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The Authority of the Prosecutor in Investigations of Criminal Acts of Corruption as an Effort to Recover State Financial Losses Justice Based

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Abstract. *The research objectives in this study: 1) to study and analyze the authority of the prosecutor's office in investigating corruption crimes as an effort to return state financial losses; 2) to study and analyze the weaknesses of the prosecutor's authority in investigating corruption crimes as an effort to return state finances; 3) to study and analyze the authority of the prosecutor's office in investigating corruption crimes as an effort to return state financial losses based on justice. This study uses a normative juridical approach, with a descriptive analytical research method. The data used is secondary which will be analyzed with applicable regulations. Research problems are analyzed using the theory of authority, legal system theory and justice theory. The results of the study conclude that: 1) The authority of the prosecutor's office in investigating corruption crimes as an effort to return state financial losses, namely the authority of the Public Prosecutor in resolving the return of state financial losses is an attribution authority that comes directly from statutory regulations, especially the Corruption Law and statutory regulations regarding the Prosecutor's Office; 2) The weakness of the prosecutor's authority in investigating corruption crimes as an effort to return state finances, namely the process of returning state financial losses still has several weaknesses, especially in the stage of executing replacement money and the stage of tracking assets. Tracking and securing assets that have not been maximized since the initial stage of the investigation has an impact on the limited assets that can be executed; 3) The prosecutor's authority in investigating corruption crimes as an effort to return state financial losses based on justice, namely the implementation of returning state financial losses due to corruption crimes is carried out in several stages, namely: tracking, blocking, confiscation, confiscation, and returning state losses.*

Keywords: *Authority; Losses; Office; Prosecutor's; Restitution.*

1. Introduction

In general, the criminal justice system can be defined as a process in which several law enforcement agencies work through a mechanism that includes gradual activities starting from investigations, inquiries, prosecutions, examinations in court, and implementation of judges' decisions carried out by correctional institutions.[1]

The criminal justice system in Indonesia consists of substantive criminal law and formal criminal law. The Indonesian criminal justice system adheres to the concept that criminal cases are disputes between individuals and society (the public) and will be resolved by the state as the representative of the public.[2], meaning the state acts on behalf of the victim. The Criminal Procedure Code (KUHAP) is derived from Pancasila as the highest norm, referred to by Hans Kelsen as Grundnorm, while Nawaisky as Staatfundamentalnorm. The Criminal Procedure Code (KUHAP) serves as the legal basis for law enforcement officials such as the Police, Prosecutors, Courts, and Correctional Institutions to carry out their respective duties and authorities. This code regulates investigations, inquiries, prosecutions, adjudications, and the implementation of court decisions, which are the procedures for resolving a crime.

The Indonesian Prosecutor's Office (PKRI) is regulated by Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. As a state institution, the Prosecutor's Office of the Republic of Indonesia is headed by the Attorney General, who is appointed by and responsible to the President. In carrying out its functions, duties, and authorities, the Prosecutor's Office of the Republic of Indonesia operates independently.[3]Not only that, in terms of prosecution and other authorities, it must be able to realize legal certainty, legal order, justice and truth based on law and respect religious norms, politeness and morality, and must explore the values of humanity, law and justice that exist in society.

The principle of functional differentiation adopted in the Criminal Procedure Code has the potential to cause significant problems in the future, particularly for the Prosecutor's Office. The Prosecutor's Office, which only examines the results of investigations and is not permitted to participate directly in the investigation, could present an obstacle to the presentation of evidence in court.

The Attorney General's Office of the Republic of Indonesia or better known as the

[1]Supriyanta, 2009, Criminal Procedure Code and the Integrated Criminal Justice System. Journal of Legal Discourse VIII No. 1
[2]Pangribuan, Luhut, 2014, Criminal Procedure Law: Official Letter from an Advocate in Court, Papasa sinar Sinanti, Jakarta.
[3]Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia.

prosecutor's office based on the provisions of Article 1 number 1 of the Republic of Indonesia Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia (hereinafter referred to as the Attorney General's Law) is a state institution of government institutions whose functions are related to judicial power that carries out state power in the field of prosecution and other authorities based on the Law. However, regarding other authorities of the Attorney General's Office outside of prosecution, it is still a matter of debate in discussions and understanding among several legal scholars in Indonesia.

