RESEARCH
www.commprac.com
ISSN 1462 2815

JURIDICAL ANALYSIS OF THE SUBOPTIMAL AUTHORITY OF PROSECUTORS AS INVESTIGATORS OF CORRUPTION CRIMES IN CONDUCTING ASSET SEIZURE AND CONFISCATION OF SUSPECTED PERPETRATORS OF CORRUPTION CRIMES

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DOI: 10.5281/zenodo.12269658

Abstract

Corruption as a crime phenomenon is a systemic problem with deep roots and a wide range of consequences. On the other hand, the profits the perpetrators enjoy result in losses for the state, in this case, state financial losses. Difficulties in executing court decisions often occur when assets resulting from crime are hidden or disguised. Thus, that law enforcement officials cannot touch them. There is an urgency to provide legal instruments to ensure that recovery of state financial losses can be realized, in this case, to expand the authority of investigators in Corruption Crimes to secure all assets belonging to suspected perpetrators of Corruption Crimes through tracing and confiscating these assets. This research examines the provisions of positive law in Indonesia, which regulate the authority of Prosecutors as Investigators in the Corruption Crime justice system by referring to the applicable laws and regulations. Based on the status quo, in these arrangements, researchers can classify legal provisions that accommodate the role of corruption crime investigating attorneys in seeking to handle corruption crimes using asset recovery. This research culminates in developing an ideal model for expanding the authority of corruption crime investigating prosecutors in carrying out asset recovery actions at the investigation stage in corruption crime cases. In this case, the ideal model is appropriate for formulating the Asset Confiscation Bill, which is still in the drafting stage.

Keywords: Corruption, Corruption Crimes, Investigating Prosecutor, Asset Recovery, Asset Tracing and Confiscation.

1. INTRODUCTION

The discourse regarding corruption as a form of crime always invites serious attention regarding its handling and eradication, especially in the legal field. The persistent problem of corruption has implications for the views of various criminal law experts in this country, thus providing a harsh definition of the meaning of "corruption" itself. One of them came from Andi Hamzah who interpreted it as "rotten", "cons" and "depravity" that "can be bribed", (Hamzah, 1991) and Romli Atmasasmita loudly used the term "Extraordinary Crime" to classify Corruption Crimes (Corruption). (Atmasasmita, 2002)

Bridging the above, the Prosecutor's Office of the Republic of Indonesia (RI Prosecutor's Office), as a law enforcement officer with the authority to investigate corruption, has shown seriousness in law enforcement. The role of the Indonesian Prosecutor's Office in handling Corruption and Corruption cases is reflected in the annual performance achievements of these law enforcement agencies. Based on a report by Indonesia Corruption Watch (ICW), in 2022, the Indonesian Prosecutor's Office succeeded in resolving 405 Corruption cases with potential state losses amounting to IDR 39,207,812,602,078 (~IDR 39.2 Trillion) out of a total of 579 Corruption cases handled overall by the Indonesian Prosecutor's Office, the Indonesian Police, and KPK for 2022 (Anandya & Easter, 2023).

In the same report, it was noted that the pattern of increasing the number of Corruption cases successfully handled by the Indonesian Prosecutor's Office has always been increasing since 2020, with the number of Corruption cases reaching 259 cases in 2020, then 371 cases in 2021 (Anandya & Easter, 2023). Meanwhile, a significant increase will occur in 2023, according to the official statement from the Head of the Attorney General's Legal Information Center (Attorney General), Ketut Sumedana, in the report on the performance achievements of the Indonesian Prosecutor's Office in 2023 (Thea, 2023).

