

The Effectiveness of the Prosecutor's Role in Enforcing Corruption Criminal Laws

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Abstract. In taking care of criminal demonstrations of debasement, examiners go about as specialists and furthermore as open examiners. The exploration strategy utilized is regularizing research with a standardizing juridical methodology. The information utilized is auxiliary information acquired from writing and regulation examinations. The viability of the Examiner's Office is appeared by the progress in completing preventive measures and making a move against criminal demonstrations of debasement in 2014, in total 1,365 cases at the investigation stage and 1,756 cases at the prosecution stage. Meanwhile, success in recovering state losses due to corruption was achieved in 2014 up to Rp. 495,729,718,504, - which was saved and amounting to Rp. 278,409,157,946.08 and US\$ 56,252.03 which was recovered. This success proves the effectiveness of the Prosecutor's Office in eradicating criminal acts of corruption and recovering state losses due to corruption. The effectiveness of the Prosecutor's Office in general has not been able to eradicate corruption as expected by the public, indicating that corruption has not been reduced, but in particular the success of the Prosecutor's Office is the contribution of the Prosecutor's Office in enforcing the law, especially in reducing the number of corruption crimes in Indonesia.

Keywords: Effectiveness, Prosecutor's Office, Corruption

1 Introduction

The examiner's office, one piece of the public authority structure that implements the law, is entrusted with completing extra commitments notwithstanding its primary obligation as a public investigator, for example, addressing the public authority in common matters. The Republic of Indonesia Regulation No. lays out the responsibilities and authority of examiners in the common and state organization domain. 11 of 2021 concerning the Inspector's Office, where Article 30 section (2) controls obligations and experts in the common and state regulatory fields.

The three principal focal points of against defilement improvement are at present resource recuperation, anticipation, and prevention. It shows that endeavors to kill defilement incorporate endeavors pointed toward giving remuneration to the state to misfortunes brought about by

debasement, as well as efforts aimed at preventing and discouraging perpetrators of corruption by criminalizing them. In discontinuing greater losses, state compensation is intended to compensate state losses resulting from the return of corruption fund revenues.

Saving state funds is done in different ways, including following/pursuing and seizing merchandise/abundance that are thought to be connected with debasement wrongdoings.[1] Guideline Number 3 of 1971 concerning Discipline for Corruption Terrible ways of behaving has been changed with Rule Number 20 of 2001 concerning Alterations to Rule Number 31 of 1999 concerning Contamination Discipline and a brief time frame later gave with Rule Number 30 of 2002 concerning Degradation Discipline. The Debasement Discipline Commission fans out criminal discipline rules. Guideline Number 20 of 2001 oversees the assents for paying fines and getting remuneration for demonstrations of debasement committed by people or genuine elements. To expand the appearance of taken state holds, portion of superseding cash is finished with criminal arrangement.

To carry out his role and responsibilities as State Attorney, the Attorney General must represent both plaintiffs and defendants in court against parties who confiscate money or state property due to criminal acts of corruption or civil losses.

Asset recovery is becoming increasingly important, especially for developing countries, because corruption has stolen national wealth and because resources are urgently needed to rebuild and rehabilitate societies through sustainable development. The most well-known approach to confining property coming about in view of criminal exhibits of corruption is finished using two strategies, to be explicit the normal system did by the examiner acting in his ability as the state, legal counselor, and the crook approach which utilizes techniques. spasms and seizures. Subsequently, the maker breaks down the efficiency of the analyst's office in recuperating cash as well as state property coming about as a result of criminal exhibitions of contamination completed by hooligans or guilty parties of corruption.

Returning hardships from the profits of criminal exhibitions of corruption will hold the guilty party back from participating in the delayed consequences of his exercises. It will in general be done by taking explicit things got or conveyed in an evildoer go probably as additional disciplines isolated from the essential disciplines, for instance, confinement and fines contained in Article 10 of the Criminal Code (KUHP). As expressed in the Lawbreaker Code's Article 39,:

- a. The convict's property, which was gotten from a bad behavior or intentionally used to execute a bad behavior, may be seized.
- b. In the event of a conviction for a bad behavior that was not executed deliberately or because of an encroachment, a decision of seizure can similarly be constrained not entirely set in stone in the law.
- c. Confiscation can be finished against obligated people who are surrendered to the public power, but only for stock that have been seized.