Restitution of state losses is a crucial issue that requires attention. Anyone who abuses their authority, position, or position is held accountable for the losses incurred by the state due to their actions while managing state finances. The procedure for restitution of state financial losses through the courts is based on civil law instruments. One of the law enforcement agencies authorized to restitution state funds resulting from corruption is the Prosecutor's Office. The Prosecutor's Office is part of the Indonesian legal system, specifically concerning law enforcement. Prosecutors are one of the law enforcement officers, along with judges, police, and advocates.

The position of the prosecutor's office in the state system can be explained by explaining the meaning of constitutional law. There are three articles in the 1945 Constitution which, although not firmly and explicitly regulate the existence of the Prosecutor's Office along with its duties and authorities, but can be interpreted historically that the drafters have known and realized the existence of the Prosecutor's Office which at that time was one with the Judiciary, namely in Article 24 of the 1945 Constitution which states that Judicial Power is carried out by a Supreme Court and other Judicial Bodies according to Law. In Article 25 of the 1945 Constitution which states that the requirements for becoming and being dismissed as a judge are determined by law. In Article 2 Paragraph (1) of Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia states that the Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as the Prosecutor's Office, is a government institution that exercises state power in the field of prosecution and other authorities based on law. Thus, the prosecutor's office is positioned as part of the government's power under the president.[4]In general criminal cases, prosecutors act as prosecutors. In corruption cases, prosecutors act as both investigators and prosecutors.

Recovering state financial losses is a key aspect of the foundation for eradicating corruption. Punishing corruptors is not the sole goal of corruption eradication.

[4]Sanusi, Lorent Pradini Imso, Implementation of Duties, Functions and Authorities of the Republic of Indonesia Prosecutor's Office in Relation to the State System in Indonesia According to Law Number 16 of 2004, Dictum: Journal of Legal Studies ISSN: 2655-3449 (E) Volume 7 No. 1 | May 2019.

State policy in eradicating corruption is not solely based on the amount of criminal penalties, but also on the need to track the money obtained by those convicted of corruption.[5]The Public Prosecutor always tries as hard as possible in the prosecution of corruption defendants so that they are charged with returning state losses through compensation as much as possible in the amount obtained by the defendant from the proceeds of corruption.[6]The actual phenomenon of the performance results of the Attorney General's Office of the Republic of Indonesia in returning state financial losses throughout 2025 which includes the achievement of Non-Tax State Revenue (PNBP) of Rp 19,122,474,812,274,-. In addition, the Attorney General's Office of the Republic of Indonesia also succeeded in saving state finances from corruption cases amounting to Rp 24,716,743,351,- then in foreign currency the rescue of state finances carried out by the Attorney General's Office of the Republic of Indonesia from corruption cases includes USD 11,293,503.67.- SGD 26,409,331., EUR 57,200., GBP 785., MYR 860., AUD 9,900., SAR 1,426., BAHT 36,690., AER 1,325., and JPY 43,200.00 to the state.[7]

To prevent the state from suffering losses, the money stolen by corruptors must be returned to the state treasury. To do this, the state has an institution, the Prosecutor's Office. The Prosecutor's Office of the Republic of Indonesia is regulated by Law Number 16 of 2004 and Law Number 67 of 2004 concerning State Institutions of the Republic of Indonesia concerning the Prosecutor's Office of the Republic of Indonesia. The Prosecutor's Office of the Republic of Indonesia is a state institution appointed by the state to implement court decisions that have obtained permanent legal force.

