

Investigation of Corruption Crimes in Capital Investment of West Sumbawa Regency Regional Public Company

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Abstract. *This study aims to analyze the investigation into the corruption case involving equity participation in the West Sumbawa Regency Regional Public Company (Persda) at the West Sumbawa District Attorney's Office, as well as the obstacles and solutions. This study uses a sociological juridical approach, with descriptive analytical research specifications. The data used are primary and secondary data. Data collection methods include field studies and literature studies, and the data analysis method is qualitative. The theories used in this study are the theory of justice, the theory of legal systems, and the theory of legal certainty. Based on the research results, it can be concluded thatp The investigation of the corruption crime of capital participation in West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office has been in line with the applicable laws and regulations, namely the Criminal Procedure Code, the Corruption Law and Perja Number Perja Number Per-017/A/Ja/07/2014. Obstacles in the investigation of the corruption crime of capital participation in West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office are the lengthy process of examining state losses by the PKP, limited human resources, inadequate facilities and infrastructure, especially related to the budget. The solution to overcome this is to coordinate intensively with the BPKP so that the audit report is completed immediately, request additional members from the Attorney General's Office if not fulfilled then maximize the existing members, request additional budget from the Attorney General's Office, if not fulfilled save the budget until the case is completed in court.*

Keywords: *Corruption; Capital Investment; Investigation*

1. Introduction

Indonesia, as a nation based on law, places the supremacy of law as the primary foundation for running its national and state life. This is in line with the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), which states that

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"Indonesia is a nation based on law." This affirmation of the constitutional provisions means that all aspects of social, state, and governmental life must always be based on law.¹

Law is a collection of coercive regulations that determine human behavior in society, made by official state institutions and have strict sanctions for violations.² Law as a social institution was created by humans to create order.³

Corruption is different from conventional crimes that involve street criminals, in white collar crimes it involves people who are respected in society and are usually highly educated.⁴ Corruption has become a serious threat to the Indonesian economy and has significantly damaged the country's economic system. Its impact has reached extraordinary proportions, permeating nearly every aspect of social and governmental life. Corruption has the potential to undermine the fabric of national life and rob citizens of their basic rights.⁵

The state is obliged to make efforts to combat criminal acts of corruption.⁶ As an effort to eradicate corruption, the government passed Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Corruption Law).

Law enforcement efforts against criminal acts of corruption involve enforcement agencies, namely the police, prosecutors, judicial institutions, correctional institutions, and the Corruption Eradication Commission (KPK).⁷ The initial stage in the criminal law enforcement process is an investigation, which is conducted to search for and collect evidence to identify suspects and clarify a crime. According to Article 1, number 1 of the Criminal Procedure Code (KUHP), an investigator is: is a police officer of the Republic of Indonesia or a certain civil servant who is given special authority by law to conduct investigations.

In criminal acts of corruption, investigative authority is not only carried out by the police, but also by the prosecutor's office. The Prosecutor's Office is a state organ that is given authority by law, not only as the sole holder of power over prosecution (*dominus litis*) in criminal cases, but is also given other authority to conduct investigations into certain criminal acts based on statutory regulations. This is based on the provisions of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the

¹Sri Endah Wahyuningsih, 2018, Model for Developing Criminal Law Principles in the Criminal Code Based on the Values of Belief in the One Almighty God, Fastindo, Semarang, p. 3

²Ishaq, 2012, Fundamentals of Legal Science, Sinar Grafika, Jakarta, p. 3.