The Corruption Eradication Committee (Polri), the Prosecutor's Office, and other law enforcement agencies will work together to reveal criminal demonstrations of defilement, especially while endeavoring to recover state misfortunes. Covering the nation's monetary and financial misfortunes without this cooperation will be troublesome.[2] With the proceeded with utilization of the returns of criminal demonstrations of defilement, obviously separated from legitimate contemplations, the skill and amazing skill of the equity framework additionally assume a significant part in destroying criminal demonstrations of debasement. As a matter of fact, because of the numerous snags looked by respondents, policing, legal guidelines, the

installment of remuneration for criminal demonstrations of debasement has not been completely carried out.

One of the associations endorsed by guideline to obliterate and oversee criminal exhibitions of degradation isolated from the Contamination Demolition Commission which was outlined under Guideline Number 30 of 2002 is the Vital legitimate official's Office of the Republic of Indonesia.[3] Despite the force of the Analyst's Office in the field of arraignment and assessment for unprecedented law breaker acts, considering the plans of Article 30 region (2) of Rule Number 16 of 2004 concerning the Expert's Office of the Republic of Indonesia, in the field of typical and state affiliation the Examiner's Office with phenomenal powers can act both inside and outside the court to and for the state or government.

2 Method

The approach used in this research is normative juridical. This research is descriptive-analytical, which presents phenomena or symptoms as well as the actual situation regarding state attorneys general in returning state finances and/or assets resulting from criminal acts of corruption or based on civil losses.[4] This research also aims to provide an overview of the challenges and technical legal problems faced by Public Prosecutors in carrying out their responsibilities to recover state funds and/or assets. Secondary data sources were used in this research.[5] Researchers investigated library and legislative restrictions as part of the data collection process. Research data were presented in descriptive form, which includes descriptions of responses, information, and information.

3 Results and Discussion

3.1 Regulation of Corruption Crimes in Indonesia

A social quirk called degradation is a reality of human direct in cordial participations considered as savage and endangers society and the state. Appropriately, this lead in all designs is scolded by society, even by the corruptors themselves by the aphorism "corruptors yell corruptors". As per the juridical origination, public judgment of debasement is appeared in legitimate definitions as a type of criminal demonstration. In Indonesian criminal regulation legislative issues, defilement is even viewed as need might arise to be drawn nearer explicitly and is undermined with very extreme punishments.[6]

Despite the fact that in the Lawbreaker Code there is no unequivocal utilization of defilement phrasing in the definition of the offense, there are a few arrangements that can be caught and grasped fundamentally as a detailing of criminal demonstrations of debasement. The arrangements for criminal demonstrations of debasement in the Lawbreaker Code are controlled independently in a few articles in three sections, specifically[7] :

Alfitria believes that the growth of corruption is usually triggered by two factors: first, inertial incentives, or the desire to obtain satisfaction caused by corruption. When he succeeds in doing so, the perpetrator in this case feels his own pleasure and comfort. Corruption eventually develops into a traditional way of life, customs, and culture. The

second type of motivation is extrinsic, or external, or comes from outside the perpetrator and not from within him. This secondary incentive may be financial gain, an aspiration for a particular job, or an interest in using shortcuts to improve living standards or career advancement.

In some detail, debasement is brought about by three things [8]:

- a. First, defilement by voracity. This debasement ends up peopling who really don't require it, don't have monetary direness, perhaps they are even rich. They engage in corrupt practices due to their high position, large salary, opulent house, growing popularity, and unstoppable power.
- b. Second, defilement by need (need) debasement is completed in view of criticalness in satisfying fundamental necessities.
- c. Third, debasement by some coincidence (opportunity). This corruption takes place because there are many opportunities to commit it, to get rich quickly through shortcuts, and to get promoted immediately. Typically, these opportunities are supported by inadequate organizational structures, inadequate public accountability, inadequate public supervision, and inadequate law enforcement, which is exacerbated by legal sanctions that do not deter crime.