Regarding Corruption cases handled by the Indonesian Prosecutor's Office in 2023, 1,674 cases will be handled at the investigation stage, 1,462 cases at the investigation stage, 1,766 cases at the prosecution stage, and 1,699 cases at the execution stage. It was recorded that the total rescue losses to state finances and the state economy amounted to IDR 29,983,884,854,798, USD (United States Dollar) 5,394,020, SGD (Singapore Dollar) 364,200, EU (Euro) 4,290, RM (Malaysian Ringgit) 52,638, W (Won) 24,000, and PF (Pacific Franc) 56. The increase in the achievements of the Indonesian Prosecutor's Office in prosecuting and resolving corruption cases is undoubtedly a welcome development. However, this does not rule out the reality that widespread corruption cases are still a reality in this country.

In recovering state financial losses, court decisions contribute little to recovering state financial losses; the courts tend only to award small compensation payments from the total state financial losses incurred. On the other hand, the authority of the Indonesian Prosecutor's Office in terms of confiscating and confiscating assets belonging to alleged perpetrators of Corruption in the context of recovering state financial losses according to the laws and regulations in Indonesia is still not optimally accommodated. Thus, this has implications for not maximizing the recovery of state financial losses caused by Corruption. It was answered that the authority of the Indonesian Prosecutor's Office is still limited to confiscating assets belonging to suspected Corruption perpetrators, who are suspected to be the proceeds of Corruption.

This refers to the provisions of Article 26 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, which has been amended by Law Number 20 of 2001 (UU PTPK), which regulates that investigative activities in Corruption Crimes continue to follow the provisions in the Criminal Procedure Code (Criminal Procedure Code). The authority to confiscate refers back to the provisions of Article 38 and Article 39 of the Criminal Procedure Code, which can only be carried out by investigators with a permit and is carried out only on (property) objects which are the result of criminal acts, in this case, Corruption Crimes.

Considering this, the temporary arrangements in the Draft Law (Bill) Asset confiscation show promising prospects to recover state financial losses incurred due to criminal acts, especially Corruption. However, there is still room for development from the draft that is available now. First, in responding to the difficulty in executing criminal decisions, either because the convict is incapable or deliberately does not comply a more severe action mechanism is still needed to secure the assets belonging to the alleged perpetrator of the crime in order to guarantee recovery of real estate financial losses; Second, the role of investigators, which in this case includes Indonesian Prosecutor's Office investigators based on draft Article 8 paragraph (2) of the Asset Confiscation Bill in carrying out search and confiscation actions, can be expanded to support the first main problem.

The expansion of investigators' authority in searching and confiscating all assets belonging to alleged perpetrators ensures that in the future, the execution of judgments can be carried out more effectively, perpetrators cannot hide further proceeds of crime, and recovery of state financial losses remains guaranteed.

Based on background above, this research aims to analyze the lack of optimal authority of the Investigating Prosecutor to carry out searches and confiscate assets belonging to suspected Corruption Crime perpetrators. This is given the limited provisions in statutory regulations for confiscating assets belonging to suspected Corruption perpetrators, which cannot be determined to be the result of Corruption, failing in the execution of the Judgment when the assets are hidden or disguised (asset recovery). In this case, researchers encourage the expansion of authority to be accommodated in the Asset Confiscation Bill, which is still being discussed and drafted.

2. METHOD

The method used in this research is qualitative research. Legal studies take a critical-normative stance that starts from human insight or existence in society and provides criticism of legal practice and legal dogmatic. Then, the results of this normative legal study not only produce descriptive legal studies but also achieve prescriptive studies, namely formulating and proposing guidelines and rules that must be adhered to by legal practice and legal dogmatic and are critical. Normative legal studies look at the relationship between the researcher and the object under study based on a view of subject-subject relations, so the study results are intersubjective. (Cummings, R M, 1970)

Furthermore, this research is also classified as a type of normative legal research (legal research) or research in the field of law, namely the systematic study of legal rules, principles, concepts, theories, doctrines, case decisions, legal institutions, legal problems, issues or questions or a combination of these (Yaqin, 2007). The term legal rules is used in this research to be recognized and implemented in accordance with the applicable legal system or existing rules promulgated based on constitutional documents or substitute regulatory provisions framed by the owner of the administrative authority.

