

INTELEGEN PROSECUTOR'S ROLE IN INVESTIGATION OF ALLEGED CORRUPTION CASE

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Abstract

Law enforcement of criminal acts of corruption is carried out by the Prosecutor's Office. The issues raised in this paper are the role of the Bali High Court's intelligence in investigating alleged corruption cases and what obstacles the Bali High Court intelligence experienced in investigating alleged corruption cases. The research method that the author uses is empirical juridical. Juridically, answering the problem formulation is carried out by reviewing the applicable laws and regulations, while empirically, it is carried out by direct interviews with Mr. Joko Suryanto, S.H., M.H. as KASI Economy and Finance Intelligence field at KEJATI Bali. Data collection was carried out by collecting and studying case files and joint discussions. Based on the analysis of the data, the following research results were obtained: (1) The intelligence of the Attorney General's Office in handling corruption cases at the Bali High Court in general has a role, namely the first, in terms of investigating corruption cases by the intelligence of the Bali High Prosecutor's Office in order to obtain information and information material to proceed to the investigation process by the special criminal section. (2) The obstacles experienced by the Intelligence of the Prosecutor's Office in handling cases of criminal acts of corruption, namely, first in the case of calling the second witness, collecting evidence, and the fear of the party being questioned about the intervention of the relevant agency.

Keywords: Corruption, Intelligence, Investigation

INTRODUCTION

A social phenomenon called corruption is the reality of human behavior in social interactions that is considered deviant, and endangers society and the state. Therefore, this behavior in all forms is denounced by society, even including by the corruptors themselves in accordance with the expression "corruptors cry out corruptors". Public denunciation of corruption according to juridical conception is manifested in the formulation of the law as a criminal act that needs to be approached specifically, and threatened with a fairly severe crime.

Corruption has always been a hot issue in the eyes of the public and can attract the attention of many things. This is due to the rampant criminal acts of corruption committed by state officials, businessmen, or someone who has a strategic position with a nominal ranging from hundreds of millions to trillions. The thing that makes the public most angry is the losses

caused by this corrupt practice.

Corruption is always associated with the word "extraordinary crime" because of the extraordinary consequences caused by the criminal act of corruption itself. This is also contained in the consideration of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, that corruption crimes that have occurred widely, not only harm state finances, but also have been a violation of the social and economic rights of the community at large, so that corruption crimes need to be classified as crimes whose eradication must be carried out externally usual.

Handling corruption cases cannot be said to be easy because corruption is a symptom of a very complex and complicated society, as if easily recognized but difficult to get close to by law. Where the development of corruption in Indonesia is still relatively high, while its eradication is still very slow.

The prosecutor's intelligence operation is one of the efforts, activities and actions carried out by the prosecutor's office to uncover criminal acts of corruption. The method or method of intelligence operations of the prosecutor's office in uncovering corruption crimes is expected to reduce the occurrence of corruption crimes in Indonesia. If examined in the above, when talking about prosecutorial intelligence in disclosing corruption crimes, the mechanism for implementing prosecutorial intelligence in revealing corruption crimes is very important in eradicating corruption crimes in Indonesia. To assist the process, in addition to the role of investigators and investigators in general, the role of intelligence agencies in a country is also very necessary. Law Number 17 of 2011 concerning State Intelligence is the basis for regulating intelligence in the Republic of Indonesia.

IMPLEMENTATION METHOD

The location of the service was carried out at the Bali High Prosecutor's Office which is located at Jalan Tantular No. 5 South Denpasar, Denpasar City, Bali. The service runs from June 12 to August 14, 2023. The object of this study is the Role of the Prosecutor's Intelligence in investigating corruption crimes

The method used is the empirical juridical method. Juridically to answer the formulation of the problem is carried out by reviewing the applicable laws and regulations, while empirically it is carried out by direct interviews with Mr. Joko Suryanto, S.H., M.H. as the Head of Economics and Finance in the field of Intelligence KEJATI Bali. Data collection is carried out by collecting and studying case files and joint discussions.