³Pujiyono, 2007, Collection of Criminal Law Writings, Mandar Maju, Bandung, p. 66

⁴Doni Cakra Gumilar, Sri Endah Wahyuningsih and Jawade Hafidz, The Formulation of a Special Minimum Criminal Threat System Formulation in the Corruption Law, Law Development Journal, Volume 5 No. 1, March 2023, p. 55

⁵Syaifudin Zuhri, Enforcement of the Death Penalty for Perpetrators of Corruption Crimes in Indonesia, Ratio Legis Journal, Volume 3 No. 1, March 2024, p. 1221

⁶Alfi Nur Fata and Umar Ma'ruf, The Prosecutor's Authority In Criminal Law Enforcement With A Restorative Justice Approach, Khaira Ummah Law Journal, Vol 16, No 3, 2021, p. 1

⁷Joko Kris Sriyanto and Bambang Tri Bawono, Effectiveness of Performance of Prosecutor's Office in Preventing Corruption Crime after the Team's Disbandment, Law Development Journal, Volume 2 Issue 4, December 2020, p.610

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Republic of Indonesia as amended by Law Number 11 of 2021 (Prosecutor's Office Law), namely to carry out prosecution and investigation of certain criminal acts based on law. From a criminological perspective, criminal acts of corruption can be qualified as extraordinary crimes, so there is an urgency for the Prosecutor's Office to conduct investigations.⁸

The prosecutor's authority to conduct investigations into corruption crimes has also been strengthened in the Constitutional Court decision 28/XXI-PUU/2023 in the material review of Article 30 Paragraph (1) letter d of the Prosecutor's Office Law, Article 39 of the Corruption Law, as well as Article 44 paragraph (4) and Paragraph (5), and Article 50 of Law Number 30 of 2022 concerning the Corruption Eradication Commission (KPK Law) against the 1945 Constitution of the Republic of Indonesia submitted by Sihalolo & Co. Law Firm as attorney for Mr. M Yasin Djamaludin as the applicant. In its considerations, it states that the authority to investigate is an open legal policy, the prosecutor's authority to conduct investigations is necessary for the interests of law enforcement, especially for special crimes, the prosecutor's authority to conduct investigations is common practice in the international world, especially for crimes of gross violations of Human Rights, and the prosecutor's authority to conduct investigations does not interfere with the check and balance process.

The prosecutor's efforts in investigating corruption crimes can be seen in the various cases handled by the prosecutor's office. According to the Deputy Attorney General for Special Crimes (JAM-Pidsus) of the Attorney General's Office, during 2024, the Attorney General's Office recorded investigations into 2,316 corruption cases and prosecutions in 1,589 cases.⁹ This is the prosecutor's commitment to supporting efforts to eradicate corruption in Indonesia.

One of the corruption cases investigated by the West Sumbawa District Attorney is the corruption of capital participation in the West Sumbawa Regency Regional Public Company (Perusda). The chronology of the case began with the capital participation cooperation of the KSB Regional Public Company under the leadership of SA with CV PAM in the period 2016 - 2019. In this collaboration, the Regional Public Company deposited business capital to CV PAM with details: In 2016 a total of Rp. 650 million. The details are, first on July 18, 2016, Rp. 100 million, second on July 22, 2016, Rp. 250 million, third capital deposit on July 26, 2016, Rp. 150 million, and fourth on August 19, 2016, Rp. 150 million. In 2017, CV PAM returned capital to the KSB Regional Public Company in the amount of Rp. 150 million. However, on May 13, 2017, Perusda KSB again deposited capital participation to the company engaged in the procurement of marine and fishery equipment amounting to Rp. 400 million. On March 22, 2018, Perusda KSB again deposited capital to CV PAM amounting to Rp. 350 million. Furthermore, on March 23, 2018, it amounted to Rp. 250 million, and on June 19, 2018, capital participation was deposited amounting to Rp. 500 million. Finally, in

⁸MKRI Public Relations, The Prosecutor's Office's Authority to Conduct Corruption Investigations as a Response to Extraordinary Crimes, <https://www.mkri.id/index.php?page=web.Berita&id=19551>, accessed April 28, 2025.

⁹Attorney General's Office Information Center, A Look Back at the Performance Achievements of the Indonesian Attorney General's Office Throughout 2024, <https://www.kejaksaan.go.id/conference/news/3126/read>, accessed April 28, 2025.

