

## **Implementation of the Authority of the Public Prosecutor in Resolving Corruption Cases Based on Restorative Justice (Case Study at the Semarang District Attorney's Office)**

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**Abstract.** *This study aims to determine, examine, and analyze the implementation of the authority of the public prosecutor in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office, obstacles and solutions for the public prosecutor in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office and the concept of implementing the authority of the public prosecutor in resolving corruption crimes based on restorative justice in the future. The approach method used in this study is Sociological juridical. The specifications of this study are descriptive analytical. The data source used is primary data. While secondary data is obtained from literature study research consisting of primary legal materials, secondary legal materials, and testier legal materials. Based on the results of the study, it can be concluded that the implementation of the authority of the public prosecutor in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office is in exercising the authority as a public prosecutor to resolve corruption cases based on the Criminal Code. Obstacles and solutions for public prosecutors in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office are that not all corruption cases meet the requirements for restorative justice, there are no specific, firm rules. However, in facing these obstacles, the Semarang District Attorney's Office uses solutions such as compiling special regulations, increasing prosecutors' understanding of the Restorative Justice mechanism specifically in serious crimes. The concept of implementing the authority of the public prosecutor in resolving corruption crimes based on restorative justice in the future is by enforcing the law on corruption crimes fairly and just substantively, not just procedural formalities.*

**Keywords:** *Authority; Corruption; Implementation; Public Prosecutor; Restorative Justice.*

## 1. Introduction

The problem of criminal acts arises along with the development of society towards the modern era because of the narrow area and unoccupied jobs thus causing more sadness and crime in society. The problem grows and develops. This crime raises the public perception that law enforcement is unable to handle the problem and is slow in responding to it. Fulfillment of its duties and public dissatisfaction with its implementation. The law is not running properly. The occurrence of criminal acts in the life of the nation and state will have consequences that anyone who violates the provisions of the laws and regulations as regulated in the Criminal Code (KUHP) or the provisions of criminal law outside the KUHP will be faced with a fundamental criminal justice process. Likewise, in its implementation, criminal law will be guided by the Criminal Procedure Code (KUHP) to complete from the investigation stage to the trial at the sentencing in accordance with the provisions of criminal law as an effort to enforce the law. Criminal acts are a term that contains a basic understanding in legal science, as a term formed with awareness in giving certain characteristics to criminal law events. Criminal acts have an abstract meaning from concrete events in the facts in the field of criminal law, so that criminal acts must be given a scientific meaning and clearly determined to be able to separate it from the terms used everyday in community life.

According to Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, the prosecutor's office is a government institution whose functions are closely related to the judicial power which exercises state power in the field of prosecution and other authorities based on the Law.<sup>1</sup> The Attorney General'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 carrying out duties and authorities in the field of investigation and prosecution of corruption and serious human rights violations cases as well as other authorities based on Constitution.<sup>2</sup> The Prosecutor's Office is also the only institution that implements criminal decisions (executive ambtenaar). In addition to playing a role in criminal cases, the Prosecutor's Office also has another role in Civil and State Administrative Law, namely being able to represent the Government in Civil and State Administrative Cases as a State Attorney. The Prosecutor as the executor of this authority is given the authority as a Public Prosecutor and to implement court decisions, and other authorities based on the Law.<sup>3</sup>

The Prosecutor's Office in carrying out its functions related to judicial power as stipulated in Article 1 number 1 of the Prosecutor's Law has a position as a government institution that exercises state power in the field of prosecution and other authorities based on the Law. Prosecution as stipulated in Article 1 number 3 of the Prosecutor's Law in conjunction with Article 1 number 7 of the Criminal Procedure Code is an action by the public prosecutor to refer a case to the competent district court in the case and according to the method stipulated in criminal procedure law with a request that it be examined and decided by a Judge in a court

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<sup>1</sup>Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, Article 1 Number (1).

<sup>2</sup> [https://id.wikipedia.org/wiki/Kejaksaan\\_Republik\\_Indonesia](https://id.wikipedia.org/wiki/Kejaksaan_Republik_Indonesia)

<sup>3</sup> <https://kejaksaan.go.id/about/info>

hearing. The prosecutor as public prosecutor also has the authority to stop the prosecution of a criminal case as stated in Article 140 Paragraph (2) letter a of the Criminal Procedure Code which stipulates that in the event that the Public Prosecutor decides to stop the prosecution because there is insufficient evidence or the incident turns out not to be a criminal act or the case is closed by law, the Public Prosecutor shall state this in a decision letter containing the results of his decision by applying the principle of restorative justice.<sup>4</sup> Restorative justice is a process of resolving criminal cases using a justice approach and the opportunity to obtain restitution for victims of criminal acts committed by the perpetrator.<sup>5</sup>

One of the roles of the public prosecutor in handling criminal cases is related to corruption. Corruption is a part of special criminal law in addition to having certain specifications that are different from general criminal law, such as deviations from procedural law and when viewed from the regulated material. Therefore, corruption directly or indirectly is intended to minimize leakage and deviations from the state's finances and economy.<sup>6</sup> Indonesia Corruption Watch (ICW) noted that Central Java (Jateng) was ranked third for corruption cases on the island of Java, where in 2023 there were 47 corruption cases recorded.<sup>7</sup> Legal facts in the Semarang area, especially in 2025, there are several cases related to corruption, for example, the Semarang District Attorney's Office has named 2 employees of a state-owned bank as suspects in a corruption case of billions of rupiah in a corruption case of alleged irregularities and abuse of authority in providing credit to a state-owned bank in 2021-2023. The two suspects are RCS and KFA, who are employees of the bank concerned. They are suspected of committing irregularities and abuse in providing People's Business Credit (KUR) and Rural General Credit (Kupedes) to 71 and 91 debtors respectively, with a total loss of IDR 3,554,776,267.

## 2. Research Methods

The method in the research and preparation of this thesis is to use the sociological legal method. Bambang Sunggono explained that empirical legal research is also known as non-doctrinal legal research because this research is in the form of an approach by seeking information through direct interviews with informants empirically first and then continuing by conducting secondary data research found in literature studies through theoretical steps.<sup>8</sup>

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<sup>4</sup>Ilham Saputra Machmud, et al., The Effectiveness of the Restorative Justice Concept in Handling Abuse Cases by the Bone Bolango District Attorney's Office, Judge: Journal of Law and Social Sciences, Stekom Journal, Vol. 2, No. 1 February 2024.

