Code gives the Prosecutor's Office the authority to carry out investigations independently or in collaboration with the police, KPK, or other authorized agencies. It allows the Prosecutor's Office to collaborate with various parties in collecting evidence and ensuring the legal process runs well. With the support of various articles in the Criminal Code, the Examiner's Office has areas of strength for an establishment in upholding the law against criminal demonstrations of debasement. The Prosecutor's Office contributes significantly to the fight against corruption and the preservation of justice for all members of society through its independence and professionalism..

Article 30 of Regulation Number 16 of 2004 gives the Indonesian Investigator's Office the position to direct examinations did by the police. The Indonesian Prosecutor's Office is able to guarantee that the investigation is carried out in accordance with applicable legal provisions, in full transparency, and in an objective manner. Article 31 of the Law specifies that the Indonesian Examiner's Office gives legitimate thought to each administration strategy plan that requires lawful thought. It demonstrates that the Indonesian Prosecutor's Office serves as the government's legal advisor when making decisions. Article 6 of Regulation Number 16 of 2004 affirms that the Indonesian Examiner's Office is a state foundation that is straightforwardly capable to the President.[6] It shows that the Indonesian Prosecutor's Office is in the context of a presidential constitutional system in Indonesia, where its existence and performance support the running of government effectively and efficiently. Thus, through these regulations, the Indonesian Prosecutor's Office has a strong foundation in carrying out its role as a law enforcer from an Indonesian constitutional perspective.

Apart from the articles in the Criminal Code, law enforcement against corruption is also supported by various laws which specifically regulate the eradication of corruption. One of them is Regulation No. 31 of 1999 concerning the Destruction of Debasement Wrongdoings. This regulation gives areas of strength for a premise to the Examiner's Office in taking care of defilement cases. Article 1 of the Law clarifies that this regulation goes for the gold demonstrations of defilement to make an administration that is spotless and liberated from debasement. The law's Article 2 provides a precise definition of what constitutes criminal acts of corruption, which includes both active and passive corruption. With this unmistakable definition, the Investigator's Office has areas of strength for a for deciding the sort of defilement wrongdoing being researched or indicted.[7]

Furthermore, Article 11 of the Corruption Eradication Law regulates the investigative authority given to the Prosecutor's Office. This article stipulates that the Prosecutor's Office has the authority to carry out its investigations or collaborate with other law enforcement agencies. With various articles in the Corruption Eradication Law, the Prosecutor's Office has a solid legal basis for carrying out law enforcement actions against corruption cases. The role of the Prosecutor's Office as a law enforcer is becoming increasingly important in maintaining justice and ensuring that criminal acts of corruption do not escape appropriate punishment.[2]

Besides, different guidelines, for example, Regulation No. 31 of 1999 concerning the Destruction of Criminal Demonstrations of Defilement and Regulation No. 20 of 2001 concerning Corrections to Regulation No. 31 of 1999 concerning the Destruction of Criminal Demonstrations of Defilement likewise order the Indonesian Head legal officer's Office to indict instances of debasement that damage state funds. Different guidelines, for example, Regulation No. 5 of 1999 concerning the Forbiddance of Restraining infrastructure Practices and Unreasonable Business Contest award position to the Indonesian Principal legal officer's Office to indict culprits of syndication rehearses and uncalled for business rivalry that hurt the interests of the state and society. With the guide of different arrangements in the Crook Code and different guidelines, the Indonesian Head legal officer's Office has major areas of strength for an establishment for accomplishing sacred regulation. This guarantees that the Indonesian Principal legal officer's Office can effectively and efficiently carry out its duties in efforts to combat crime and protect the interests of the state and society.[8]

In upholding the law against criminal demonstrations of defilement, the job of the Examiner's Office is vital and key. The Examiner's Office as a public examiner has wide expert in taking care of debasement cases, by the articles that manage different regulations, including Regulation No. 31 of 1999 concerning the Destruction of Defilement Wrongdoings. Article 11 of the Law on the Destruction of Debasement Wrongdoings provides the capacity to the Examiner's Office to do examinations freely or as a team with other policing, for example, the Police or the Defilement Destruction Commission (KPK). It permits the Investigator's Office to gather proof and complete the examination interaction all the more really.

Aside from that, the Examiner's Office is additionally upheld by Article 55 of the Lawbreaker Code (KUHP) which gives position to offended parties who case to be Public Investigators, which for this situation is the Examiner's Office, to prosecute anyone suspected of committing a crime that can be prosecuted according to law. The article gives a lawful premise to the Examiner's Office to start the indictment cycle against culprits of defilement.[9] This reflects the role of the Indonesian Prosecutor's Office in maintaining the integrity and effectiveness of regional governments throughout Indonesia. With the support of these various regulations, the Indonesian Prosecutor's Office has a solid legal foundation in carrying out its duties as a law enforcer in the constitutional context. The existence of these regulations strengthens the position of the Indonesian Prosecutor's Office as an institution responsible for protecting state interests, ensuring justice, and maintaining order and stability in Indonesia.