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2020, Perusda KSB borrowed funds from CV PAM amounting to Rp. 100 million. So that the capital participation between Perusda and CV PAM occurred from 2016 to 2020 amounting to Rp. 2,100,000,000 (2.1 billion). Which is divided into capital participation of Rp. 2 billion and a loan of Rp. 100 million. The capital participation collaboration was conducted using an inappropriate mechanism: the capital was provided in advance to CV. PAM, while the cooperation agreement was made much later than the date the capital was provided. Furthermore, CV. PAM only fulfilled its obligation to deposit profit sharing from the collaboration to the KSB Regional Company (Persda KSB) a few times, resulting in losses of Rp 2.1 billion.

The investigation process for corruption crimes is crucial, considering that the investigation is the initial stage in the criminal justice process that will determine the prosecution and sentencing stages. Therefore, the corruption investigation process must be supported by supporting factors such as implementing regulations, case resolution management, professional human resources, and sufficient funds and facilities. In practice, not all of these supporting factors are met, due to limitations such as human resources, technical constraints, or legal challenges. This study aims to examine and analyze the investigation into the corruption crime involving equity participation in the West Sumbawa Regency Regional Public Company (Persda).

2. Research Methods

This research is a sociological-juridical study with descriptive analytical research specifications, using primary and secondary data. The data collection methods were field studies and literature reviews, while the data analysis method was qualitative analysis.

3. Results and Discussion

3.1. Investigation of Corruption Crimes in Capital Investment of West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office

Corruption is a special type of crime that requires synergy between the prosecutor's office and other related institutions to handle. Prosecutors, acting as investigators, public prosecutors, and executors in handling corruption cases, are required to fulfill their obligations within the authority stipulated in the law.¹⁰

The prosecutor's authority to conduct investigations into corruption cases has been regulated in several statutory instruments currently in force, including Article 30 paragraph (1) letter d of the Prosecutor's Office Law, which states that in the criminal field, the Prosecutor's Office has the duty and authority to conduct investigations into certain criminal acts based on the law.

The investigation of corruption crimes at the West Sumbawa District Attorney's Office is a follow-up to investigative efforts following public reports. Public reports are then reviewed and, if any unlawful acts are found, are followed up to the investigation stage by issuing an

¹⁰Fiona Kristina Laku, The Prosecutor's Authority in Handling Corruption Cases, *Lex Crimen*, Vol. X/No. 1/Jan-Mar/2021, p. 55.

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investigation warrant and requesting information from relevant parties in the case until the auditor or investigating prosecutor finds evidence of corruption that has resulted in state losses. If the investigation process is deemed complete with the discovery of at least two pieces of evidence, it will be escalated to the investigation stage, where the investigation stage is to determine or name the suspect responsible for the state losses incurred.¹¹

In the case of corruption in the capital participation of the West Sumbawa Regency Regional Public Company, the investigation began with a public report regarding the management of the capital participation of the West Sumbawa Regional Government given to the West Sumbawa Regional Public Company, then it was reviewed to find unlawful acts committed by the director of the Regional Public Company so that it was escalated to the investigation process and then escalated to the investigation stage and determined the suspects, namely the director of the Regional Public Company and a third party who was given a capital loan by the Regional Public Company without taking into account and considering the existing rules, resulting in the Regional Public Company experiencing losses and going bankrupt.¹²

To resolve the corruption case involving equity participation in the West Sumbawa Regency Regional Public Company (Persda), the investigative team collaborated with the West Nusa Tenggara (NTB) Provincial Financial and Development Supervisory Agency (BPKP) as auditors and experts in determining and calculating state losses. In this case, the investigating prosecutor wrote to the NTB Provincial BPKP to request assistance in calculating state losses to instruct its auditors to calculate state losses for the case being handled by the West Sumbawa District Attorney's Office. The NTB Provincial BPKP then issued a warrant and appointed several auditors to carry out the calculation of state losses.

Based on the case description above, it can be seen that the criminal act of corruption in capital participation in the Sumbawa Regency Regional Public Company, against the suspect is suspected of Article 2 paragraph (1) in conjunction with Article 18 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 64 paragraph (1) of the Criminal Code. The article of suspicion of the investigating prosecutor was obtained after conducting examinations of witnesses, expert witnesses and the suspect himself supported by other evidence including files related to the case and reports on the results of financial audits conducted by the BPKP.