<sup>5</sup>Muhammad Alvin Nasir, Nbaila Maharani, and Aisyah Zafira, The Urgency of Establishing a Restorative Justice Law in the Framework of Justice Reform and Legal Certainty in Indonesia, Sapientia Et Virtus, UKDC Journal, Vol. 9, No. 1, 2024.

<sup>6</sup>Irfani, Corruption as an Extraordinary Crime, AlAdl, Vol IX, No. 3, December 2017.

<sup>7</sup>Good States, <https://data.goodstats.id/statistic/10-provinces-with-the-most-corruption-cases-in-indonesia-2023-pwcXI>, accessed April 15, 2025.

<sup>8</sup> Bambang Sunggono, Legal Research Methods, (Jakarta: PT. Raja Grafindo Persada, 2007), p.81.

### 3. Results and Discussion

#### 3.1. Implementation of the Authority of the Public Prosecutor in Resolving Corruption Crimes Based on Restorative Justice at the Semarang District Attorney's Office

Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, was born from the awareness that criminal acts of corruption are very detrimental to the state and even the state economy and hinder national development as the state's goal, so it must be eradicated in order to realize a just and prosperous society based on Pancasila and the 1945 Constitution, as a result of criminal acts of corruption that have occurred so far, in addition to causing losses to state finances, they have also become obstacles to the continuity of national development that has a high level of efficiency and effectiveness.

Furthermore, Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption was enacted through the consideration that criminal acts of corruption that have occurred widely, not only harm the state's financial sector but also paralyze the state economy so that its eradication must be carried out more extraordinarily considering that criminal acts of corruption are also extraordinary crimes.

The Attorney General's Office of the Republic of Indonesia as a government institution that exercises state power in the field of prosecution must be able to realize legal certainty, legal order, justice, and truth based on law and respect religious norms, decency, and morality, and must explore the values of humanity, law, and justice that live in society. In terms of restorative justice, the public prosecutor who is the prosecutor is given the authority by law to carry out prosecution and implement the judge's decision.

According to Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, the prosecutor's office is a government institution whose functions are closely related to the judicial power which exercises state power in the field of prosecution and other authorities based on the Law.<sup>9</sup>The Attorney General'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 carrying out duties and authorities in the field of investigation and prosecution of corruption and serious human rights violations cases as well as other authorities based on Constitution.<sup>10</sup>

The Prosecutor's Office is also the only institution that implements criminal decisions (executive ambtenaar). In addition to playing a role in criminal cases, the Prosecutor's Office also has another role in Civil and State Administrative Law, namely being able to represent the Government in Civil and State Administrative Cases as a State Attorney. The Prosecutor

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<sup>9</sup>Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, Article 1 Number (1).

<sup>10</sup> [https://id.wikipedia.org/wiki/Kejaksaan\\_Republik\\_Indonesia](https://id.wikipedia.org/wiki/Kejaksaan_Republik_Indonesia), accessed on May 5, 2025

as the executor of this authority is given the authority as a Public Prosecutor and to implement court decisions, and other authorities based on the Law.<sup>11</sup>

The Prosecutor's Office in carrying out its functions related to judicial power as stipulated in Article 1 number 1 of the Prosecutor's Law has a position as a government institution that exercises state power in the field of prosecution and other authorities based on the Law. Prosecution as stipulated in Article 1 number 3 of the Prosecutor's Law in conjunction with Article 1 number 7 of the Criminal Procedure Code is an action by the public prosecutor to refer a case to the competent district court in the case and according to the method stipulated in criminal procedure law with a request that it be examined and decided by a Judge in a court hearing.

The role of the Prosecutor's Office includes elements of prevention and elements of law enforcement in the criminal field as well as State Attorneys in Civil and State Administrative matters. Preventive aspects include increasing public legal awareness, securing law enforcement policies, controlling the circulation of printed materials, supervising religious beliefs, preventing abuse and/or blasphemy, legal research and development and criminal statistics. Repressive aspects carry out prosecutions in criminal cases, implement judges' decisions and court decisions, supervise the implementation of parole decisions, and complete certain case documents originating from Police Investigators or Civil Servant Investigators (PPNS).<sup>12</sup>

The Public Prosecutor (JPU) is an official or civil servant who has the responsibility to file criminal cases and represent the public interest in the trial process in court. The main responsibility of the Public Prosecutor is to investigate, prosecute, and supervise criminal cases in order to achieve justice and uphold the law.<sup>13</sup>

A prosecutor is a functional official who has the authority based on the law to act as a public prosecutor and implement court decisions that have permanent legal force and other powers in accordance with the law. A Public Prosecutor is a prosecutor who is given the authority by this law to prosecute and implement the judge's decision. Prosecution is a step taken by a public prosecutor to submit a case to a district court that has the authority, in accordance with the provisions of the Criminal Procedure Code, with a request to be examined and decided by a judge at trial.<sup>14</sup>

Details of the prosecutorial duties carried out by prosecutors can be found in the Criminal Procedure Code (KUHP). The KUHP distinguishes between the concepts of prosecutor and public prosecutor. According to Article 1 point 6 of the KUHP:

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<sup>11</sup> <https://kejaksaan.go.id/about/info>, accessed on May 5, 2025

<sup>12</sup> Adang Yesmil Anwar, loc.it.

<sup>13</sup> <https://fahum.umsu.ac.id/info/syarat-dan-tugas-utama-jaksa-penuntut-umum/>, accessed on May 5, 2025

<sup>14</sup> <https://news.detik.com/berita/d-6355488/tugas-jaksa-penuntut-umum-penjelasan-dan-wewenangnnya>, accessed May 5, 2025



- 1) A prosecutor is an official who is authorized by this law to act as a public prosecutor and to implement court decisions that have permanent legal force.
- 2) The public prosecutor is a prosecutor who is authorized by this law to carry out prosecutions and implement judges' decisions.
- 3) Considering the formulation of the prosecutor and public prosecutor, it can be formulated that the definition of prosecutor concerns the position while public prosecutor concerns the function.