Article 65 of the New Criminal Procedure Code provides several ammunition of authority that makes the Prosecutor a "Playmaker", including, first as a Controller of Coercive Measures where the Prosecutor is authorized to receive files, carry out full coordination of detention, extension, to change the status of detainees. Second, as a Justice Filter (Sentencing Guidelines) According to the mandate of Book I of the Criminal Code (Articles 51-54), the Prosecutor is obliged to filter cases. Third, having an Alternative Solution where the Prosecutor now has new weapons in the form of Peace Fine Settlement, Postponement of Prosecution Agreement, accepting a Plea Bargaining, and resolving cases through Restorative Justice to filter out small cases.

In this phase, particularly when implementing plea bargaining, prosecutors must be transparent. A guilty plea must be supported by other valid evidence (not just

[5]Edi Efendi et al., 2023, Effectiveness of Recovering State Financial Losses from Corruption Crimes: Imu Multidisciplinary Journal Warehouse, Vol 1 No 6 E-ISSN: 2988-5760).

[6]Asiyah, Simanjuntak, and Pohan, 2020, Return of State Financial Losses in the Implementation of Law Enforcement of Corruption Crimes. Mercatoria Journal, 13(2).

[7]https://www.hukumonline.com/berita/a/deretan-capaian-kinerja-kejagung-tahun-2025--pidsus-sumbang-pnbp-terbesar-lt69577eda953e6/ Accessed on May 5, 2026

a confession) to prevent potential miscarriage of justice and to prevent an unfounded "discounted sentence." This function and phase distinguishes prosecutors with integrity from "transactional prosecutors" who merely "trade cases." If implemented properly, this certainly has a noble goal of improving judicial efficiency. Ultimately, the prosecutor's role is to implement the judge's decision and close the case for the benefit of the law.

In Indonesia itself, the rise in corruption cases is one of the country's biggest problems, as evidenced by the number of index points and Indonesia's ranking. In addition to its impact on the country's economy, corruption also impacts the government and law enforcement, hindering government functions and eroding public trust. Furthermore, corruption impacts national defense and security, including weakening defense equipment and human resources, weakening national borders, and increasing violence within society.

Article 7 of the Criminal Procedure Code (KUHAP) regulates the duties and authorities of investigators in the investigation process, which is one of the main stages in the criminal justice system. This provision serves as the legal basis for investigators to undertake various actions necessary to uncover a crime and identify the perpetrator. Thus, this article not only defines the scope of investigators' authority but also establishes a structured investigative framework within the criminal law enforcement system.

Normatively, Article 7 paragraph (1) determines the various duties and authorities investigators can carry out in the context of an investigation. These authorities begin with receiving reports or complaints from the public regarding suspected criminal acts. This function indicates that investigations generally begin with information originating from the public or victims, so investigators have an obligation to follow up on these reports by taking the necessary legal action.

Based on the background description above, the author is interested in writing a thesis entitled "The Authority of the Prosecutor's Office in Investigating Corruption Crimes in Efforts to Recover State Losses Based on Justice".

The objectives of this research are: 1) to study and analyze the authority of the prosecutor's office in investigating corruption crimes as an effort to recover state financial losses; 2) to study and analyze the weaknesses of the prosecutor's office's authority in investigating corruption crimes as an effort to recover state financial losses; 3) to study and analyze the authority of the prosecutor's office in investigating corruption crimes as an effort to recover state financial losses based on justice.

2. Research Methods

Research approach usedThis research uses normative legal research, library legal research, or doctrinal legal research. Normative legal research is legal research conducted by examining library materials and secondary materials.

3. Results and Discussion

3.1. The Authority of the Prosecutor's Office in Investigating Corruption Crimes as an Effort to Recover State Financial Losses

The Prosecutor's Office is regulated in Law Number 11 of 2021 concerning amendments to Law Number 16 of 2004 concerning the Prosecutor's Office. Based on Article 1 number 1 of Law Number 11 of 2021 concerning amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as the Prosecutor's Office, is a government institution whose functions are related to judicial power that exercises state power in the field of prosecution and other authorities based on the Law.