RESULTS AND DISCUSSION

The definition of Corruption is contained in Article 1 number 1 of Law Number 30 of 2002 concerning the Corruption Eradication Commission. Article 1 number 1 of Law Number 30 of 2002 concerning the Corruption Eradication Commission reads as follows:

"Corruption is a criminal act as referred to in Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes."

Intelligence comes from English, namely *intelligent* and *inteligance*. In the Indonesian English Dictionary *Intelligent means* intelligent, while intelligence means *intelligence*, news, news. In the General Dictionary Indonesian the meaning "Intelligence is a person in charge of finding information (observing) someone, or secret service".

What is meant by intelligence in Article 1 paragraph (1) of the Intelligence Law is explained in Article 1 paragraph (1) of Law Number 17 of 2011 concerning State Intelligence reads as follows:

"Intelligence is the knowledge, organization, and activities related to policy formulation, national strategy, and decision-making based on the analysis of information and facts gathered through working methods for early detection and warning in the course of prevention, deterrence, and countermeasures of any threat to national security."

Universally the definition of Intelligence includes:

- a. Knowledge, namely information that has been processed as material for policy formulation and decision making;
- b. Organization, which is a body used as a container that is given the task and authority to carry out Intelligence functions and activities; and
- c. Activities, namely all efforts, works, activities, and actions carrying out the functions of investigation, security, and containment.

The role of Intelligence as described in Article 4 of Law No. 17 of 2011 concerning State Intelligence:

"State Intelligence plays a role in carrying out efforts, work, activities and actions to Early detection and early warning in the context of prevention, deterrence, and countermeasures against any nature of threats that may arise and threaten national interests and security."

Objectives of Intelligence in Article 5 of Law No. 17 of 2011 concerning State Intelligence:

"The purpose of State Intelligence is to detect, identify, assess, analyze, interpret, and present Intelligence in order to provide early warning to anticipate various possible forms and nature of potential and real threats to the safety and existence of the nation and state as well as opportunities that exist for national interests and security".

The function of Intelligence is contained in Article 6 of Law No. 17 of 2011 concerning State Intelligence: Article 6:

- (1) State Intelligence performs investigation, security, and containment functions.
- (2) The investigation referred to in paragraph (1) shall consist of a series of work efforts, activities, and actions carried out in a planned and directed manner to search, find, collect, and process information into Intelligence, and present it as input material for policy formulation and decision making.
- (3) Security as referred to in paragraph (1) consists of a series of activities carried out in a planned and directed manner to prevent and/or counter efforts, work, Intelligence

- activities, and/or Opposing Parties that harm national interests and security.
- (4) Raising as referred to in paragraph (1) consists of a series of efforts, work, activities, and actions carried out in a planned and directed manner to influence the Objectives to benefit national interests and security.

Scope of Intelligence Article 7 of Law No. 17 of 2011 concerning State Intelligence "The scope of State Intelligence includes:

- a. Domestic and foreign intelligence;
- b. Defense and/or military intelligence;
- c. Police intelligence;
- d. Law enforcement intelligence; and
- e. Intelligence ministries/non-ministerial government agencies.

The Prosecutor's Office of the Republic of Indonesia is a government institution that exercises state power independently, especially the implementation of duties and authorities in the field of prosecution and carries out duties and authorities in the field of investigation and prosecution of cases of criminal acts of corruption and gross human rights violations and other authorities based on law.

The definition of the Prosecutor's Office is contained in Article 2 Paragraph 1 of Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia which explains that the Prosecutor's Office of the Republic of Indonesia is a government institution that exercises state power in the field of prosecution and other authorities based on the law.

The position or working area of the Prosecutor's Office is explained in Article 4 of Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia The exercise of state power held by the Prosecutor's Office includes:

- 1) The Attorney General's Office, domiciled in the capital of the Indonesian state and its jurisdiction covers the territory of the Indonesian state. The Attorney General's Office is led by the Attorney General who is a state official, the leader and the highest person in charge of the prosecutor's office who leads, controls the implementation of duties, and the authority of the Attorney General of the Republic of Indonesia.
- 2) The High Prosecutor's Office, is domiciled in the provincial capital and its jurisdiction covers the province. The High Prosecutor's Office is headed by a chief prosecutor who is the leader and person in charge of the prosecutor's office who leads, controls the implementation of duties, and authorities in his jurisdiction.
- 3) District Attorney's Office, domiciled in the capital of the regency/city and its jurisdiction covering the district/city area. The District Attorney's Office is headed by a chief The District Attorney's Office which is the leader and person in charge of the Prosecutor's Office leading, controlling the implementation of duties, and the authority of the prosecutor's office in its jurisdiction.