The prosecutor as public prosecutor also has the authority to stop the prosecution of a criminal case as stated in Article 140 Paragraph (2) letter a of the Criminal Procedure Code which stipulates that in the event that the Public Prosecutor decides to stop the prosecution because there is insufficient evidence or the incident turns out not to be a criminal act or the case is closed by law, the Public Prosecutor shall state this in a decision letter containing the results of his decision by applying the principle of restorative justice.<sup>15</sup> Restorative justice is a process of resolving criminal cases using a justice approach and the opportunity to obtain restitution for victims of criminal acts committed by the perpetrator.<sup>16</sup>

*The commencement of the implementation of the authority of the Police and the Prosecutor's Office as the initial entry point for the law enforcement process. It can be said that the control of these two institutions will greatly influence the ongoing law enforcement process, there is even an opinion that states that the procedures that have been going on divide the enforcement task into two separate systems, namely investigation (criminal investigation) and prosecution (legal process) as the most crucial elements in the implementation of the law are designed to be carried out by different subsystems. Investigation is the main role of the Police subsystem, while prosecution fully functions as a subsystem of the Prosecutor's Office.<sup>17</sup>*

*In carrying out their duties and authorities, prosecutors must be able to present legal certainty, legal order, justice and truth based on regulations and pay attention to religious norms, politeness and morality and need to explore the values of humanity, law, and justice that live in the community. Prosecutors must also be able to fully participate in the process. Development also contributes to creating conditions and facilities that support and ensure the implementation of development in order to achieve a just and prosperous society based on Pancasila and has an obligation to participate in preserving and upholding the authority of the government and the state and protecting the interests of the community through the implementation of the law.*

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<sup>15</sup>Ilham Saputra Machmud, et al., The Effectiveness of the Restorative Justice Concept in Handling Abuse Cases by the Bone Bolango District Attorney's Office, Judge: Journal of Law and Social Sciences, Stekom Journal, Vol. 2, No. 1 February 2024.

<sup>16</sup>Muhammad Alvin Nasir, Nbaila Maharani, and Aisyah Zafira, The Urgency of Establishing a Restorative Justice Law in the Framework of Justice Reform and Legal Certainty in Indonesia, Sapientia Et Virtus, UKDC Journal, Vol. 9, No. 1, 2024.

<sup>17</sup>Gita Santika, (2021). The Role of the Prosecutor's Office in Realizing Restorative Justice as an Effort to Combat Crime, PROGRESIF: Journal of Law, Vol.XVI No.1 June, p.81

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In accordance with applicable provisions, the duties of the Public Prosecutor are related to the prosecution process in criminal law cases. According to the Criminal Procedure Code (KUHP), the following are the duties of the Public Prosecutor:

- a) Carrying out prosecution against anyone accused of committing a crime in its jurisdiction by submitting the case to a court with the authority to decide.
- b) Receive or obtain comprehensive investigation results from investigators and assess whether the case files meet the requirements to be transferred to the court or not.
- c) Combining several cases and compiling them into one indictment file.
- d) Obtain a case document containing a number of specific crimes.
- e) Revising the indictment aims to improve or not continue the prosecution process.<sup>18</sup>

In carrying out its duties and authorities, in accordance with Article 33 of Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia as an amendment to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Office fosters cooperative and communication relations with law enforcement agencies and other agencies, law enforcement agencies from other countries, and international institutions or organizations.<sup>19</sup>

The Prosecutor's Office can provide legal advice to the President and other government agencies.<sup>20</sup>In the interests of law enforcement, the Prosecutor and/or Public Prosecutor in carrying out their duties and authorities may act according to their judgment while taking into account the provisions of laws and regulations and codes of ethics.<sup>21</sup>

The Public Prosecutor's task is to prosecute and implement the judge's decision. As also stated in Article 13 of the Criminal Procedure Code, the public prosecutor is a prosecutor who is authorized by this law to prosecute and implement the judge's decision.<sup>22</sup>

In carrying out his duties, the Public Prosecutor has the authority as stated in Article 14 of the Criminal Procedure Code, namely:

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<sup>18</sup><https://news.detik.com/berita/d-6355488/tugas-jaksa-penuntut-umum-penjelasan-dan-wewenangny>, accessed May 5, 2025.

<sup>19</sup>Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, Article 33.

<sup>20</sup>Ibid, Article 34.

<sup>21</sup>Ibid, Article 34 A.

<sup>22</sup>Joshua DW Huttapea, Op.Cit.

- a. Receive and examine investigative case files from investigators or assistant investigators.
- b. Conducting pre-prosecution if there are deficiencies in the investigation by paying attention to the provisions of Article 110 paragraph (3) and paragraph (4), by providing instructions for improving the investigation by the investigator.
- c. Granting extension of detention, carrying out detention or further detention, changing the status of the detainee after the case has been transferred by the investigator and suspending the application.
- d. Making an indictment.
- e. Submit the case to court.
- f. Submitting notification to the defendant regarding the provisions of the day and time the case will be tried, accompanied by a summons, both to the defendant and to witnesses, to attend the scheduled hearing.
- g. Conducting prosecution.
- h. Closing the case for legal purposes.
- i. Carry out other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of this law.
- j. Carrying out the judge's decision.<sup>23</sup>

One of the roles of the public prosecutor in handling criminal cases is related to corruption. Corruption is a part of special criminal law in addition to having certain specifications that are different from general criminal law, such as deviations from procedural law and when viewed from the regulated material. Therefore, corruption directly or indirectly is intended to minimize leakage and deviations from the state's finances and economy.<sup>24</sup>

In carrying out his duties, the Public Prosecutor has the authority as stated in Article 14 of the Criminal Procedure Code, namely:

- 1) Receive and examine investigative case files from investigators or assistant investigators.
- 2) Conducting pre-prosecution if there are deficiencies in the investigation by paying attention to the provisions of Article 110 paragraph (3) and paragraph (4), by providing instructions for improving the investigation by the investigator.

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<sup>23</sup>Billy Lanongbuka, Olga A. Pangkreggo and Christine S. Tooy, The Authority of Public Prosecutors to Prosecute Corruption Crimes, *Lex Crimen*, vol. ix, No.4, Oct-Dec 2020.

<sup>24</sup>Irfani, Corruption as an Extraordinary Crime, *AlAdl*, Vol IX, No. 3, December 2017.



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- 3) Granting extension of detention, carrying out detention or further detention, changing the status of the detainee after the case has been transferred by the investigator and suspending the application.
- 4) Making an indictment.
- 5) Submit the case to court.
- 6) Submitting notification to the defendant regarding the provisions of the day and time the case will be tried, accompanied by a summons, both to the defendant and to witnesses, to attend the scheduled hearing.
- 7) Conducting prosecution.
- 8) Closing the case for legal purposes.
- 9) Carry out other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of this law.
- 10) Carrying out the judge's decision.