The investigation into the criminal act of corruption involving capital investment in the West Sumbawa Regency Regional Public Company has complied with the provisions of the applicable laws and regulations, namely the Criminal Procedure Code, the Corruption Law and the Attorney General's Regulation (Perja) Number: Perja-039/A/Ja/10/2010 concerning Administrative and Technical Governance for Handling Special Criminal Cases as amended in Perja Number: Per-017/A/Ja/07/2014.

¹¹Results of an interview with Mr. Lalu Irwan Suyadi, Head of Special Crimes at the West Sumbawa District Attorney's Office, August 20, 2025.

¹²Ibid.

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After the investigation process is completed, the case file is filed. This is in accordance with the provisions of the Criminal Procedure Code and the provisions of Article 25 of Perja Number Per- 017/A/Ja/07/2014 which states that if the investigation is completed within 60 (sixty) days, then within a maximum period of 30 (thirty) days of the investigation, the Investigation Team will file the results of the investigation:

a. within a maximum of 40 (forty) working days of the investigation, the Investigation Team will send the first stage case files to the Pre-Prosecution Team (P-16); and

b. for a maximum period of 60 (sixty) days of ongoing investigation, the Investigation Team will hand over the suspect and evidence to the Prosecution Team (P-16A).

Furthermore, Article 25 paragraph (2) of Regulation Number Per-017/A/Ja/07/2014 states that if the investigation is completed within 90 days, then within a maximum period of 60 days of the investigation the Investigation Team will file the results of the investigation:

a. within a maximum of 70 (seventy) days of the investigation, the Investigation Team will send the first stage case files to the Pre-Prosecution Team (P-16); and

b. For a maximum period of 90 (ninety) days of ongoing investigation, the Investigation Team will hand over the suspect and evidence to the Prosecution Team (P-16A).

According to Article 25 paragraph (3) of Regulation Number Per- 017/A/Ja/07/2014, if the investigation is completed within 120 (one hundred and twenty) days, then within a maximum period of 90 (ninety) days of the investigation, the Investigation Team will file the results of the investigation:

a. within a maximum of 100 (one hundred) working days of the ongoing investigation, the Investigation Team will send the first stage case files to the Pre-Prosecution Team (P-16); and

b. for a maximum period of 120 (one hundred and twenty) working days of ongoing investigation, the Investigation Team will hand over the suspect and evidence to the Prosecution Team (P-16A).

Based on the provisions of the articles above, the investigation is completed after the suspect and evidence are handed over to the prosecution team. Therefore, it can be seen that the process of investigating corruption crimes at the West Sumbawa District Attorney's Office begins with the investigation stage. If evidence of corruption is found, it is escalated to the investigation stage. After the investigation process is complete, the case files, evidence, and suspect are handed over to the prosecution team. In practice, the investigation team, the prosecution team, and the person executing the criminal verdict are all the same team.

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3.2. Obstacles and Solutions in the Investigation of Corruption Crimes in Capital Investment of West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office

Based on the results of the interview with Mr. Kadek Yogi Barhaspati, it was discovered that there were several obstacles in investigating corruption crimes at the West Sumbawa Prosecutor's Office, namely:¹³

1. The length of the process of examining state losses by the Financial and Development Supervisory Agency (BPKP)

The BPKP's audit report (LHP) contains the BPKP's calculation of state financial losses. These audit results serve as crucial evidence used in the prosecutor's indictment and form the basis for judges' decisions in corruption cases. The Audit Report (LHP) from the Financial and Development Supervisory Agency (BPKP) is crucial in the investigation of corruption crimes because it serves as the primary evidence for determining state financial losses, provides a legal basis for prosecution, guarantees the defendant's right to defend themselves and ensures a fair trial. Delays in the BPKP's LHP can delay the judicial process, harming the defendant's rights.

