

THE ROLE OF THE PROSECUTOR'S INVESTIGATOR IN REVEALING CRIMINAL ACTS OF CORRUPTION

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Abstract

This report is entitled The Role of Attorney Investigators in Exposing Corruption Crimes (Case Study at the Denpasar District Attorney's Office). The background for writing this report is due to the rampant cases of criminal acts of corruption that have occurred. The investigation process to uncover corruption crimes committed by Denpasar District Attorney investigators must be carried out in an appropriate manner based on the Criminal Procedure Code and Attorney General Regulation Number: PER-039/A/JA/10/2010 as amended and supplemented with the Attorney General's regulation Number: PER-017/A/JA/07/2014 Concerning Administrative and Technical Management of Cases of Special Crimes. Then the problem is formulated, namely how to implement the role of the Denpasar District Attorney investigator in uncovering criminal acts of corruption and whether the obstacles experienced by Denpasar District Attorney investigators and the method used in this study is an empirical legal method. Legal materials obtained from primary data and secondary data. The material will be analyzed by qualitative analysis and conclusions will be drawn by inductive way.

Keywords: Role, Denpasar District Attorney, Uncover, Criminal Act, Corruption

INTRODUCTION

Since the first time the Unitary State of the Republic of Indonesia declared its independence in 1945 and began to formulate the State Fundamentals and the Constitution by the Founding Fathers. 1 It is clear that the founding fathers of this nation would conceptualize this country as a democratic state based on law, this is clearly seen in the formulation of the text the preamble and contents of the 1945 Constitution. Where after the 4th Amendment to the 1945 Constitution Indonesia still maintains the concept of a rule of law contained in Article 1 Paragraph (3) which states that the State of Indonesia is a state of law. 2 This concept believes that every action of the government and its citizens must be based on existing written laws and regulations. The elucidation of the 1945 Constitution states, among other things, "The State of Indonesia is based on law (Rechtsstaat), not based on mere power (machsstaat)". 3 So it is clear that the ideals of a rule of law contained in the 1945 Constitution are not just a State. based on any law. The coveted law is not a law that is stipulated solely on the basis of power, which can lead to or reflect absolute or authoritarian power, such a law is not just law, but must be based on justice for the people.

In law, there are public law and private law, where public law (state law) regulates the relationship between the state and equipment or the relationship between the state and individuals, while private law regulates personal interests, or the law governs legal relations between one person with another by focusing on individual interests

Criminal law is a field of law that is included in public law because criminal law itself is inseparable from the State as its systematic and structured law enforcer, in order to guarantee the continuity and security of the State and citizens.

The process of law enforcement through criminal law itself is known as the concept of policy through Penal and Non Penal efforts, where Penal efforts emphasize more on how criminal law acts after an act violates the provisions of the criminal law, this Penal effort itself is more repressive in nature, namely retaliation against the perpetrator crime, this is different from non-penal efforts which place more emphasis on preventive properties, namely prevention before a crime occurs The rise of crime cases that are happening today in Indonesia is of course very concerning, one of the crimes that is currently the focus of the Government is corruption cases. ⁶ Where this crime is very disturbing to society and disrupts the economic growth of a country, where most of them often become perpetrators of criminal acts of corruption This is an official of the State Government itself who should in fact be an example and driver of a country's economic growth.

That's why this crime is often called white collar crime, where the perpetrators of these crimes are mostly highly educated people. Considering that the perpetrators of this crime of corruption are a group of highly educated people, therefore it is difficult to reveal the perpetrators of this crime, extraordinary efforts need to be made to uncover them.

Moreover, the process of criminal acts of corruption is often not only carried out by one person but carried out by several people who work together and are structured, for this reason the investigation process in this crime must be carried out by people who are truly reliable and professional in their fields. ^{.7}

The crime of corruption itself today does not only occur in the central government, more than that this crime has mushroomed in every region to remote villages. It is not strange why corruption can develop so rapidly to remote villages, considering the nature of humans themselves who are never satisfied with material things, this can be seen from the latest data released by the International Transparency Agency which released corruption perception index data.) at the end of 2015, where Indonesia was ranked 88 out of 168 countries observed with a score of 36.8

This is of course still far from the hopes and goals of the Indonesian State which wants justice for all its people, for this reason the law enforcement process for corruption in the regions cannot be simply ruled out and only focused on law enforcement in the central government. considering that the region is one of the important elements in the economic growth of a country.