The handling of corruption crimes carried out by the prosecutor's office in the field is less exposed by the general public, making the general public often still not understand the authority of the prosecutor to conduct investigations, in addition to its main task of prosecuting. Many problems often arise regarding the authority of the prosecutor with other institutions that handle corruption problems or internally within the prosecutor's office.

Based on the results of the interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, corruption is an act of abuse of authority carried out by officials or state agencies in order to achieve personal gain, other people, or a corporation.<sup>25</sup>

The high rate of corruption in the jurisdiction of the Semarang District Attorney's Office is caused by several factors that are the root of the problem of corruption, including individual behavior, which when viewed from the perspective of the perpetrator of corruption, because the perpetrator of corruption carries out acts of corruption can arise from internal motivation in the form of hope or desire and carry it out with full attention. A person is driven to carry out corruption, including due to the individual's greedy nature, excessive lifestyle, lack of religion, lack of moral strength in facing the temptation of corruption, and lack of ethics in office positions.<sup>26</sup>

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<sup>25</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

<sup>26</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

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Mr. Agus Sunaryo, SH, MH as the Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, also said that the issue of corruption generally comes from the family. Generally, it occurs due to pressure from the wife or really excessive personal desires. The factor that makes his position sit as a place to fulfill the interests of the individual family. The family must function as a shield against acts of corruption, However, sometimes the factors that cause corruption actually come from a family. Therefore, the family basically has responsibility for corrupt behavior carried out by his wife or the head of the family.<sup>27</sup>

In addition, corruption is a crime committed by intellectuals. Ordinary officials who are involved in corruption are individuals with high levels of education. Corruption can also come from the attitude of working with the view that everything that is done must be able to produce money. Usually what is in their mind before doing work is whether they will get profit or not, profit or loss and so on.

Mr. Agus Sunaryo, SH, MH as the Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, also said that corruption will easily arise due to regulations and regulations having shortcomings, which include sanctions that are not severe enough, supervisory factors and political factors such as irregular and arbitrary application of sanctions, limitations in the revision and evaluation sector of legislation. To address these shortcomings in the review and assessment sector, the government encourages legislators to first assess the effectiveness of existing regulations before new regulations are formed.<sup>28</sup>

In general, the authority of the public prosecutor according to the Criminal Procedure Code can be inventoried as follows:<sup>29</sup>

- a. receive notification from investigators in the event that investigators have begun to conduct an investigation into an incident which constitutes a criminal act (Article 109 paragraph (1) of the Criminal Procedure Code) and notification from both investigators and civil servant investigators as referred to in Article 6 paragraph (1) letter b of the Criminal Procedure Code regarding the investigation being stopped by law;
- b. receive case files from investigators in the first and second stages as referred to in Article 8 paragraph (3) letters a and b of the Criminal Procedure Code. In the case of a Short Examination Procedure, receive case files directly from assistant investigators (Article 12 of the Criminal Procedure Code);
- c. conduct pre-prosecution (Article 14 letter b of the Criminal Procedure Code) by paying attention to the material provisions of Article 110 paragraph (3), (4) of the Criminal Procedure Code and Article 138 paragraph (1) and (2) of the Criminal Procedure Code;

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<sup>27</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

<sup>28</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

<sup>29</sup>HMA Kuffal, Application of the Criminal Procedure Code in Legal Practice, (Malang: UMM, 2004), p. 216.

- d. granting an extension of detention (Article 24 paragraph (2) of the Criminal Procedure Code), carrying out detention and further detention (Article 20 paragraph (2) of the Criminal Procedure Code, Article 21 paragraph (2) of the Criminal Procedure Code, Article 25 of the Criminal Procedure Code from Article 29 of the Criminal Procedure Code); carrying out house arrest (Article 22 paragraph (2) of the Criminal Procedure Code); city arrest (Article 22 paragraph (3) of the Criminal Procedure Code), and changing the type of detention (Article 23 of the Criminal Procedure Code);
- e. at the request of the suspect or defendant, a suspension of detention may be issued and the suspension of detention may be revoked if the suspect or defendant violates the specified conditions (Article 131 of the Criminal Procedure Code);
- f. holding an auction sale of confiscated objects which are easily damaged or dangerous because they cannot be stored until the court decision on the case has permanent legal force, or securing them in the presence of the suspect or his attorney (Article 45 paragraph (1) of the Criminal Procedure Code);
- g. prohibiting or reducing the freedom of relations between legal counsel and suspects as a result of abuse of their rights (Article 70 paragraph (4) of the Criminal Procedure Code); supervising relations between legal counsel and suspects without hearing the contents of the conversation (Article 71 paragraph (1) of the Criminal Procedure Code) and in the case of crimes against state security, being able to hear the contents of the conversation (Article 71 paragraph (2) of the Criminal Procedure Code). Reducing the freedom of relations between legal counsel and suspects is prohibited if the case has been referred by the public prosecutor to the district court for trial (Article 74 of the Criminal Procedure Code);
- h. requesting a pretrial motion to the Head of the District Court to examine the legality or otherwise of a termination of investigation by an investigator (Article 80 of the Criminal Procedure Code). The purpose of Article 80 is to uphold the law, justice and truth through horizontal supervision.
- i. In cases of consistency, because the criminal case must be attended by a court in the general judicial environment, the public prosecutor receives the transfer of the case from the military prosecutor and then uses this as a basis for submitting the case to the competent court (Article 91 paragraph (1) of the Criminal Procedure Code);
- j. Determining whether the case file meets the requirements or not to be submitted to the court (Article 139 of the Criminal Procedure Code).
- k. Carrying out other actions within the scope of duties and responsibilities as a public prosecutor (Article 14 letter f of the Criminal Procedure Code).

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- l. If the public prosecutor is of the opinion that the results of the investigation can lead to prosecution, he must make an indictment as soon as possible (Article 140 paragraph (1) of the Criminal Procedure Code).
- m. Making a letter of determination to stop prosecution (Article 140 paragraph (2) letter a of the Criminal Procedure Code) due to insufficient evidence is not a criminal act and the case is closed by law.
- n. Continuing the prosecution of a suspect whose prosecution was stopped due to new reasons (Article 140 (2) letter d of the Criminal Procedure Code).
- o. Enforcing the consolidation of cases and their creation in one indictment (Article 141 of the Criminal Procedure Code).
- p. Conducting a splitting of the prosecution (splitting) of one case file which involves several criminal acts committed by several suspects (Article 143 (1) of the Criminal Procedure Code).
- q. Referring the case to court accompanied by an indictment (Article 143 (1) of the Criminal Procedure Code)
- r. Making an indictment (Article 143 (1) of the Criminal Procedure Code)
- s. To perfect or not the prosecution, the public prosecutor and change the indictment before the court determines the trial date or no later than seven days before the trial begins (Article 144 of the Criminal Procedure Code).