In terms of law enforcement efforts, one of them in the criminal act of corruption is the Prosecutor's Intelligence is one of the efforts made by the Prosecutor's Office to uncover cases

of criminal acts of corruption. The method or operation of the Prosecutor's Intelligence is expected to reduce the occurrence of corruption in Indonesia.

The Prosecutor's Intelligence is a unit of work units within the prosecutor's office of the republic that carry out intelligence activities and operations from the aspect of law enforcement, as well as activities in the field of information and legal counseling.

Definition of Intelligence Investigation, based on Article 1 point 9 of the Regulation of the Attorney General of the Republic of Indonesia Number: PER-024/A/JA/08/2014 concerning the Intelligence Administration of the Attorney General of the Republic of Indonesia:

"Intelligence Investigation, hereinafter referred to as Lid, is a series of efforts, work, activities, and actions carried out in a planned and directed manner to search, find, collect, and process information into Intelligence and present it as input material for policy formulation and decision making."

The investigation of Corruption by the Intelligence of the Bali High Prosecutor's Office is divided In several stages, namely:

- a. Information Acceptance and Initial Investigation Phase.
- b. Planning Stage and Collection of Data or Information Materials.
- c. Data Processing Stage.
- d. Stage of Data Delivery and Use

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If presented the investigation of Corruption Crimes by the Bali High Prosecutor's Intelligence, namely:

1. Getting community complaints

The Denpasar State Prosecutor's Intelligence receives reports of public complaints

- related to cases or actions that are rumored to occur.
2. Doing has
Check and make news analysis related to the complaint, to find out whether there are actions that violate the Law.
 3. Publish a task warrant
A duty warrant is a warrant signed by the leadership to carry out Ilteligen activities related to ideological, political, economic, socio-cultural, and security defense issues, hereinafter referred to as Ipoleksosbudhankam.
 4. Publish Goal Analysis and Task Analysis
 - a. Target analysis, hereinafter referred to as ANSAS, is an activity that studies carefully and in detail the targets to be carried out operations.
 - b. Task analysis is the activity of analyzing and detailing what information materials must be sought and collected to form a collecting body (agent or informant) and sources that can be used in carrying out activities or operations.
 5. Search for data
Intelligence seeks data from a variety of sources.
 6. Making a report on the results of the execution of tasks,
The report on the results of the implementation of the task hereinafter referred to as LAPHASTUG is a brief and clear description of the results of the implementation of Intelligence operations that determine the presence or absence of the Action, then this case is raised or not.
 7. Re-do
Re-analyze the LAPHASTUG that has been made
 8. Publishing an operating warrant
Operation warrant hereinafter referred to as SP. OPSIN is a warrant signed by the leadership to carry out Intelligence operations in the form of investigation, security, and/or beheading.
 9. Publish Goal Analysis and Task Analysis
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 - b. Task analysis is the activity of analyzing and detailing what information materials must be sought and collected to form a collecting body (agent or informant) and sources that can be used in carrying out activities or operations.
 10. Conduct an investigation plan, a security plan, a raising plan
 - a. The investigation plan which is then called RENLID is a preparatory design of activities, efforts, and work that will be carried out by the executor of Intelligence operations in a planned and directed manner to obtain the information needed.
 - b. The security plan hereinafter referred to as REN-PAM is a preparatory plan to carry out activities, efforts, preparatory steps or actions to carry out security activities, efforts, steps or measures carried out in a planned, gradual, and continuous manner in order to support the implementation of law enforcement intelligence operations.
 - c. The raising plan later called REN-GAL is a preparatory plan for the implementation of activities, efforts, action steps to change or create conditions in certain areas and at certain times in order to support the implementation of Law enforcement

Intelligence operations.

d. Define Operation Targets

The target of the operation, hereinafter abbreviated as TO, is the formulation of the main elements of activities that must be obtained based on a priority, directed and measurable scale in the implementation of the Prosecutor's Intelligence operation.

e. Make a report of operational results

Then for the final report, a report on the results of the operation will be made containing a description of the results of the Intelligence operation that has been carried out which will then determine the next stage of a case or case.