The process of law enforcement in uncovering criminal acts of corruption is carried out by law enforcement officials, in this case those who have authority are the Police, the Attorney General's Office and the KPK, where the Prosecutor's office itself has a very vital role in enforcement, Article 6 Paragraph (1) of the Indonesian Criminal Code the Criminal Procedure Code states that:

"Investigators are:

- a. Officials of the State Police of the Republic of Indonesia;
- b. Certain civil servant officials who are given special authority by Undang-undang Article 30 Paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia states that:

"Conducting investigations into certain criminal acts based on the law"¹⁰

Article 27 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes states that:

"In the event that corruption is found which is difficult to prove, a joint team can be formed under the coordination of the Attorney General."¹¹

Article 17 of the Government Regulation of the Republic of Indonesia Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code states that:

"Investigations according to the special provisions of criminal procedure as referred to in certain laws as referred to in Article 284 paragraph (2) of the Criminal Procedure Code are carried out by investigators, prosecutors and other authorized investigators based on statutory regulations."¹²

Here it is clear that the role of the Prosecutor's Office in the criminal justice system in Indonesia is not only a matter of prosecution, but more than that the Prosecutor's Office can also play a role in the investigation of certain criminal acts such as corruption as stipulated in the law.

The role of the Denpasar District Attorney as an institution authorized to conduct investigations into criminal acts of corruption is urgently needed so that in the future the Denpasar Regency area can reduce corruption crimes and even eliminate these crimes altogether, in order to become a supporting region for economic growth in Indonesia and become an example for other regions as a area that is clean and free from corruption.

That is why the author here is interested in studying and conducting research with the title "The Role of Attorney Investigators in Revealing Corruption Crimes (Case Study at the Denpasar District Attorney's Office)".

IMPLEMENTATION METHOD

Corruption is a crime that is very detrimental to the state. Recognizing the complexity of the problem of corruption, corruption can be categorized as a national problem that must be faced seriously by involving all the potential that exists in society, especially the government and law enforcement officials. Law enforcement basically involves all Indonesian citizens and is carried out by authorized officials. The Attorney General's Office has the authority to conduct investigations into criminal acts of corruption. There are still many obstacles faced by the Denpasar District Attorney in investigating corruption. Obstacles faced by the prosecutor's office are internal constraints such as limited quantity of investigating prosecutors in the special criminal section, excessive workload of the special criminal section, limited funds for operationalization of investigations and external constraints such as formulation of articles on corruption that are too vague, overlapping regulations laws in force in Indonesia, the dependence of the Denpasar District Attorney in calculating state financial losses at the investigative level to other institutions (BPKP), the area of jurisdiction that is the authority of

the Denpasar District Attorney. Meanwhile, the efforts made by the Attorney General's Office in overcoming the obstacles that arise are to overcome internal obstacles, so the Prosecutor's Office requests additional investigating prosecutors to the Attorney General's Office, seeks to separate the duties of general criminal section and special criminal section, and asks the Attorney General's Office to increase the budget. Regarding external constraints, it is necessary to coordinate with related institutions to assist in carrying out investigations and also requires the assistance of the Attorney General's Office to obtain permission to examine government officials suspected of being involved in corruption, improve communication with the BPKP, and increase prosecutor personnel. In conclusion, there is still much that needs to be improved for the optimal implementation of corruption investigations.

RESULTS AND DISCUSSION

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CONCLUSION

To overcome the obstacles faced by the Denpasar District Attorney during the investigation stage and especially in the settlement of corruption cases in the regions, special attention from the central government through the Attorney General of the Republic of Indonesia is needed to increase the number of Investigating Prosecutors, Investigating Prosecutors and Public Prosecutors. availability of sources of funds/budgets and facilities/facilities that support and support investigative activities in accordance with the

standards set for the Type B District Attorney's Office by taking into account the situation and conditions of its jurisdiction.

In addition, it is necessary to add BPK/BPKP Institutions in the city and/regency areas in order to reduce and suppress criminal acts of corruption that occur in the regions and speed up the calculation of financial audits submitted by the Prosecutor's Office so that the corruption investigation stage can proceed as quickly as possible in order to speed up the settlement of cases corruption, especially in the regions.

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