In the corruption investigation at the West Sumbawa District Attorney's Office, one of the obstacles in the investigation of corruption crimes at the West Sumbawa District Attorney's Office was the lengthy financial audit process by the BPKP, so that the LHP was submitted late to the investigators, this made the investigation process seem long.

The solution to overcome these obstacles is to coordinate intensively with the BPKP so that the audit report can be completed immediately for the sake of legal certainty for the parties involved in the corruption case being handled.

2. Limited human resources

Based on the provisions of Article 9 of Regulation Number Perja Number Per-017/A/Ja/07/2014, the Investigation Team shall consist of at least: a. One Prosecutor as the team coordinator and also a member; and 3 (three) Prosecutors as team members. The Investigation Team appointed in an Investigation Order Letter prioritizes the Prosecutors who are members of the Investigation Team, and is issued by the Leader or a Technical Official at the level below him on behalf of the Leader by mentioning or not mentioning the name/identity of the suspect. In each Investigation Order Letter, an Investigation Administration Task Order Letter is issued by the Leader who appoints an administrative employee.

Furthermore, in Article 10 paragraph (1) of Regulation Number Per- 017/A/Ja/07/2014, the duties, obligations and authorities of the Investigation Team coordinator are:

a. Lead internal team meetings before or during investigative actions.

¹³Results of an interview with Kadek Yogi Barhaspati, as Head of the Investigation and Control Sub-Section for Special Crime Operations of the West Sumbawa District Criminal Investigation Unit, dated August 25, 2025

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- b. Carry out his/her obligations and authorities as an investigator based on the applicable Criminal Procedure Code and other laws and regulations.
- c. Direct and reprimand team members if it is known that there are actions that are not in accordance with investigative duties, and can report them verbally and/or in writing to the Deputy Attorney General for Special Crimes/Head of the High Prosecutor's Office/District Prosecutor's Office/Branch of the District Prosecutor's Office or the Technical Investigation Officer at the level below.
- d. Reporting the investigative actions that have been carried out to the Head of the Investigation Sub-Directorate/Special Crimes Assistant/Head of the District Attorney's Office/Branch of the District Attorney's Office periodically.
- e. Responsible for the implementation and results of investigative tasks in a professional and proportional manner with full wisdom.
- f. Together with members, discuss and evaluate the results of the investigation and report them in the form of an Investigation Progress Report (Lapbangdik) according to the specified time period.
- g. As a presenter in the exposé of the results of the investigation.
- h. Propose to the Leadership through the technical officials at the lower level for the addition/replacement of the Investigation Team with justifiable reasons.
- i. Carry out other tasks in his/her function as Team Coordinator.

The duties, obligations and authorities of the coordinator of the Investigation Team Members (Article 10 paragraph (1) of Regulation Number Per- 017/A/Ja/07/2014) are as follows:

- a. Carry out his/her obligations and authorities as an Investigator based on the applicable Criminal Procedure Law and other laws and regulations.
- b. Report the investigative actions that have been carried out to the Team Coordinator periodically.
- c. Participate in being responsible for carrying out investigative duties professionally and proportionally with full wisdom.
- d. Together with the Team Coordinator, discuss and evaluate the results of the investigation and report them in the form of an Investigation Progress Report (Lapbangdik) according to the specified time period.
- e. Replacing the Team Coordinator as a presenter in the exposure of the results of the investigation, if the Team Coordinator is carrying out other duties or due to an obstacle, the Deputy Attorney General for Special Crimes/Head of the High Prosecutor's Office/District Prosecutor's Office/Branch of the District Prosecutor's Office is permitted not to attend the exposure.

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f. Carry out other tasks within his/her function as a Team member.

Furthermore, according to Article 10 paragraph (3), the investigative administration officer is responsible for carrying out investigative administration tasks, and on the orders of the Coordinator and/or members of the Investigation Team:

- a. Preparing facilities and infrastructure for carrying out investigative tasks.
- b. Preparing the administration for implementing investigative actions.
- c. Assist the Investigation Team in carrying out investigative obligations and authorities.
- d. Carrying out archiving, documentation and filing of investigation results.
- e. Documentation as referred to in letter d, in the form of original documents and computer data (softcopy) by scanning each document.
- f. Carry out other duties in his/her function as an investigative administration officer.