The business as usual of defilement is progressively refined, bundled so that it won't be realized that it isn't debasement. Some broad business as usual of debasement found in Indonesia are as per the following:

- a. Bribery

An illegal act committed by individuals within or outside of an organization with the intention of gaining personal or collective advantage at the expense of others is known as fraud. The force of extortion is by and large remembered for the class "no misrepresentation has at any point happened" in the components of arranging, coordinating, carrying out, and checking. Expanding spending plan entries is a critical action concerning power, alongside the utilization of BUMN items for private interests. Areas of movement delegated "successive extortion", particularly permitting, buying labor and products, the appointment of officials, upkeep of public framework, receipt of local pay, as well as oversight and obligations of officials.

- b. Fraud

Fraud is an act of imitation carried out with the intention of seeking profit for one's own interests.

- c. Extortion

Blackmail is the demonstration of compelling somebody to pay, give, or get anything in return for a public authority acting or not acting with a particular goal in mind.

- d. Abuse of Discretion

The act of using one's position or authority in a way that favors or shows favoritism for one group or individual while discriminating against others is known as abuse of position or authority.

- e. Nepotism

Echols classifies nepotism as a word whose object is giving priority to relatives, especially in giving positions, while the Purwadarminta dictionary defines it as giving positions only to relatives or friends. The word *nepos* in Latin, which means grandson, is the origin of the word nepotism. Nepotism is

an expression used to characterize acts of favoritism committed by family members, close acquaintances, and members of political parties who approve of them, whatever the terms. So, if the family meets the requirements, then nepotism in the sense is not involved.

3.2 The Role of the Prosecutor's Office in Implementing State Compensation Payments

Whether the position and limit of the Expert's Office of the Republic of Indonesia are controlled unequivocally or clearly in the 1945 Constitution, what is sure is that the Inspector's Office of the Republic of Indonesia is a subsystem of the Indonesian sacred framework as facilitated in the 1945 Constitution.

Meaning of Examiner and Public Investigator, in light of Regulation no. 08 of 1981 concerning Criminal Strategy Regulation, in particular:

- a. A specialist is an authority endorsed by this guideline to go probably as a public inspector and execute court decisions that have very solid genuine power.
- b. The Public Inspector is the Examiner who is endorsed by this Guideline to do prosecutions and do the adjudicator's decisions.

Article 284 paragraph (2) of the Criminal Procedure Code (KUHAP) which states:

"With the temporary exception of special provisions on criminal procedures as stated in certain laws, until changes are made and/or declared no longer valid".

Article 17 Informal regulation Number 27 of 1983 concerning the execution of the Criminal Methodology Code which states:

"Examinations as per the exceptional arrangements of criminal methodology as expressed in specific regulations as expected in Article 284 section (2) of the Criminal Technique Code are done by agents, examiners and other approved exploring authorities in light of legal guidelines."

So, based on this provision it becomes clear that in the Criminal Procedure Code itself, there is a legal basis regarding the position of the Prosecutor as an investigator for special criminal acts (*lex specialis*). [13]

This unique arrangement adheres to Regulation No. 20 of 2001 Concerning the Destruction of Debasement Violations, which amended Article 26 of Regulation No. 31 of 1999, which states:

" Examinations, arraignments and assessments in court in instances of criminal demonstrations of defilement are done in light of the relevant criminal procedural regulation, except if generally gave in this regulation "

The examiner's office is depicted as a public investigator for a situation before preliminary and a specialist of criminal demonstrations of debasement. The Covenant only describes prosecutors who serve as judges; There are no further provisions regarding whether the position of prosecutor is an extension of power or not.