The term legal principles does not only mean actual regulations, but also ideas, ideas or standards that must be followed, so that there are significant changes in the legal field. The terms concept, theory or doctrine are terms that are commonly used and refer to ideas, ideas, perceptions or abstract principles that indicate the parts, objectives and functions of law.(Yaqin, 2007)

3. RESULTS AND DISCUSSION

3.1 Criminal Acts of Corruption

Not only is it a problem in Indonesia, corruption is a problem in various countries. For the international community, conflict over the issue of corruption can be seen from the provisions OECD, about Convention on Combating Bribery of Foreign Public Officials in International Business Transaction, which aims to prevent and eradicate bribery of foreign public officials in relation to international business. Every year, Political and Economic Risk Consultancy (PERC) routinely announces the results of surveys

regarding the level of corruption in each country, and Indonesia always gets top ranking for the level of corruption. (Rasul, 2009)

After reform, corruption is still a prominent problem. The consequences of several corruption cases that have occurred can be seen from the low quality of public services, the low quality of facilities and infrastructure built by the government, the increasing burden on society due to inefficiency and ineffective management of business entities that manage public needs such as telecommunications, fuel, oil, electricity and others. Thus, corruption can actually be said to be a crime that is the main enemy in the realm of government in particular.

As a crime, corruption is a criminal act, hereinafter referred to as the Crime of Corruption. Corruption Crime (Corruption) is included in the classification of special criminal acts whose regulations are regulated separately or specifically outside the Criminal Code (Criminal Code) (Santoso, 2023). Apart from the specific material legal provisions, as a special criminal act, Corruption also has its own formal legal regulations outside the provisions of Law Number 8 of 1981 concerning Criminal Procedure Law (Criminal Procedure Code) with its own Corruption Court justice system mechanism (Chazawi, 2016). The positive law governing Corruption can be found in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes which has been amended by Law Number 20 of 2001 (UU PTPK). The emergence of the PTPK Law in 1999 coincided with the transfer of power from the New Order to the Reformation Era. At that time, the Government attempted to reform the existing system in order to introduce a Government that was clean and free from Corruption, Collusion and Nepotism (KKN) (Chazawi, 2016), (Junianto, 2017), (Trisia, 2020). One of the new things regulated in this law is the inclusion of corporations as subjects of criminal acts. This has yet to be regulated in the previous corruption law, Law Number 3 of 1971.

2 (two) Articles of the PTPK Law are often used by the Prosecutor's Office and the Corruption Eradication Committee in prosecuting Corruption Crime defendants, namely Articles 2 and 3 of the PTPK Law. Article 2 states, "Every person who unlawfully commits an act of enriching himself or another person or a corporation which can harm the state's finances or the state's economy, shall be punished...". This article can be described as (1) against the law, (2) enriching yourself or another person or a corporation, and (3) harming state finances or the state economy. Meanwhile, Article 3 is formulated, "Any person who, with the aim of benefiting himself or another person or a corporation, abuses his authority,... which can harm the state's finances or the state's economy, shall be punished...".

These two articles show differences in views regarding the legal subject of Corruption. In Article 3 of the PTPK Law, the legal subjects of Corruption are only limited to people who have "the authority, opportunity or means available to them because of their position or status." This differs from the intention in Article 2 of the PTPK Law, which emphasizes the element of "against the law." In Article 3 of the PTPK Law, people who abuse the authority, opportunities, or facilities available to them because of their position or position can also be deemed to have done so unlawfully.