Article 38 of Law No. 48 of 2009 Concerning Judicial Power also regulates the Prosecutor's Office's role in the fight against corruption. This article states that corruption is an extraordinary crime that is detrimental to the state and society. Therefore, the Prosecutor's Office is given a broad mandate and authority to follow up on corruption cases firmly and without compromise. With a strong legal basis from these various regulations, the Prosecutor's Office has great authority and responsibility in handling corruption cases. By carrying out inquiries, investigations, and prosecutions professionally and independently, the Prosecutor's Office plays a role as the front guard in fighting corruption and maintaining justice for all of society. The prosecutor's office also has an important role in implementing court decisions regarding corruption cases. After the judicial process is complete and there is a decision that finds the perpetrator of corruption guilty, the Prosecutor's Office is responsible for implementing the decision.[10] It includes the execution of corruption perpetrators who are found guilty, including detention or imposition of punishment by applicable legal provisions. Moreover, the Examiner's Office likewise plays a part in organizing with different related foundations, like the

Police, Defilement Destruction Board of trustees, and different organizations, in endeavors to forestall and kill debasement. To maximize law enforcement efforts and guarantee success in uncovering and prosecuting corrupt acts, institutions must work together.

The Prosecutor's Office plays a crucial and strategic role in prosecuting extraordinary crimes like corruption. The examiner's office has a major liability to make a move against the culprits of these uncommon violations to keep up with equity and social dependability. The legitimate premise that controls the job of the Examiner's Office in this, among others, is contained in Regulation No. 16 of 2004 concerning the Investigator's Office of the Republic of Indonesia. Article 32 of this regulation gives position to the Examiner's Office to complete its obligations and authority in policing unprecedented wrongdoings, including defilement. The Investigator's Office has the power to complete requests, examinations, arraignments, and the execution of court choices connected with these remarkable violations.

Besides, Article 33 of the previously mentioned regulation attests that the Public Examiner's Office capabilities as the public examiner liable for policing court. Consequently, the Public Examiner's Office assumes a focal part in arraigning culprits of uncommon wrongdoings like debasement and guaranteeing that the legal cycle continues without a hitch and reasonably. With the backing of Regulation No. 16 of 2004, the Public Examiner's Office has a confident legitimate establishment to play out its obligations in upholding the law against unprecedented violations. The Public Prosecutor's Office is at the forefront of the fight against extraordinary crimes and upholding justice for all members of society by taking appropriate measures based on principles of justice and professionalism.[11]

## **2 Method**

This sort of exploration is spellbinding examination. The methodology utilized is a subjective methodology and a reasonable methodology. The data source used is secondary data. Data analysis was carried out descriptive-qualitatively.[12] Closing is completed utilizing a logical technique from general to explicit, particularly those connected with the exploration subject, to be specific Policing the Examiner's Office in Defilement as a Remarkable Wrongdoing in the Viewpoint of Article 38 of Regulation no. 48 of 2009. Subjective information examination is done in the event that the experimental information got is as an assortment of words and not a progression of numbers and can't be set up into classes. Information can be gathered in different ways (interview perceptions, report occurrences, and recording tapes).[13] what's more, it is typically handled first prior to being utilized in subjective exploration, including the consequences of interview records, information decrease, examination, information translation, and triangulation.

## **3 Result and Discussion**

### **3.1 Implications of Law Enforcement by the Prosecutor's Office in the Crime of Corruption as an Extraordinary Crime in the Perspective of Article 38 of Law No. 48 of 2009**

In carrying out its duties in handling criminal acts of corruption, the Prosecutor's Office has a critical position as a law enforcer who is responsible for prosecution in court. The legal framework that provides the basis for the role of the Prosecutor's Office is contained in Article 38 of Law No. 48 of 2009 concerning Judicial Power. Article 38 of this Law emphasizes that corruption is an extraordinary crime that is detrimental to the state and society. From a legal perspective, this provides a strong basis for the Prosecutor's Office to take legal action against perpetrators of corruption firmly and without compromise. The Prosecutor's Office is given a broad mandate and authority to follow up on every corruption case using all available legal instruments. Starting from the investigation, investigation, and prosecution, to the implementation of court decisions, the Prosecutor's Office has a central role in ensuring that the legal process runs smoothly and fairly.