By the game-plans in Article 18 area (2) of Rule Number 31 of 1999 associated with Rule Number 20 of 2001, piece of substitution cash should be made by the convict no later than 1 (one) month after the court choice acquires extremely solid veritable impact. Taking into account these plans, the expert as the implementer of the court choice (Article 270 of the Criminal System Code) will then, make the going with strides:

- a. The convict will be summoned to talk about paying for the new money.
- b. Conciliating on the possibility of the convict making a series of installment payments to pay for replacement funds.
- c. Carrying out searches and examinations concerning resources having a place with convicts associated with being gotten from criminal demonstrations of defilement.
- d. If inside the time agreed between the inspector and the convict, the portion of pay cash isn't made by the convict, then the specialist will hold onto the convict's property and apply the State Records Receivable and Deal Organization Office (KP2LN) to lead an execution auction for the held onto stock. the.
- e. The replacement cash that has been paid by the convict or the profits from the subsequent execution closeout by the agent is kept to the State Store Office or Bank that has been assigned by the state as state pay from the portion of replacement cash.
- f. After all reimbursements for the portion of replacement cash have been finished, the specialist happened by making a report concerning the reimbursement of the portion of replacement cash which is submitted to the court.

If the court has determined and decided on the compensation, but the defendant is unable to pay it within the specified period, then the compensation penalty will be increased, increasing the prison sentence based on the amount of compensation that has not been paid.

As to cash which was picked considering Guideline No. 3 of 1971 and changed to Guideline No. 31 of 1999 and changed again to Guideline No. Regarding the Destruction of Debasement Wrongdoings Act of 2001, the Central Lawful Official of the Republic of Indonesia proposed the revocation of replacement money to the Minister of Cash of the Republic of Indonesia with complete:

- a. Order to disburse the convict's property;
- b. Report on the dispensing of the convict's resources with an appended assertion letter from the town head or town head that the convict has no resources that can be seized to pay substitution cash.

The remuneration cash paid to some extent by the convict is as yet proposed to be canceled through the Head legal officer of the Republic of Indonesia by finishing:

- a. Receipt of portion of replacement cash (D3);
- b. Proof of store of replacement money to the State Vault;
- c. Attach an assertion letter from the Town Head or Town Head expressing that the convict has no resources that can be seized to pay for substitution cash to the report on the dispersion of the convict's resources.

Concerning, cash is picked considering Guideline No. 31 of 1999 connected with Guideline Number 20 of 2001 concerning the Obliteration of Degradation Bad behaviors. In the event that the convict doesn't pay, then, at that point, there should be evidence that the convict has carried out a substitution punishment. It should be demonstrated by an authority report on the execution of the substitution sentence. Assuming that the convict is carrying out a punishment or has carried out a punishment, KAJARI should arrange the Top of the Criminal Examination Unit or the Public Investigator to facilitate with the

Top of the Prison to get a declaration that the convict has carried out a substitute criminal punishment, despite the fact that the minutes of the execution of the substitution sentence have not yet been ready. The case file must contain the statement letter.

The Public Examiner should execute the respondent as installment or a substitution sentence in the event that there is no proof that the litigant has carried out a substitution punishment.

The finish of replacement cash as controlled in Guideline No. 3 of 1971 and Guideline No. Guideline No. 31 of 1999 and Regulation No. 20 of 2001 are represented by the Indonesian Government. 14 of 2005 concerning Philosophy for Limiting State/Neighborhood Receivables.

Based on KEP-518/J.A/11/2001, dated November 1, 2001, the following steps are taken to settle replacement money that has permanent legal force: [9] :