Mardjono Reksodiputro said that in fact the focus of Corruption crime always lies in economic motives, namely to seek material gain or have the aim of "enriching oneself" (Chazawi, 2016). This was stated in his discussion regarding Economic Crimes (TPE) and economic offenses (*economische delicten*) as regulated in Emergency Law Number 7 of 1955 concerning Economic Crimes, that the meaning of TPE (or as used,

Criminal Actions in the Economic Sector (TPBE) is a criminal offense in scope big business which can be categorized as white collar crime and corporate crime. (Reksodiputro, 2020)

Based on Reksodiputro's view (in his view in 1995), the investigation problem TPBE are so complex and ambiguous, especially in the context of business activities, that they often do not result in further legal action. The proposed approach is to use the concept of "reintegrative shaming" which is expected to result in the impact of detention or embarrassment for TPBE perpetrators when faced with law enforcement. (Reksodiputro, 2020)

Economic motives and aspects of financial gain are the main focus in dealing with Corruption. This is reflected in various provisions in the PTPK Law, where "obtaining a profit" is often the main element that must be proven in Corruption cases. In fact, in using the reverse proof method regulated in the PTPK Law, the defendant must prove the origin of the assets, which do not come from the proceeds of criminal acts of corruption. Reverse evidence specifically applied to new criminal acts related to gratification and to claims for confiscation of the Defendant's property allegedly obtained from one of the criminal acts as regulated in Article 2, Article 3, Article 4, Article 13, Article 14, Article 15 and Article 16 Law Number 31 of 1999, as well as Articles 5 to 12 of the PTPK Law.

Suppose the legal system that regulates criminal acts of corruption does not create fear or provide adequate punishment so that it does not produce a deterrent effect or embarrassment for the perpetrators of corruption. In that case, the main aim of committing corruption, namely obtaining economic benefits, can be eliminated.

Behind the pleasure felt by the perpetrators of Corruption, inversely, this is a significant loss for the country. State financial losses are not interpreted as a single phrase or separately in the PTPK Law, but the meaning of state financial losses can be found in other laws. As in the provisions of Article 1 number 1 of Law Number 17 of 2003 concerning State Finance (State Finance Law), state finances are defined as all state rights and responsibilities that can be assessed in monetary terms and all forms of assets, both in the form of money and goods, that can become state ownership related to the implementation of these rights and obligations.

Apart from that, there is a definition of "state loss" in the provisions of Article 1 point 22 of Law Number 1 of 2004 concerning the State Treasury (National Treasury Act), which explains that State/Regional Losses are deficits in the form of cash, financial instruments, and goods, the amount of which can be clearly and identified as the result of unlawful actions whether intentional or due to negligence. From this explanation, it can be understood that state financial losses mean a reduction in assets belonging to the state, both in the form of money and goods, resulting from unlawful actions, whether intentional or negligent.

3.2 Prosecutor of the Republic Of Indonesia

The Prosecutor's Office is a non-departmental institution, which means it is not under any ministry. As an institution with the authority to uphold law and justice, the Prosecutor's Office is led by the Attorney General, who is elected and responsible to the President. In the criminal justice system, prosecutors play the role of law enforcement officers by carrying out their functions with authority as a public prosecutor, implementing court decisions, and other authorities regulated in the

prosecutor's law in the corridor as law enforcement officers. In Article 30, paragraph (1) of the Prosecutor's Law, the duties and authorities of prosecutors in the criminal field are stated, including:

a. Carrying out prosecution;
b. Implementing judge's decisions and court decisions that have obtained permanent legal force;
c. Supervise the implementation of conditional criminal decisions, supervised criminal decisions, and release decisions conditional;
d. Carrying out investigations into certain criminal acts based on law; and
e. Complete specific case files and, for this reason, can carry out additional examinations before being handed over to court, the implementation of which is coordinated with investigators.