Furthermore, in Article 1 number 2, the term "Prosecutor" is defined as a functional official authorized by this law to act as a public prosecutor and implementer of court decisions that have obtained legal force and other authority based on the law. From the formulation of this article, it can be concluded that the Prosecutor's Office is:[8]

a. Government institution. Thus, the Prosecutor's Office is part of the executive, not the legislative, and not the judiciary.

b. Exercising state power; thus the Prosecutor's Office is a state apparatus.

Meanwhile, according to the views of the Attorney General's scholar Dr. Saheroji, the origin of the word prosecutor is explained as follows: "The word prosecutor comes from Sanskrit which means supervisor or controller, namely a supervisor of social matters."[9]

The Prosecutor's Office is a government institution that exercises state power, especially in the field of prosecution in the structure of power of law enforcement and justice agencies, led by the Attorney General who is directly responsible to the President. In Indonesia, the Prosecutor's Office of the Republic of Indonesia is one of the law enforcement institutions whose position is within the government's authority, which functions to exercise state power in the field of prosecution based on Article 2 paragraph (1) of Law Number 11 of 2021 concerning amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, in addition to carrying out other functions of power by law.

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[8]Laden Marpaung, Criminal Case Handling Process (Investigation and Inquiry) (Jakarta: Sinar Grafika, 2014), 191–192.

[9]Yesmil Anwar and Adang, Criminal Justice System (Concept, Components, and Implementation in Law Enforcement in Indonesia) (Bandung: Widya Padjajaran, 2011), 196.

The Attorney General's Office of the Republic of Indonesia, as a state government institution that exercises state power, is also granted other authority as plaintiff and defendant in civil and state administrative cases, which are conducted independently, free from government or other regulatory influences.[10]

The Prosecutor's Office's functions include preventive and repressive aspects in criminal matters, as well as State Attorneys in Civil and State Administrative matters. The preventive aspect includes increasing public legal awareness, securing law enforcement policies, securing the circulation of printed money, monitoring religious beliefs, preventing abuse and/or blasphemy, researching and developing law and criminal statistics. The repressive aspect involves prosecuting criminal cases, implementing judges' orders and court decisions, supervising the implementation of conditional release decisions, and completing certain case files from National Police investigators or Civil Servant Investigators (PPNS).[11]

The Prosecutor's Office has a position as a government institution that exercises state power independently and inseparably, especially in carrying out duties and authorities in prosecuting and implementing court decisions and has the duty and authority to conduct investigations and inquiries into certain criminal acts based on the law.

Confiscation of assets as part of efforts to recover state financial losses is expressly stated in Article 18 paragraph (1) letter a of the PTPK Law which in essence regulates: "confiscation of tangible or intangible movable goods or immovable goods used for or obtained from criminal acts of corruption, including companies owned by convicts where criminal acts of corruption were committed. Such confiscation may also be imposed on the price of such goods."

The authority of the prosecutor's office in investigating corruption crimes as an effort to recover financial lossesThe authority of the Public Prosecutor to resolve the restitution of state financial losses is an attribution authority derived directly from statutory regulations, specifically the Corruption Law and the Prosecutor's Office. Changes to the latest Criminal Procedure Code (KUHAP) that regulate the authority of prosecutors and the police are a step that will have a broad impact on the criminal justice system in Indonesia.

3.2. Weaknesses in the Prosecutor's Authority in Investigating Corruption Crimes as an Effort to Recover State Finances

Corruption is a multidimensional crime that not only causes material losses to state finances but also undermines governance, public trust, and the legitimacy of the rule of law. From a modern criminal law perspective, combating corruption is not

[10]Supriadi, Ethics and Responsibilities of the Legal Profession in Indonesia (Jakarta: Sinar Grafika, 2006), 127.
[11]Ibid., 190.

solely focused on punishing perpetrators but must also focus on recovering state financial losses as an integral part of law enforcement objectives. In this context, the Public Prosecutor (JPU) holds a strategic position as dominus litis, not only proving the defendant's guilt and demanding corporal punishment but also seeking to recover state losses through additional penalties and other available legal mechanisms. This authority stems from the Corruption Eradication Law and the Law on the Attorney General's Office of the Republic of Indonesia. Recovering state financial losses is a manifestation of the state's function in protecting the public interest.