Apart from that, Article 38 of the Law also emphasizes the importance of special treatment for corruption cases, which require a different legal approach from other criminal cases. The prosecutor's office must carry out its duties with complete honesty, professionalism, and independence, without any political interference or personal interests. With a strong legal basis from Article 38 of Law No. 48 of 2009, the Examiner's Office has a strong groundwork in doing its obligations in implementing the law against criminal demonstrations of debasement. The Prosecutor's Office acts as the front line in the fight against corruption and upholding the integrity of the legal system for all members of society by taking the necessary measures and acting in accordance with the principles of justice.[14]

Within the framework and scope of the reforms that have taken place in this country, people are increasingly becoming aware of the vital job of regulation for of security (social guard) in directing the existences of society, the country, and the state in different parts of life like legislative issues and financial matters. The job of regulation as a defender is reflected in the capability of regulation for the purpose of social control, social change (social designing), and regulation as an integrative means, and maintaining a sympathetic life. The public's interest to destroy debasement is an impression of the issue of policing this country since defilement is a type of unlawful activity that is negative to the state and society. The corruption that appears everywhere is an indication of the weakness of the function of law as a means of control, a means of change, and an integrative means. Hard efforts to eradicate corruption, collusion, and nepotism (KKN) both in the fields of general government and development have not been followed by real and serious steps by the government, including law enforcement officials in implementing and enforcing the law.

In upholding the law against criminal demonstrations of debasement, the Examiner's Office likewise depends on different articles in the Crook Code (KUHP) as the legitimate reason for doing requests, examinations, and arraignments against culprits of defilement. The Prosecutor's Office can prosecute anyone who is suspected of committing criminal acts of corruption under Article 55 of the Criminal Code. The plaintiff claims to be a Public Prosecutor, which in this case refers to the Prosecutor's Office. The article grants authority to the plaintiff, to take action against perpetrators of corruption by applicable legal provisions. In addition, Article 56 of the Criminal Code gives authority to the Prosecutor's Office to carry out investigations independently or in collaboration with other law enforcement agencies.[2] This allows the Prosecutor's Office to collect evidence and carry out the investigation process more effectively.

With the backing of different articles in the Crook Code, the Examiner's Office has a strong legitimate starting point for upholding the law against criminal demonstrations of debasement. The job of the Investigator's Office as a law enforcer is becoming increasingly important in

maintaining justice and ensuring that criminal acts of corruption do not escape appropriate punishment.

### **3.2 The Urgency of Law Enforcement by the Public Prosecutor's Office in Corruption Crimes as Extraordinary Crimes in the Perspective of Article 38 of Law No. 48 of 2009**

The Public Prosecutor's Office's urgency in prosecuting corruption offenses as extraordinary offenses cannot be overstated. This is critical thinking about the impeding effect of defilement on the country and society. The viewpoint of Article 38 of Regulation No. 48 of 2009 concerning the Legal Power gives serious areas of strength for an establishment to the Public Investigator's Office to deal with defilement cases. This article recognizes that debasement is an uncommon wrongdoing that hurts the state and society. In light of this, the Public Prosecutor's Office is clearly tasked with following up on every corruption case with tenacity and uncompromising resolve.[15] The examiner's office is likewise given expansive power to complete requests, investigations, prosecutions, and implementation of court decisions related to corruption cases.

The urgency of law enforcement by the Prosecutor's Office in corruption cases lies in the need to maintain state integrity and ensure that state resources are used for real interests, namely the welfare of society. Corruption is not only detrimental economically but also undermines the moral foundations and public trust in the government and state institutions. By complying solidly with Article 38 of Regulation No. 48 of 2009, the Examiner's Office assumes a critical part in battling defilement. The Prosecutor's Office protects the community's legal integrity and justice by taking appropriate legal action and acting in accordance with the principles of justice.

The desperation of policing the Examiner's Office in criminal demonstrations of defilement as an uncommon wrongdoing is reinforced by different regulations and articles which give a strong legitimate premise to policing. Point of view Article 38 of Regulation No. 48 of 2009 concerning Legal Power gives a significant lawful premise to dealing with debasement cases.[1] This article firmly states that corruption is an extraordinary crime that is detrimental to the state and society. Thus, the Prosecutor's Office is given a clear mandate to follow up on every corruption case firmly and without compromise.

Aside from that, Regulation No. 31 of 1999 concerning the Destruction of Debasement Wrongdoings is likewise a significant legitimate reason for the Examiner's Office in taking care of defilement cases. This regulation gives position to the Investigator's Office to complete requests, examinations, arraignments, and execution of court choices connected with debasement cases. Article 55 of the Crook Code (KUHP) gives the authority to the Prosecutor's Office to prosecute anyone suspected of committing a corruption crime. Likewise, Article 56 of the Criminal Code gives authority to the Prosecutor's Office to carry out investigations independently or in collaboration with other law enforcement agencies.