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Intelligence of the Prosecutor at the Bali High Prosecutor's Office in handling corruption cases does not always run smoothly, there are several obstacles or obstacles experienced in carrying out their duties properly. Intelligence of the Prosecutor at the Bali High Prosecutor's Office in handling corruption cases does not always run smoothly, there are several obstacles or obstacles experienced in carrying out their duties properly. According to the Information of the Economic and Financial Office of the Bali High Prosecutor's Office, some of the obstacles experienced by the Prosecutor's Intelligence in handling corruption cases at the Bali High Prosecutor's Office are as follows:

1. In the Investigation Process, Intel Prosecutors have difficulty in calling witnesses, because there is no witness summons from the District Attorney's Intelligence SOP which is not included in the prosecutor's Intelligence SOP. However, according to the author, this is not the main obstacle to the exercise of the Prosecutor's Intelligence authority, because the process of summoning witnesses is the authority of the investigator. Investigation by the Prosecutor's Intelligence as described earlier can be carried out with open investigation activities such as direct interviews in the field with parties who know the information, or by closed investigation activities such as wiretapping, which aims to obtain information or information useful in the investigation and investigation stage of criminal acts of corruption.
2. In the process of collecting evidence, due to the absence of a warrant to collect evidence. For example, the treasurer who argues to provide receipts as evidence, even though receipts can be evidence in the corruption case.
3. The fear of people being questioned due to the intervention of the head of an agency against the person who provided the data, is a factor that greatly influences the collection of information, data or information materials for the investigation process of corruption criminal cases.

Efforts to overcome obstacles in handling corruption criminal cases by the intelligence of the Denpasar State Attorney's Office. In overcoming the obstacles experienced by the Denpasar State Attorney's Intelligence, according to the Denpasar State Attorney's Intelligence Functional Prosecutor. The efforts that have been made are as follows:

1. By granting an extension of time for the summoning of witnesses, it means that if at the time of the first summoning of witnesses the witness refuses to be present, a second summons must be submitted.
2. By providing an extension of time for the collection of evidence, it means that if at the time of collection of evidence the person holding the evidence claims to give it for various reasons such as missing or forgetting where to put it, then the prosecutor's intel will give an extension of time to the person for the next summons to bring the evidence. In this case, the Prosecutor's Intelligence can coordinate with the prosecutor's investigation team in the special criminal section in collecting evidence.
3. By providing guarantees and protection to the parties questioned for interventions carried out by related agencies.

CONCLUSION

In terms of law enforcement efforts, one of them is in the criminal act of corruption, the Prosecutor's Intelligence is one of the efforts made by the Prosecutor's Office to uncover cases of criminal acts of corruption. The method or operation of the Prosecutor's Intelligence is expected to reduce the occurrence of corruption crimes in Indonesia In law enforcement of corruption crimes, the Prosecutor's Office institution has a fairly central role. In the investigation stage, this task is carried out by the Intelligence at each stage of the prosecutor's position. In accordance with Article 1 Number 1 of Law No. 17 of 2011 concerning State Intelligence The intelligence function in the law is Investigation, Security, and Raising (Lid-Pam-Gal).

Some obstacles or obstacles experienced in carrying out tasks as they should. Some of the obstacles experienced by the Prosecutor's Intelligence in handling corruption criminal cases at the Denpasar State Prosecutor's Office are as follows, in the Intel Prosecutor's Investigation Process difficulties in calling witnesses, in the process of collecting evidence, there is fear from people who are questioned due to intervention from the head of an agency against people who provide data. The efforts made are by providing an extension of time for the summoning of witnesses, by providing an extension of time for the collection of evidence, by providing guarantees and protection for the parties being questioned.

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