- a. A summons (D-1) will be given with the case for swap cash for the convict to show up before the executing lawyer at the neighborhood investigator's office;
- b. After being gathered and confronting the executing examiner, the convict is gotten some information about his capacity to pay the pay cash that has been forced by the court which has super durable lawful power. At this stage, the convict is given a proclamation letter (D-2) expressing whether he is capable or unfit to pay substitution cash;
- c. When paying substitution cash, an Installment Receipt (D-3) of the cash got from the convict is made and endorsed by the Head of Exceptional Violations Segment in the interest of the Top of the Region Examiner's Office;
- d. After getting the substitution cash from the convict, the Top of the neighborhood area/high court examiner makes a request (D-4) requesting the Executing Investigator/Head of Extraordinary Violations Segment/Head of Unique Wrongdoings Arraignment Sub-Area to give up the substitution cash for the benefit of the convict worried to the Top of the nearby Open Examiner's Office. Exceptional Financier/Beneficiary inside 1x 24 hours of receipt. 5. Subsequent to getting the substitution cash, the Extraordinary Financier/Beneficiary should store the supplanting cash with a clear Non-Expense State Income Letter (SSBP) into the state depository with Income Spending plan Thing (Guide) 423473 by means of bank. Be that as it may, in view of Jambin Letter No: Minister of Finance Regulation No. 005/C/Cu/01/08 and 91/PMK.05/2007 Guide was changed to Number: 423614 with impact from January 2008.

Concerning criminal assurance of installment of substitution cash, it is directed by the Head legal officer's Letter No. With respect to the public examiner in making an interest letter, B-28/A/Ft.1/05/2009, dated May 11, 2009, one of the guidelines is in regards to the wrongdoing of paying substitution cash, to be specific:

- a. The commitment to pay remuneration beyond what many would consider possible is coordinated straightforwardly to the organization that endures misfortunes because of criminal demonstrations of debasement. Amar letter of interest: " pay the State (the institution that was hurt) money in the amount of... etc.

- b. To give a feeling of equity to the convict who pays substitution cash yet just part (not the loaded with) the sentence in the decision, the statement ought to be added to the sentence of interest: " If the respondent/convict pays replacement cash, how much replacement cash paid still up in the air by the time span additional discipline as confinement as a substitute for the obligation to pay.
- c. In cases where there are multiple defendants, the amount that must be clearly and definitively stated for each defendant must be included in the statement of claim. However, the amount that must not be included in the statement of claim must not be included in the statement of claim together and severally on the grounds that doing so won't give legitimate sureness and will cause hardships in execution. The challenges in execution that happen are both partner with how much substitution cash that should be paid by every respondent/convict. Besides, to convicts who don't pay (or pay part of) the supplanting cash with the objective that they need to go through whipping as a substitute for the commitment to pay the substitution cash.
- d. One strategy for deciding how much remuneration cash that will be utilized for every litigant/respondent is to utilize the qualifier "partaking" in article 55 passage (1) of the KUHAP in the event that it isn't known with assurance the sum acquired from criminal demonstrations of defilement by every litigant/convict.

For the execution of the directions for deciding how much substitution cash so it is done in a deliberate way with responsible organization joined by exact proof that can be utilized as material for revealing the consequences of safeguarding State monetary misfortunes by the Principal legal officer's Office.

4 Conclusion

From a legal and financial perspective, the issue of pollution is as of now not a novel, new thing for a country since it has existed for centuries in both made and arising countries, including Indonesia. The issue of debasement in Indonesia is at present so serious that it has shown up at remarkable degrees since it has created and spread to all levels of society. The public authority has given Official Direction Number 5 of 2004 concerning the Speed increment of Corruption Obliteration as a part of tries to kill debasement in the regions. To understand a clean and without kk government as communicated in the vision and mission of the public system and public movement plan to obliterate corruption (Stranas and RAN PK) 2010-2005. No, official law. 5 of 2010 concerning the 2010-2014 Medium Term Improvement Plan (RPJM), which is aimed at further developing great government administration through 7 (seven) techniques connected with annihilation endeavors, and endeavors to kill gigantic and progressively compelling defilement. No. Official Guidance 9 of 2011 concerning Movement Plans for the Countering and Destruction of Corruption Spreads out 6 (six) strategies, explicitly frameworks in the field of expectation, execution of harmonization of guidelines and rules, saving assets coming about due to debasement, worldwide cooperation, and methodology in the field of reporting.

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