With the support of various articles in the law and the Criminal Code, the Prosecutor's Office has an assertive legal foundation to carry out its duties in enforcing the law against criminal acts of corruption. Through appropriate steps and based on the principles of justice and professionalism, the Prosecutor's Office plays a role as the front guard in fighting corruption and maintaining legal integrity for all of society. However, in practice, challenges still exist,

including uncertainty in the interpretation of the law and differences of opinion among courts in Indonesia.[3] It emphasizes the importance of consistency and clarity in law enforcement. By strengthening regulations and enhancing coordination among legal institutions, the government, and relevant parties, Indonesia can ensure effective law enforcement in implementing foreign arbitration decisions. By addressing these challenges and strengthening the legal infrastructure supporting business dispute resolution through arbitration, Indonesia can enhance investor confidence, attract foreign investment, and promote sustainable economic growth. It will have a significant positive impact on economic stability and overall international trade growth.[16]

Law enforcement by the Public Prosecutor's Office in cases of corruption is not just an obligation but also an urgent necessity. Corruption is not merely an ordinary crime; it is a rampant virus that undermines the foundation of the nation and its people's livelihoods. Therefore, the urgency of law enforcement against corruption becomes increasingly critical. Article 38 of Law No. 48 of 2009 provides a solid foundation for the Public Prosecutor's Office to act decisively in handling corruption cases. Extraordinary crimes like corruption not only inflict significant harm on the nation but also cause distressing impacts on society as a whole.[17] As a result, the Prosecutor's Office's responsibility to carry out the task outlined in this article becomes increasingly crucial. In this unique circumstance, Regulation No. 31 of 1999 concerning the Destruction of Defilement Violations gives a more unambiguous legitimate reason for policing against debasement. The Prosecutor's Office has clear authority to investigate, prosecute, and implement court decisions pertaining to corruption cases thanks to this law.[2]

## 4 Conclusion

1. The job of the Examiner's Office in upholding the law against defilement is additionally directed by Article 38 of Regulation No. 48 of 2009 concerning Legal Power. This article expresses that debasement is a remarkable wrongdoing that is unfavorable to the state and society. Therefore, the Prosecutor's Office is given a broad mandate and authority to follow up on corruption cases firmly and without compromise. With a strong legal basis from these various regulations, the Prosecutor's Office has great authority and responsibility in handling corruption cases. By carrying out inquiries, investigations, and prosecutions professionally and independently, the Prosecutor's Office plays a role as the front guard in fighting corruption and maintaining justice for all of society.
2. Article 38 of the Law also emphasizes the importance of special treatment for corruption cases, which require a different legal approach from other criminal cases. The prosecutor's office must carry out its duties with complete honesty, professionalism, and independence, without any political interference or personal interests. With a strong legal basis from Article 38 of Law No. 48 of 2009, the Prosecutor's Office has a solid foundation in carrying out its duties in enforcing the law against criminal acts of corruption. Through appropriate steps and based on the principles of justice, the Prosecutor's Office plays a role as the front guard in fighting corruption and maintaining legal integrity for the entire community.
3. In enforcing the law against criminal acts of corruption, the Prosecutor's Office also relies on various articles in the Criminal Code (KUHP) as the legal basis for conducting inquiries, inquiries, and prosecutions against culprits of debasement.



The Prosecutor's Office can prosecute anyone suspected of committing a criminal act of corruption on the basis of Article 55 of the Criminal Code. The plaintiff claims to be a Public Prosecutor, which in this case refers to the Prosecutor's Office. The article grants authority to the plaintiff, to take action against perpetrators of corruption by applicable legal provisions.

## 5 Suggestions

1. It is hoped that the relevant legal provisions will also grant the Prosecutor's Office the authority to prosecute corrupt individuals in court. Additionally, the Prosecutor's Office is empowered by Article 56 of the Criminal Code to carry out investigations independently or in collaboration with the police, KPK, or other authorized agencies. This allows the Prosecutor's Office to collaborate with various parties in collecting evidence and ensuring the legal process runs smoothly.
2. It is trusted that there will be advancement of Article 11 of the Defilement Annihilation Regulation managing the insightful power given to the Examiner's Office. This article stipulates that the Prosecutor's Office has the authority to carry out its investigations or collaborate with other law enforcement agencies. With various articles in the Corruption Eradication Law, the Prosecutor's Office has a solid legal basis for carrying out law enforcement actions against corruption cases. The role of the Prosecutor's Office as a law enforcer is becoming increasingly important in maintaining justice and ensuring that criminal acts of corruption do not escape appropriate punishment.
3. Transparency and Accountability The Indonesian Prosecutor's Office needs to increase transparency and accountability in performing its responsibilities. Increasing public access to information about legal processes, policies, and activities of the Indonesian Attorney General's Office will help strengthen public trust in the institution. In addition, internal and external monitoring mechanisms must be reinforced to ensure that the Indonesian Prosecutor's Office operates professionally, independently, and with high integrity.

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