Based on the understanding that corruption is a particular criminal act, it also requires special handling involving the unique role of law enforcement agencies. One law enforcement agency with the authority to investigate Corruption is the Prosecutor's Office of the Republic of Indonesia (RI Prosecutor's Office). This investigative authority is contained in the legal basis, which can be found in the provisions of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia as amended by Law Number 11 of 2021 (Prosecutor's Law) and Article 39 of the PTPK Act. A special institution was also formed, namely the Corruption Eradication Commission (Corruption Eradication Commission). Corruption Eradication Commission) consists of elements of the Indonesian Police and the Indonesian Prosecutor's Office with special duties, authority, and position to carry out investigations and prosecutions of Corruption cases as regulated in Law Number 30 of 2002 concerning the Corruption Eradication Commission, which has been most recently amended by Law Number 19 of 2019 (UU KPK) as the implementation of the provisions of Article 43 of the PTPK Law.

Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001, jo. Law Number 30 of 2002 concerning the Corruption Eradication Commission, prosecutors are given the task and authority to conduct investigations. The authority to investigate Corruption lies with the Indonesian Prosecutor's Office, as previously stated in the provisions of Article 30 paragraph (1) letter d of the Indonesian Prosecutor's Law. These provisions are clarified in the General Explanation of the Prosecutor's Law as a confirmation of the authority of the Prosecutor as Corruption Investigator, which had previously been accommodated in the PTPK Law, with the following explanation:

“The authority of the prosecutor's office to carry out investigations of certain criminal acts intended to accommodate several statutory provisions that give authority to the prosecutor's office to carry out investigations, for example Law Number 26 of 2000 concerning Human Rights Courts, Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law Number 20 of 2001, and Law Number 30 of 2002 concerning the Corruption Eradication Commission.”

Apart from being regulated in the Prosecutor's Law itself, the authority of the Indonesian Prosecutor's Office in conducting investigations into Corruption is accommodated in the PTPK Law which is regulated in Article 39 of the PTPK Law:

"Attorney General coordinates and conducts research, investigation, and prosecution of criminal acts of corruption committed jointly by persons subject to General Court and Military Court."

3.2 The Authority Of The Prosecution As A Corruption Crime Investigator In Confidential Confiscation And Confidential Property Of Suspected Corruption Crimes

In order to recover state financial losses arising as a result of Corruption, several legal instruments can be implemented. In general, the Criminal Code and the Criminal Procedure Code regulate the mechanism for "seizure" or "confiscation" of goods that are related to a criminal act, either as a result or as a means of carrying out the criminal act. Differences are found in usage term, the Criminal Code regulates "deprivation" as a type of crime or punishment, while the Criminal Procedure Code regulates confiscation as a coercive measure or action in the investigation process. Apart from that, special provisions also apply regarding the confiscation of goods suspected to be the proceeds of criminal acts, such as the proceeds of Corruption in the PTPK Law.

Basically, for criminal acts in general additional penalties can be imposed in the form of confiscation of certain items as regulated in Article 10 letter b number 2 of the Criminal Code (Lamintang & Lamintang, 1984). The types of goods that can be confiscated (or "confiscated") refer to the provisions of Article 39 of the Criminal Code which regulates the confiscation of goods resulting from (criminal acts) of crime. These provisions are still general in nature, with regulatory limitations that only apply to a convicted person, do not apply to accidents or only to violations (unless otherwise provided in the Law), and confiscated goods handed over to the Government are only goods that have been confiscated. (Santoso, 1990)

P.A.F. Lamintang explained at length that the purpose of using the term "confiscation" (or what should be interpreted as "confiscation") in Article 39 paragraph (1) of the Criminal Code is used in the context of " *vermogensstraf*" or criminal (punishment) directed at assets owned by a convict (Lamintang & Lamintang, 1984). Deprivation in context "*vermogensstraf*" is aimed at eliminating or reducing the convict's assets, where the confiscated assets must belong to the convict himself.