Legal facts in the Semarang area, especially in 2025, there are several cases related to corruption, for example, the Semarang District Attorney's Office has named 2 employees of a state-owned bank as suspects in a corruption case of billions of rupiah in a corruption case of alleged irregularities and abuse of authority in providing credit to a state-owned bank in 2021-2023. The two suspects are RCS and KFA, who are employees of the bank concerned. They are suspected of committing irregularities and abuse in providing People's Business Credit (KUR) and Rural General Credit (Kupedes) to 71 and 91 debtors respectively, with a total loss of IDR 3,554,776,267.

Mr. Agus Sunaryo, SH, MH as the Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, said that the example of the corruption case resolved by the Semarang District Attorney's Office was one of the corruption cases that caused huge state losses, namely with a total loss of around 2.3 billion and 1.58 billion which was carried out by means of irregularities in providing credit to 71 and 91 debtors, but in this case the legal process is still ongoing which is at the investigation or trial stage. In exercising the

authority as a public prosecutor to resolve corruption cases, it is guided by the Criminal Code, which in essence has several authorities, namely:<sup>30</sup>

- 1) Conducting prosecution,
- 2) Carrying out judges' decisions and court decisions that have obtained permanent legal force,
- 3) Carrying out supervision of the implementation of conditional criminal decisions, supervised criminal decisions, and conditional release decisions,
- 4) Conducting investigations into certain criminal acts based on the law,
- 5) Complete certain case files and for that purpose can carry out additional examinations before being transferred to the court, the implementation of which is coordinated with the investigator.

Based on the results of the interview with Mr. Agus Sunaryo, SH, MH as the Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, he said that in prosecuting criminal cases, the public prosecutor could apply the concept of restorative justice, as restorative justice is a way to improve the relationship between the victim and the perpetrator where there is a balance in it. Restorative justice is a process of resolving criminal cases using a justice approach and the opportunity to obtain recovery for victims due to criminal acts committed by the perpetrator. The criminal justice system in Indonesia often ignores the rights of victims who suffer and are harmed.<sup>31</sup>

Justice in restorative justice requires that there be an effort to restore the losses caused by a criminal act, and the perpetrator in this case is given the opportunity to be involved in the restoration efforts, with the aim of maintaining public order and maintaining just peace.

The existence of the restorative justice process as an alternative to resolving criminal cases is largely determined by the awareness and knowledge of the community itself, including law enforcement officers. The understanding of justice that only prioritizes the application of rules, proves the guilt of the perpetrator. Justice is the right of the state to impose sanctions on its citizens who have violated the rules in this case the perpetrators of crimes. Detention and/or rehabilitation are very popular factors in it, the attention of the justice itself is dominated by the interests of the perpetrators, society and the state.<sup>32</sup>

According to Eva Achjani Zulfa, the purpose of implementing restorative justice is twofold, namely the main purpose of implementing restorative justice is to open access for the victim

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<sup>30</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

<sup>31</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

<sup>32</sup>Ibid.

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to become one of the parties in determining the final resolution of the crime. Another purpose expected from restorative justice is the sincerity of the perpetrator to take responsibility for the crime he committed which harmed the victim.<sup>33</sup>

Based on the results of the interview with Mr. Agus Sunaryo, SH, MH as the Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, the implementation of restorative justice must meet formal and material requirements. Here are some of the requirements for implementing the restorative justice system, including the following:<sup>34</sup>

- 1) The willingness of all parties, where the parties referred to in restorative justice are the perpetrators of the crime, victims who are harmed by a criminal act, and the community if relevant to the crime that occurred must have the availability to contribute to the implementation of restorative justice consciously and voluntarily seeking solutions.
- 2) A sense of security and non-coercion, where in its implementation there must be no element of coercion against all parties, including victims, perpetrators and related parties.
- 3) A fair and transparent procedure, with conditions like this, the parties will have the right to express their opinions according to their views regarding the criminal incident that occurred.
- 4) Trained mentors, which are carried out by restorative justice implementation facilitators, namely people who have undergone training and have special skills in implementing restorative justice so that its implementation will run properly.
- 5) Focus on accountability and recovery, because the initial goal of Restorative Justice is to encourage perpetrators to take responsibility for their actions and to work towards the recovery of victims who are affected by these actions.
- 6) Protection of victim's rights, in the restorative justice process there are victim's rights that must be fulfilled, respected and protected.
- 7) In handling certain cases, the application of restorative justice is more suitable for cases that are classified as lighter.
- 8) Cooperation with the conventional criminal justice system.

Not only that, Termination at the level of investigation or prosecution in corruption cases because of returning state financial losses is an inappropriate reason, because if based on Article 4 of the Corruption Eradication Law as the legal basis for not being allowed to apply restorative justice in corruption cases. In fact, by reminding by applying restorative justice in

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<sup>33</sup> Eva Achjani Zulfa, *Shifting the Paradigm of Criminalization*, (Bandung: Lubuk Agung, 2011), p. 75

<sup>34</sup> Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.



resolving corruption cases, it encourages everyone to have the opportunity to practice corruption. The impact is, everyone tends to dare to commit corruption, because the sanctions can be punished with restorative justice.<sup>35</sup>

Impimplementation of the authority of the public prosecutor in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office when linked to the theory of legal effectiveness, means discussing the effectiveness of law in regulating and/or enforcing compliance with the law. A law can be said to be efficient and effective if the determinants of its influence in the law can work as well as possible. Soerjono Soekanto poured out the theory of legal effectiveness by using several dimensions of aspects that will enforce the law with five factors, namely as follows:

- 1) The legal factor itself, in this case the implementation of the prosecutor's authority in resolving corruption crimes at the Semarang District Attorney's Office is guided by the Criminal Code, both the authority to prosecute, implement judges' determinations and court decisions that have obtained permanent legal force, carry out supervision of the implementation of conditional criminal decisions, supervisory criminal decisions, and conditional release decisions, conduct investigations into certain crimes based on the law, and complete certain case files and for that can conduct additional examinations before being transferred to the court which in its implementation is coordinated with investigators. Thus, the implementation of the authority of the public prosecutor in resolving corruption crimes at the Semarang District Attorney's Office has been in line with applicable laws or provisions.
- 2) Law enforcement factors, namely the parties that form or implement the law. In this case, the prosecutor's office as one of the law enforcement officers who resolve corruption cases, especially in the Semarang District Attorney's Office, has been in line with the law enforcement factor which exercises its authority in accordance with the mandate of existing regulations to the maximum.
- 3) Factors of facilities and infrastructure that support law enforcement, in this case the facilities and infrastructure to support the role of the police in enforcing the law against criminal acts of corruption, especially in the Semarang District Attorney's Office, are supported by adequate facilities and infrastructure.
- 4) Community factors, namely the environment where the law applies or will be applied. In this case, the community also determines the role of the community, for example, being willing to report to the police which can later be transferred to the prosecutor's office if the evidence and others are sufficient when seeing the incident of corruption will be very helpful in the law enforcement process. This shows that the community cares about the law enforcement process against corruption in terms of helping the role of law enforcement officers, which indirectly is the prosecutor's office.

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<sup>35</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

- 5) Cultural factors, namely as a result of work, creativity and feeling that will be based on the existence of human will in social life. In some cultures, criminal acts of corruption can be seen as an ordinary form. However, the culture of society in the jurisdiction of the Semarang District Attorney's Office, corruption can create a stigma that is involved in corruption as a form of extraordinary crime.

### **3.2. Obstacles and Solutions of Public Prosecutors in Resolving Corruption Crimes Based on Restorative Justice at the Semarang District Attorney's Office**

The crime of corruption is an extraordinary crime that has a more complex complexity compared to conventional crimes or even other special crimes.<sup>36</sup> Corruption is an extraordinary crime because corruption is a crime that greatly affects each sector of a country's life and society, the impact of which is also extraordinary because it has continuity with the country's economy.

Corruption is a crime that must be eradicated in an extraordinary way, because corruption has caused misery to the people, hindering all development, both physical and non-physical development. Basically, one of the triggering factors for someone to commit corruption is greed and what is pursued by perpetrators of corruption is wealth, and in fact perpetrators of corruption are afraid of poverty.<sup>37</sup>

Corruption cases that continue to increase with the potential for state financial losses reaching trillions of rupiah are increasingly sad. Based on the report on the results of monitoring corruption trends in 2023 by Indonesia Corruption Watch (ICW), there was a significant increase in corruption cases compared to the previous year, even to this day which continues to increase.<sup>38</sup> In 2023, the Central Statistics Agency (BPS) released the 2023 Indonesian Anti-Corruption Behavior Index (IPAK) which was 3.92% on a scale of 0 to 5.<sup>39</sup>

Not only that, the amount of losses suffered by the country is in line with the increase in Indonesia's Corruption Perception Index (CPI) in early 2023. Indonesia's CPI, which was initially 38, plummeted to 34 and also became a country with a ranking of 110 most corrupt out of 180 countries. Even according to records issued by Transparency International Indonesia (TII) which shows that Indonesia is currently in the third position of the most corrupt countries in the world.<sup>40</sup>

The prosecutor as public prosecutor also has the authority to stop the prosecution of a criminal case as stated in Article 140 Paragraph (2) letter a of the Criminal Procedure Code

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<sup>36</sup> Irfani, 2018, Op.Cit

<sup>37</sup> Temmy Hastian, 2016, Pros and Cons of Impoverishment Sanctions for Corruptors in Indonesia, NESTOR Journal Magister Hukum, Vol. 1, No. 1.

<sup>38</sup> <https://www.kompas.id/baca/polhuk/2024/05/19/korupsi-meningkat-ruu-perampasan-aset-semakin-urgen>, accessed on May 5, 2025 at 09.00 WIB.

<sup>39</sup> Haris Fadhil, November 6, 2023 "BPS Data: Anti-Corruption Behavior Index 2023 Lower Than 2022," DetikNews, accessed on May 5, 2025 at 09.13 WIB.

<sup>40</sup> <https://uinsa.ac.id/blog/urgensi-ruu-perampasan-aset-strategi-baru-dalam-pemberantasan-korupsi-menuju-sistem-hukum-yang-lebih-fair>, accessed on May 5, 2025

which stipulates that in the event that the Public Prosecutor decides to stop the prosecution because there is insufficient evidence or the incident turns out not to be a criminal act or the case is closed by law, the Public Prosecutor shall state this in a decision letter containing the results of his decision by applying the principle of restorative justice.<sup>41</sup> Restorative justice is a process of resolving criminal cases using a justice approach and the opportunity to obtain restitution for victims of criminal acts committed by the perpetrator.<sup>42</sup>

*The commencement of the implementation of the authority of the Police and the Prosecutor's Office as the initial entry point for the law enforcement process. It can be said that the control of these two institutions will greatly influence the ongoing law enforcement process, there is even an opinion that states that the procedures that have been going on divide the enforcement task into two separate systems, namely investigation (criminal investigation) and prosecution (legal process) as the most crucial elements in the implementation of the law are designed to be carried out by different subsystems. Investigation is the main role of the Police subsystem, while prosecution fully functions as a subsystem of the Prosecutor's Office.<sup>43</sup>*

*In carrying out their duties and authorities, prosecutors must be able to present legal certainty, legal order, justice and truth based on regulations and pay attention to religious norms, politeness and morality and need to explore the values of humanity, law, and justice that live in the community. Prosecutors must also be able to fully participate in the process. Development also contributes to creating conditions and facilities that support and ensure the implementation of development in order to achieve a just and prosperous society based on Pancasila and has an obligation to participate in preserving and upholding the authority of the government and the state and protecting the interests of the community through the implementation of the law.*

*In implementing the authority of the public prosecutor in resolving corruption crimes at the Semarang District Attorney's Office, of course there are several obstacles experienced, as based on the Interviews with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, namely as follows:<sup>44</sup>*

#### 1) Not All Corruption Cases Meet the Requirements for Restorative Justice (RJ)

Restorative Justice is generally applied to crimes between individuals (such as minor assault, petty theft), where there are victims and perpetrators who can immediately reconcile. In corruption, the main victims are the state and the people, so it is not easy to point to one concrete victim to reconcile with.

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<sup>41</sup>Ilham Saputra Machmud, Op.Cit

<sup>42</sup>Muhammad Alvin Nasir, Op.Cit

<sup>43</sup>Gita Santika, Op.