State losses are viewed as a loss to the collective rights of the people to transparent and accountable management of state finances, making recovery a primary goal of law enforcement. Normatively and practically, the implementation of the prosecutor's authority faces challenges in providing evidence, tracing assets, confiscation, and executing decisions related to compensation and the confiscation of assets. This complexity demands a comprehensive understanding of the basis and limits of the authority granted by law. The prosecutor's authority to recover state losses is implemented in four stages: investigation, prosecution, examination and court decision, and the stage of executing compensation. These four stages constitute a systematic series that determines the effectiveness of recovering state losses. During the investigation stage, recovery of state losses begins through asset tracing, account blocking, confiscation, and the collection of evidence of the flow of funds from corruption. The legal basis for confiscation is contained in the Criminal Procedure Code (KUHAP) and is reinforced by the Corruption Law. During the prosecution stage, the prosecutor formulates additional criminal charges in the form of payment of compensation.

In his/her criminal charges, the Prosecutor/Public Prosecutor is obliged to request the judge to impose an additional penalty in the form of payment of compensation in addition to the principal penalty, and to declare the confiscation of goods confiscated during the investigation stage. The total value of the goods requested to be confiscated and the amount of the demand for compensation payment is as much as possible equal to the assets obtained from the Corruption Crime. In order to implement the judge's decision if the payment of compensation is insufficient, the executing prosecutor shall confiscate other assets of the convict without requiring court intervention in the form of confiscation set out in the form of a decision, etc. The court's decision can only be implemented after the decision has permanent legal force.

The success rate of the prosecutor's office in eradicating corruption, particularly in recovering state financial losses, is largely determined by factors influencing law enforcement, as stated by Soeijono Soekanto. At the trial stage, the judge assesses the evidence of state losses and can impose additional penalties in the form of compensation. The execution stage is crucial because if the convict fails to pay the compensation within the specified time, their assets can be confiscated and auctioned by the prosecutor, and if insufficient, can be replaced with additional imprisonment.

From the perspective of Philipus M. Hadjon's theory of authority, every prosecutor's action must be based on clear attributional authority. This authority should not be interpreted narrowly, as the law mandates the protection of state financial interests.[12]

Philipus M. Hadjon explained that authority is legal power granted by statutory regulations to public officials, derived from attribution, delegation, and mandate. In the context of corruption, the prosecutor's authority is attributive authority granted directly by law.[13]As dominus litis, the public prosecutor controls the prosecution process and the execution of the verdict. Recovering state losses depends heavily on how the public prosecutor formulates the indictment, demands compensation, and executes the asset confiscation order.

The use of this authority is not optional but carries legal liability. If the prosecutor fails to seek compensation even though the damages have been proven, this constitutes a failure to exercise the legally granted authority.[14]Current phenomena show that on December 24, 2025, the Attorney General's Office handed over approximately Rp6.6 trillion in state confiscated proceeds to the Minister of Finance, reflecting the optimization of authority in recovering state losses.

Theoretically, this success indicates a shift in the orientation of law enforcement towards asset recovery-oriented justice, where the recovery of state losses is placed on a par with the punishment of the perpetrator.[15]The application of fines, compensation and confiscation reflects the Double Track System theory, namely a concept of punishment that places criminal sanctions and restorative measures side by side.[16]The legal basis of the Double Track System theory is reflected in Article 18, Article 32, Article 33, and Article 34 of the Corruption Law, which allows for the confiscation of assets, payment of compensation, and civil lawsuits even if the defendant is acquitted or dies.[17]In criminal procedure law, the basis for confiscation and seizure of assets is contained in Articles 38–46 of the Criminal Procedure Code.