Confiscation is part of the investigation stage which is a series of actions by investigators to take control of objects involved in a criminal act in order to shed light on the case in court. Article 38 and Article 39 of the Criminal Procedure Code regulate the limits of investigators in carrying out confiscations. The existence of procedural legal provisions regarding confiscation limits the authority of investigators. Thus, that abuse of authority does not occur. If there is a discrepancy in the implementation of the Confiscation process, then this can be the basis for a suspect to file a pre-trial as is possible based on the provisions of Article 77 letter a whose constitutionality has been tested based on Constitutional Court Decision Number 21/PUU-XII/2014.

Special regulations regarding confiscation in the case of Corruption, the PTPK Law regulates special forms of confiscation of certain goods as one form of additional punishment which is similar to the provisions of Article 39 of the Criminal Code (Lamintang & Lamintang, 1984). All types of additional crimes that can be applied to Corruption are regulated in the provisions of Article 18 paragraph (1) of the PTPK Law, namely confiscation of goods, payment of compensation money, closure of all or part

of the company, and revocation of all or part of specific rights. Apart from that, it is further regulated in the provisions of Article 18 paragraph (2) of the PTPK Law regarding the period for fulfilling the replacement penalty in the form of payment of replacement money as regulated in Article 18 paragraph (1) letter b of the PTPK Law as well as the consequences if the convict fails to comply, namely at most within 1 (one) month after the court decision which has obtained permanent legal force. If the replacement money is not paid, the property can be confiscated by the prosecutor and auctioned to cover the replacement money. Suppose the Corruption Crime perpetrator cannot fulfill the payment of compensation money in the amount specified in the Decision. In that case, a prison sentence can be imposed as a substitute punishment as regulated in the provisions of Article 18 paragraph (1) letter c of the PTPK Law.

It can be seen that decisions play an essential role in efforts to recover state assets lost due to corruption. However, in practice, court decisions do not contribute much to the recovery of state financial losses, where the courts tend to impose only a small amount of compensation payments from the total state financial losses incurred. Apart from the disparity in the proportion of the amount of replacement money and state financial losses, a polemic that often occurs is the inability or even the inability of the convict to pay the crime of paying the replacement money (Manihuruk & Daeng, 2021). The tendency that often occurs is that the convict will hide his property so that it is not confiscated in exchange for the penalty for not paying compensation. As a result, large amounts of arrears arise in the payment of replacement money and recovery of state financial losses does not occur optimally. (Syarifah, 2015)

Often, law enforcers can only rely on Article 18 paragraph (3) of the PTPK Law to impose a prison sentence as a substitute punishment if they cannot obtain compensation from the convict. However, suppose other assets are found that originate from criminal acts of corruption but are not included in the prosecution. In that case, the State, represented by the Prosecutor's Office of the Republic of Indonesia through the State Attorney, can file a civil lawsuit under Article 38 C of the PTPK Law. This is, of course, an obstacle to returning state assets. Ultimately, law enforcers can only add prison sentences to the perpetrators without any natural recovery of state financial losses. This problem shows that a new mechanism is needed that law enforcement can use to secure the assets of Corruption perpetrators to ensure recovery of state financial losses.

They were returning to the prosecutor's authority to carry out investigations into Corruption; the authority of the Prosecutor as a Corruption Investigator is still limited to confiscating assets belonging to suspected Corruption perpetrators, which are suspected to be the proceeds of Corruption. This refers to the provisions of Article 26 of the PTPK Law, which regulates that investigative activities in Corruption Crimes continue to follow the provisions of the Criminal Procedure Code. The authority to confiscate refers back to the provisions of Article 38 and Article 39 of the Criminal Procedure Code, which can only be carried out by investigators with a permit and is carried out only on (property) objects which are the proceeds of criminal acts, in this case, Corruption Crime.