The West Sumbawa District Attorney's Office has 30 personnel, comprising 10 prosecutors and 20 administrative staff, all of whom are structural officials. The investigation team for corruption involving equity participation in the Sumbawa Regency Regional Public Company (Persda) consists of five personnel, all five of whom are structural officials. This has resulted in less than optimal handling of corruption cases. This has resulted in slow investigations due to limited human resources.

The solution to overcome these obstacles is to request additional staff from the Attorney General's Office, but in practice, this request is difficult to fulfill. Therefore, the West Sumbawa District Attorney's Office is fully utilizing its existing staff to the fullest.

3. Inadequate facilities and infrastructure

The facilities and infrastructure for investigating corruption crimes are very important to ensure the effectiveness and efficiency of the investigation process, because they include the tools and facilities needed by investigators to collect evidence, examine witnesses, and thoroughly uncover perpetrators of corruption.

The West Sumbawa District Attorney's Office lacks adequate facilities for handling corruption cases. This is because West Sumbawa Regency is geographically located on a different island from the provincial capital of West Nusa Tenggara. Therefore, to conduct corruption trials at the Corruption Court in the provincial capital, prosecutors must travel four hours across the ocean by ferry.

Furthermore, regarding budgetary constraints, locations far from the city center will increase operational costs, such as higher transportation costs. This results in the state's budget allocated for resolving corruption cases remaining insufficient.

The solution to overcome these obstacles is to request additional funds from the Attorney General's Office, but sometimes if this is not met, public prosecutors, especially those who are trying in the provincial capital, save on the budget until the case is finished being tried.

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In the future, it is hoped that corruption investigations carried out by the prosecutor's office in the future can be more professional and have integrity, where in terms of budget and security of personnel who are handling cases are prioritized so that investigating prosecutors or investigating prosecutors can focus on handling the cases being handled.

Based on the description above, it can be seen that obstacles in investigating corruption crimes at the West Sumbawa Prosecutor's Office originate from both internal and external factors. Internal obstacles include limited personnel, human resources, and other obstacles. External obstacles stem from the BPKP's slow process in auditing state losses.

Obstacles to corruption investigations at the West Sumbawa District Attorney's Office are a hindering factor in enforcing corruption laws. This aligns with Soerjono Soekanto's law enforcement theory, which encompasses law enforcement factors as well as facilities and infrastructure. From a law enforcement perspective, investigations also coordinate with the Financial and Development Supervisory Agency (BPKP) to calculate state losses. In this regard, available human resources are very limited, slowing down the corruption investigation process. Similarly, the BPKP audit team also takes a long time to complete the Audit Report (LHP), making the investigation process appear lengthy. This is a factor hindering corruption enforcement at the investigation level.

In terms of facilities and infrastructure, the West Sumbawa Prosecutor's Office's geographical location on a different island means it must travel across the ocean to conduct trials in the provincial capital, requiring significant funding, despite the limited available budget. This can hamper the investigation of corruption cases at the West Sumbawa Prosecutor's Office.

4. Conclusion

The investigation of the corruption crime of capital participation in West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office has been in line with the applicable laws and regulations, namely the Criminal Procedure Code, the Corruption Law and Perja Number Perja Number Per-017/A/Ja/07/2014. Obstacles in the investigation of the corruption crime of capital participation in West Sumbawa Regency Regional Public Company at the West Sumbawa District Attorney's Office are the lengthy process of examining state losses by the PKP, limited human resources, inadequate facilities and infrastructure, especially related to the budget. The solution to overcome this is to coordinate intensively with the BPKP so that the audit report is completed immediately, request additional members from the Attorney General's Office if not fulfilled then maximize the existing members, request additional budget from the Attorney General's Office, if not fulfilled save the budget until the case is completed in court.

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