<sup>44</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

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The principle of Restorative Justice focuses on reparation of harm and repair of social relations. In cases of corruption, the harm is often large, systemic, and related to public trust in government.

The Seriousness of Corruption Crimes, Corruption is an extraordinary crime according to Indonesian law. Therefore, the approach to corruption must also be extraordinary (extraordinary measures), usually through imprisonment, not just recovery as in Restorative Justice.

Potential for Public Misperception: If corruption is resolved with Restorative Justice, the perception could arise that the state is 'making peace' with corruptors, reducing the deterrent effect and damaging the public's sense of justice.

## 2) There are no specific, firm rules yet

Not regulated in the Corruption Law, where the Corruption Eradication Law (Law No. 31 of 1999 in conjunction with Law No. 20 of 2001) does not contain a restorative justice mechanism. The focus is on imposing severe criminal penalties to provide a deterrent effect.

General Guidelines for Restorative Justice Do Not Cover Corruption, where the Attorney General's Guidelines No. 15 of 2020 concerning the Implementation of Restorative Justice only apply to certain general crimes such as minor theft, minor assault, minor fraud, and others. So corruption is not included in the list of crimes that can be resolved with Restorative Justice according to these guidelines.

Absence of Technical Mechanism, meaning there are no provisions regarding the specific conditions for corruption that can use Restorative Justice, Procedures for implementing Restorative Justice for corruption, Authorities who have the authority to approve Restorative Justice in corruption cases.

## 3) Moral and Public Challenges

The public tends to demand severe punishment for corruptors. Both demands for justice from the public who consider corruption as a serious crime that damages the welfare of the people. Suspicion of the integrity of law enforcement in this case if the prosecutor uses the authority to offer alternative solutions such as Restorative Justice or termination of prosecution, suspicions of bribery, gratification, or abuse of power can arise.

Related to the issue of public trust, where every decision of the prosecutor in a corruption case is closely monitored. The decision of non-prosecution or non-conventional settlement can reduce public trust in law enforcement institutions in this case the Prosecutor.

Pressure from the Media and NGOs continues to monitor the legal process of corruption cases, they often make harsh criticisms if there is a perceived soft policy towards corruptors. Not only that, conflicts of interest and political intervention in corruption cases involving

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political officials, prosecutors can face pressure from interested parties who want to influence the legal process.

#### 4) Complexity of Evidence and Procedure

The settlement of corruption requires long proof, not as simple as mediation between parties. Proving the elements of corruption is complicated, so that corruption is not merely an act of taking state money, prosecutors must prove all elements of the crime, proving all of that often requires complex technical documents and audits.

In many cases, direct evidence is hard to find. So prosecutors have to rely on documentary evidence, money flows, chain testimonies, and investigative audits. This makes proving corruption more difficult than conventional crimes.

Corruption cases often involve many perpetrators whose main suspects are the assisting parties, related companies, and other officials. So the prosecutor must clearly map out each role, and this prolongs the investigation and prosecution process. The long legal procedure also hampers everything from investigation, investigation, pre-prosecution, prosecution, to trial. Each stage of the procedure has the possibility of a lawsuit from the suspect.

#### 5) Political Pressure and Interests

Corruption cases often involve the authorities, so there is pressure in the settlement process. The perpetrators often come from officials or politicians whose legal processes are often not pure, but are often spiced with political interests. In some cases, superiors in the prosecutor's office can get pressure from political elites, thus influencing instructions to public prosecutors in the field.

*In the implementation of the authority of the public prosecutor in resolving corruption crimes at the Semarang District Attorney's Office, of course there are several obstacles experienced, but there are solutions to overcome them, as based on the Interviews with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, namely as follows:<sup>45</sup>*

##### 1) Preparation of Special Regulations

Making clear rules about the criteria for corruption that can be resolved with Restorative Justice with the principle of justice, for example for small losses, cooperative perpetrators and returning losses, and first-time cases (not recidivists). Clarifying standard operating procedures where all stages of investigation, inquiry, prosecution, to execution must be regulated with written SOPs. Harmonizing with other laws such as regulations on the authority of prosecutors must be in sync with the Law on Corruption Crimes, the Law on the

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<sup>45</sup>Interview with Mr. Agus Sunaryo, SH, MH as Head of the Special Crimes Section (Kasi Pidsus) of the Semarang District Attorney's Office, on May 3, 2025.

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Prosecutor's Office, the Criminal Procedure Code, the Law on the Corruption Eradication Commission, and the Law on ITE.

## 2) Education and Training of Prosecutors

Improving the understanding of prosecutors about the special RJ mechanism in serious crimes. Providing training to prosecutors who are already on routine duty to improve their skills such as corruption training, cyber crime training, money laundering training, restorative justice training, and attorney general's training on ethics and integrity. Developing special competencies such as special certification programs for example Human Rights Prosecutors, Corruption Crime Prosecutors, etc.

## 3) Process Transparency

Publication of Every Stage of Case Handling, so that the Prosecutor is required to disclose important information to the public, such as the stages of investigation and prosecution, case status (suspect, complete files, P21, stage II), court decisions and executions so as to prevent allegations of case manipulation, bribery, or behind-the-scenes games.

The implementation of the Accountability Principle also means that the prosecutor must be able to account for every decision (for example, termination of cases, charges, demands). The implementation of accountability encourages the use of clean and proportional authority. The Open Report and Supervision Mechanism will also provide a public complaint channel regarding the performance of prosecutors in corruption cases. Public reports must be processed transparently through internal supervisory institutions (such as Jamwas - Deputy Attorney General for Supervision) or external (such as the Prosecutor's Commission).

The use of Information Technology, by creating an online portal to monitor the Corruption case process in real-time. Data such as trial schedules, case status, and verdicts are available to the public without having to come to the prosecutor's office. Not only that, with the involvement of the Media and Civil Society, the prosecutor's office also routinely holds press conferences on major cases. Inviting the media and anti-corruption NGOs to monitor trials and evaluate the performance of prosecutors.

## 4) Focus on State Loss Recovery

Prioritize Returning State Money rather than Just Punishment so that in corruption cases, in addition to punishing the perpetrators, the main goal must be to return the seized state assets or money. Prosecutors must make the return of state losses (asset recovery) a priority in the case handling strategy.

Using Asset Confiscation and Confiscation Instruments by confiscating assets resulting from corruption, whether in the form of Cash, Property, Investments, Bank Accounts at home and abroad. Asset confiscation is carried out through court decisions or special mechanisms such as non-conviction based asset forfeiture.