Doctrinally, this view is in line with the thoughts of Barda Nawawi Arief and Muladi, who emphasize the integration of penal and non-penal policies in protecting the

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[12]Philipus M Hadjon, Legal Protection for the People in Indonesia, Bina Ilmu, Surabaya, 1987, p. 38.
[13]Ibid., p. 40.
[14]Philipus M Hadjon, Legal Protection for the People in Indonesia, Bina Ilmu, Surabaya, 1987, p. 45.
[15]Ibid., p. 11
[16]Ibid., p. 12.
[17]Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, Article 18, pp. 32–34

interests of society and the state.[18]Despite adequate legal norms, the practice of executing compensation still faces obstacles such as limited asset tracking, the complexity of money laundering, and cross-border jurisdictional barriers. From the perspective of the Theory of Authority and the Double Track System, the effectiveness of recovering state losses depends on optimizing legitimate authority, the technical capacity of law enforcement, and a commitment to prioritizing recovery as equal to punishment.

The process of recovering state financial losses still faces several weaknesses, particularly in the stages of executing compensation and asset tracking. Suboptimal asset tracking and security since the initial investigation stage has resulted in limited assets that can be seized. This indicates that although the authority is legally available, its implementation is not yet fully optimal. Therefore, the effectiveness of recovering state losses depends heavily on optimizing the use of this authority in a professional, progressive, and integrated manner.

3.3 The Authority of the Prosecutor's Office in Investigating Corruption Crimes as an Effort Justice-Based Restitution of State Financial Losses

In enforcing the law to eradicate corruption, one of the main objectives of which is to recover or restore state financial losses, each prosecutor's office unit is burdened with a target for handling cases. The target number of corruption cases to be handled per year is set at 5 (five) cases for each high prosecutor's office, 3 (three) cases for each district prosecutor's office, and 1 (one) case for each district prosecutor's office branch. The author believes that setting targets as mentioned above has a positive value in motivating the prosecutor's office to eradicate corruption that occurs in its jurisdiction. However, the determination of such targets also has a negative value because it is not in accordance with the principle of due process of law. To meet the set targets, it is feared that the prosecutor's office will "search for" and may even "force" a case to become a corruption case. In addition, if the target number of cases handled has been achieved, it is also feared that the prosecutor's office will no longer be enthusiastic about handling other corruption cases.

Changes to the latest Criminal Procedure Code (KUHAP) have sparked debate regarding the authority of prosecutors and the police in the criminal justice system. In the previous justice system, the police played a dominant role in the investigation and prosecution of crimes, while prosecutors served as controllers of cases that would be transferred to the courts. With the introduction of the new KUHAP, this distribution of authority has undergone significant changes, sparking a variety of responses from academics, legal practitioners, and relevant law enforcement agencies. One of the main debates in this reform is the extent to which prosecutors' authority has been expanded in the investigative process and

[18]Barda Nawawi Arief, Anthology of Criminal Law Policy, Citra Aditya Bakti, Bandung, 2008, p. 25.

how these changes affect the effectiveness and transparency of the criminal justice system in Indonesia.[19]In the previous Criminal Procedure Code, the relationship between police investigators and prosecutors was regulated with a fairly clear division of tasks.

The police are responsible for the investigation and prosecution of criminal cases, while prosecutors are responsible for reviewing case files before moving on to prosecution. However, the latest Criminal Procedure Code (KUHAP) strengthens the role of prosecutors, allowing them to be more active in directing investigations from the outset. This raises questions about the potential for imbalances in the distribution of power, given that prosecutors, who also act as the parties filing charges in court, now have greater access to the investigative process. This concern arises from the potential for conflicts of interest that could compromise neutrality and objectivity in the judicial process.[20]

Significant changes in the latest Criminal Procedure Code (KUHAP) can also be seen in how the relationship between the police and the prosecutor's office in handling a case is increasingly complex. In some cases, prosecutors have the authority to return case files if they are deemed incomplete, and police investigators are required to comply with the prosecutor's instructions before the file can be declared complete (P-21). However, with the changes in the latest KUHAP, the boundaries between the investigator's and prosecutor's authority have become more flexible, thus allowing for greater intervention by prosecutors in the investigation process. This can impact the effectiveness of police inquiries and investigations, especially in cases that require lengthy and in-depth investigation before they can be brought to court.[21]