The problem is that investigative efforts are not optimal in tracing state losses committed by alleged perpetrators of Corruption Crime, which is also a significant obstacle in recovering state financial losses. The weakening of corruption evidence before the courts has also contributed to the number of suspected perpetrators being

declared acquitted. As explained previously, there are limitations to legal instruments, which in terms of recovering state financial losses for Corruption cases are the lack of strong regulations for the authority of investigators in tracing and confiscating assets belonging to suspected Corruption perpetrators (Indriana, 2018). Bearing in mind that state losses must be proven clearly and definitely, the authority of investigators in the governing laws and regulations becomes essential in order to provide a legal basis for tracing all the assets of alleged Corruption perpetrators so that proof and execution of recovery of state financial losses can be realized. (Hikmawati, 2019)

Confiscation or confiscation of assets, wealth or all property owned either directly or indirectly by an alleged perpetrator of Corruption as a mechanism the investigation process is still not well accommodated in positive law in Indonesia. According to (Atmasasmita, 2002), the need for the Asset Confiscation Bill is based on the ineffectiveness of law enforcement efforts in the Corruption Crime case in providing significant results for the State treasury (Latifah, 2016). This opinion is in line with Mudzakkir's view that the Asset Confiscation Bill will have a big impact in recovering state financial losses due to the crime of money laundering (TPPU), as long as the arrangements are carried out proportionally and fairly. The presence of the Asset Confiscation Bill is becoming increasingly urgent. Considering that there is still a lot of Corruption involving the private sector with much greater losses to the state.

An idea arises Asset Recovery which actually has the same meaning as returning state finances. Asset Recovery is the response to material losses caused by crime (not limited to Corruption) by using legal instruments (criminal and civil) (Pattimahu et al., 2024). The provision of Article 18 paragraph (1) of the PTPK Act is actually a form Asset Recovery because it is a return of state financial losses through the payment of compensation money (Siregar, 2023). However Asset Recovery is not limited to compensation in the form of money, as in the provisions of Article 18 paragraph (2) of the PTPK Law which regulates the confiscation of a number of assets belonging to the convict to meet the amount of the compensation payment. If in the process it is discovered that a number of assets resulting from other crimes have not been recovered, then a civil lawsuit is available in accordance with the provisions of Article 32, Article 33 and Article 34 of the PTPK Law. (Siregar, 2023)

Efforts to realize Asset Recovery in Corruption Crime cases are often closely related to TPPU cases. The role of the Prosecutor's Office in carrying out Asset Recovery lies in the Prosecutor's function as Corruption Crime Investigator and decision executor, even in his role as State Attorney in civil lawsuits. By considering the efforts regulated in the PTPK Law to carry out Asset Recovery through criminal and civil processes, as well as legal provisions regarding TPPU, the Prosecutor's Office can carry out Asset Recovery through steps of tracking, blocking, confiscating, confiscating and returning assets.

4. CONCLUSION

Corruption is still an enemy of state wealth. Corruption perpetrators use state assets that should be used for the benefit of the people for economic satisfaction. The Indonesian Prosecutor's Office, as a law enforcement agency, plays a role in investigating Corruption cases. The prosecutor is an investigator with the authority to confiscate or confiscate property belonging to Corruption Crime perpetrators. This confiscation aims to recover state assets lost due to corruption. The verdict is essential

in recovering state assets lost due to corruption. However, in practice, court decisions contribute little to the recovery of state financial losses, where the courts tend to impose only a small amount of compensation payments from the total state financial losses incurred. If investigated further, investigative efforts were not optimal in tracing the state losses committed by the alleged perpetrators of corruption, so the evidence before the court was weakened. The investigator's authority is essential. Meanwhile, there are limitations to the authority of investigators, as found in Article 18 of the PTPK Law. For this reason, a new mechanism is needed that law enforcement can use to secure the assets of Corruption perpetrators to ensure recovery of state financial losses. Idea Asset Recovery: The provisions in the Asset Confiscation Bill must be implemented immediately to maximize the return of lost state assets. The judiciary has a central role in international cooperation, such as Stolen Asset Recovery Initiatives (StAR), which the World Bank formed to carry out this recovery task across national borders.

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