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Optimization of Compensation Claims in Criminal Prosecutions where the prosecutor must demand additional punishment in the form of payment of compensation to the defendant, according to the amount of state losses. If the convict does not pay, his property can be auctioned to cover the losses.

#### 5) Collaboration with Other Institutions

The prosecutors collaborate with several supporting agencies for cooperation, such as PPATK (Financial Transaction Reports and Analysis Center), the Ministry of Finance (in asset auctions), the Corruption Eradication Committee (KPK) and the National Police (Polri) to trace corruptors' assets, especially those hidden abroad.

### **3.3. Concept of Implementation of Public Prosecutor's Authority in Resolving Corruption Crimes Based on Restorative Justice in the Future**

According to Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, the prosecutor's office is a government institution whose functions are closely related to the judicial power which exercises state power in the field of prosecution and other authorities based on the Law.<sup>46</sup> The Attorney General'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 carrying out duties and authorities in the field of investigation and prosecution of corruption and serious human rights violations cases as well as other authorities based on Constitution.<sup>47</sup>

The Prosecutor's Office is also the only institution that implements criminal decisions (executive ambtenaar). In addition to playing a role in criminal cases, the Prosecutor's Office also has another role in Civil and State Administrative Law, namely being able to represent the Government in Civil and State Administrative Cases as a State Attorney. The Prosecutor as the executor of this authority is given the authority as a Public Prosecutor and to implement court decisions, and other authorities based on the Law.<sup>48</sup>

The Prosecutor's Office in carrying out its functions related to judicial power as stipulated in Article 1 number 1 of the Prosecutor's Law has a position as a government institution that exercises state power in the field of prosecution and other authorities based on the Law. Prosecution as stipulated in Article 1 number 3 of the Prosecutor's Law in conjunction with Article 1 number 7 of the Criminal Procedure Code is an action by the public prosecutor to refer a case to the competent district court in the case and according to the method stipulated in criminal procedure law with a request that it be examined and decided by a Judge in a court hearing.

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<sup>46</sup>Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, Article 1 Number (1).

<sup>47</sup> [https://id.wikipedia.org/wiki/Kejaksaan\\_Republik\\_Indonesia](https://id.wikipedia.org/wiki/Kejaksaan_Republik_Indonesia), accessed on May 7, 2025

<sup>48</sup> <https://kejaksaan.go.id/about/info>, accessed May 7, 2025.

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The role of the Prosecutor's Office includes elements of prevention and elements of law enforcement in the criminal field as well as State Attorneys in Civil and State Administrative matters. Preventive aspects include increasing public legal awareness, securing law enforcement policies, controlling the circulation of printed materials, supervising religious beliefs, preventing abuse and/or blasphemy, legal research and development and criminal statistics. Repressive aspects carry out prosecutions in criminal cases, implement judges' decisions and court decisions, supervise the implementation of parole decisions, and complete certain case documents originating from Police Investigators or Civil Servant Investigators (PPNS).<sup>49</sup>

The Public Prosecutor (JPU) is an official or civil servant who has the responsibility to file criminal cases and represent the public interest in the trial process in court. The main responsibility of the Public Prosecutor is to investigate, prosecute, and supervise criminal cases in order to achieve justice and uphold the law.<sup>50</sup>

If we compare it with the authority of the Prosecutor in resolving corruption crimes in Malaysia, where the main institution that handles corruption crimes is the Malaysian Anti-Corruption Commission (SPRM) or the Malaysian Anti-Corruption Commission (MACC) for corruption investigations, the Attorney General's Chambers as an institution that prosecutes corruption cases, is represented by prosecutors called Deputy Public Prosecutors (DPPs).

The authority of the Corruption Prosecutor in Malaysia itself is the authority to Investigate and Prosecute with the SPRM tasked with investigating allegations of corruption. After the investigation is complete, the Prosecutor (DPP) at the State Attorney's Office determines whether the case is worthy of being prosecuted in court, needs to be stopped, or needs to be completed again. In Malaysia, the Corruption Prosecutor (DPP) has the authority to determine prosecution, demand severe penalties including confiscation of assets, and plays a major role in international cooperation to eradicate corruption, with strong supervision from national law and the principle of justice.

#### **4. Conclusion**

The implementation of the authority of the public prosecutor in resolving corruption cases based on restorative justice at the Semarang District Attorney's Office, namely in exercising the authority as a public prosecutor to resolve corruption cases based on the Criminal Code, such as prosecuting, implementing judges' decisions and court decisions that have obtained permanent legal force, supervising the implementation of conditional criminal decisions, supervisory criminal decisions, and conditional release decisions, and completing certain case files before being transferred to the court which in its implementation is coordinated with investigators. However, for the Semarang District Attorney's Office in resolving corruption cases not implementing the concept of restorative justice is baseless because it has violated the provisions of the Corruption Eradication Law which has expressly stated that returning money alone will not eliminate criminal prosecution because in reality corruption is not a

<sup>49</sup>Adang Yesmil Anwar, Op.Cit

<sup>50</sup><https://fahum.umsu.ac.id/info/syarat-dan-tugas-utama-jaksa-penuntut-umum/>, accessed on May 7, 2025

minor crime because it has harmed the country's finances and economy. Obstacles and solutions of public prosecutors in resolving corruption crimes based on restorative justice at the Semarang District Attorney's Office, namely not all corruption cases meet the requirements for restorative justice, there are no specific strict rules, related to the issue of public trust, where every decision of the prosecutor in a corruption case is closely monitored, resolving corruption requires long evidence, not as simple as mediation between parties and political pressure and interests. However, in facing these obstacles, the Semarang District Attorney's Office uses solutions such as compiling special regulations, increasing prosecutors' understanding of the RJ mechanism specifically in serious crimes, publishing each stage of case handling so as to prevent allegations of case engineering, bribery, or behind-the-scenes games, focusing on recovering state losses and collaborating with other institutions such as PPATK, KPK, Ministry of Finance, etc. The concept of implementing the authority of the public prosecutor in resolving corruption crimes based on restorative justice in the future is by enforcing corruption laws fairly and substantively, not just procedural formalities. Prioritizing the recovery of state losses through prosecution strategies, confiscation, and return of assets resulting from corruption. Encouraging the application of restorative justice to certain corruption crimes that meet strict criteria, for the sake of efficiency in recovering state losses. Increasing transparency, accountability, and public participation in every stage of the corruption case handling process.

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