The implications of this change in authority also relate to the legal mechanisms of evidence in the criminal justice system. In criminal procedural law, evidence is a key element in determining the success of a case in court. In the previous system, evidence gathered by police investigators served as the basis for prosecutors in preparing charges and proving the defendant's guilt. However, with the strengthening of the prosecutor's role in investigations, questions arise as to whether this change will improve the evidentiary system or instead create confusion in its application in court. Some legal experts believe that early involvement by prosecutors can improve the quality of evidence because they can provide guidance on the evidence needed to support charges. However, on the

[19]Koto, Z, 2024, Summary of the Nature of Prosecution in the Explanation of Article 132 of Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code) and the Concerns of Police Investigators/Assistant Investigators. Journal of Police Science, 18(1).
[20]Dianti, F, 2024, Criminal Evidence Law in Indonesia: Comparison of HIR and KUHAP (Revised Edition). Sinar Grafika. Jakarta
[21]Mulyadi, DL, & Sh, M. H, 2023, Anthology of general and special criminal law. Alumni Publisher, Bandung.

other hand, there are concerns that this change could create bureaucratic obstacles that slow down the judicial process.[22]

In addition to the issue of authority, changes to the Criminal Procedure Code (KUHAP) also raise questions about the protection of suspects' rights during the judicial process. One of the fundamental principles of the criminal justice system is the protection of the rights of individuals in conflict with the law. In the previous system, police investigations were subject to certain limitations to ensure the protection of suspects' rights. However, with the additional authority granted to prosecutors to oversee the investigation process, there is the potential for bias in case handling.

Some worry that the increased role of prosecutors in investigations could lead to pressure on suspects to confess before the case reaches trial, potentially leading to inequities in the legal system. Changes to the Criminal Procedure Code (KUHAP) also pose challenges to coordination between the police and the prosecutor's office. In the previous system, while there were imperfections in the working relationship between the two institutions, a clear division of authority helped avoid overlapping case handling. These changes require a better coordination mechanism to avoid confusion in the implementation of the law. If not managed properly, these changes could actually impair the efficiency of Indonesia's criminal justice system, particularly in handling complex cases such as corruption, narcotics, and organized crime.[23]From a legal policy perspective, the reforms in the latest Criminal Procedure Code also reflect the government's efforts to increase the effectiveness of the criminal justice system.

One of the main reasons behind these changes is to expedite the judicial process and reduce overlapping authorities, which have long been considered obstacles to law enforcement. However, the main challenge in implementing these reforms is ensuring that the changes truly have a positive impact without compromising the fundamental principles of criminal procedure law. Therefore, it is crucial for the government and other stakeholders to periodically evaluate the implementation of the latest Criminal Procedure Code to ensure that the changes are working in accordance with their original objectives.[24]In the context of law enforcement in the field, this change also has an impact on the policies of the Indonesian National Police in carrying out their duties as investigators.

[22]Siagian, F. S, 2023, Legal Analysis of the Rights of Interested Third Parties in Filing Pretrial Applications in the Indonesian Criminal Justice System. Dalihan Na Tolu: Indonesian Journal of Law, Politics and Communication, 1(02), 42-50.
[23]Fadilah, ON, Hamzani, AI, & Widyastuti, TV (2023). Corruption Court: A Comparison of Indonesia and Russia. NEM Publisher.
[24]Badaru, B, 2023, Public Interest in the Principle of Opportunity in the Criminal Justice System. AL-MANHAJ: Journal of Islamic Law and Social Institutions, 5(2), 1737-1754.

The police must adapt to new regulations governing their working relationship with the prosecutor's office, particularly regarding investigative authority. In some cases, the police must work more closely with prosecutors to ensure that case files are more thoroughly prepared before being submitted to court. However, the biggest challenge in this change is ensuring that the police's role is not marginalized in a criminal justice system that increasingly places a significant role on the prosecutor's office.[25]

Overall, the reforms in the latest Criminal Procedure Code (KUHAP) have broad implications for Indonesia's criminal justice system. The shift in authority between prosecutors and the police is not merely a technical issue but also a fundamental aspect of law enforcement. If not implemented effectively, these changes could create legal uncertainty that could potentially harm those in conflict with the law. Therefore, further study and ongoing evaluation are needed to ensure that these reforms truly strengthen Indonesia's criminal justice system.[26]

The Prosecutor's Office (AGO) is a law enforcement institution that plays a central role in Indonesia's criminal justice system, particularly in handling corruption cases. Under Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the AGO has the authority to investigate certain crimes, prosecute them, and enforce court decisions that have permanent legal force. This authority provides a strong legal basis for the AGO to handle corruption cases comprehensively.[27]The organizational structure of the Attorney General's Office, which handles corruption cases, extends from the Attorney General's Office to the District Attorney's Office. Within the Attorney General's Office, there is a Deputy Attorney General for Special Crimes (JAM PIDSUS), which is authorized to handle large-scale corruption cases. At the regional level, the special crimes division is also a key unit in eradicating corruption.[28]

In addition to its structural and functional authority, the Prosecutor's Office is also mandated by Law Number 20 of 2001 concerning the Eradication of Corruption to conduct investigations into corruption cases, alongside investigators from the Police. This strengthens the Prosecutor's Office's position as an institution that is

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[25]Hutapea, T., Koto, Z., & Syafruddin, S, 2024, Police Policy in Efforts to Effectively Implement the New Criminal Law Concept in Law of the Republic of Indonesia Number 1 of 2023 Concerning the Criminal Code. Journal of Police Science, 18(1).
[26]Kasim, R, 2020, Dehumanization in the excessive application of criminal law (overspanning van het straftrecht). Jambura Law Review, 2(1), 1-29.
[27]S Raharjo, "The Position and Function of the Prosecutor's Office in the Criminal Justice System in Indonesia," Journal of Progressive Legal Science (2022): 10(1), 45–59.
[28]A Widodo, "Prosecutor's Structural Reform in Handling Special Crimes," Journal of Law Enforcement (2021): 4(2), 90–104.

not merely passively awaiting case files, but also actively engaged in identifying and uncovering corruption.[29]

The Prosecutor's Office also plays a role in the strategy of recovering state losses through the seizure and confiscation of assets resulting from corruption. In many cases, the Prosecutor's Office's success in asset recovery serves as a benchmark for the effectiveness of law enforcement against corruption.[30]However, this success is highly dependent on inter-institutional coordination and the availability of supporting legal instruments. In the context of the restorative justice approach, the Prosecutor's Office has an internal regulation, namely Attorney General Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. However, this regulation still limits its application to minor crimes and does not explicitly cover corruption. Nevertheless, academic and policy discourse is developing toward the possibility of expanding the scope of restorative justice, including administrative corruption or corruption involving recovered state losses.[31]

Through a progressive legal approach, the Prosecutor's Office's role in future corruption cases is expected to not only prosecute perpetrators but also address the need for substantive justice and efficient law enforcement. Therefore, the Prosecutor's Office's presence is crucial in determining the direction of criminal law policy on corruption, including the possible integration of restorative justice principles in certain cases.

4. Conclusion

The prosecutor's authority in investigating corruption crimes as an effort to recover state financial losses, namely the authority of the Public Prosecutor in resolving the return of state financial losses, is an attribution authority that originates directly from laws and regulations, specifically the Corruption Law and laws and regulations concerning the Prosecutor's Office. Changes in the latest Criminal Procedure Code that regulate the authority of prosecutors and the police are steps that have a broad impact on the criminal justice system in Indonesia. The weakness of the prosecutor's authority in investigating corruption crimes as an effort to recover state finances, namely the process of recovering state financial losses, still has several weaknesses, especially at the stage of executing replacement money and the stage of asset tracking. Tracking and securing assets that have not been optimal since the initial stage of the investigation has an impact on the limited assets that can be executed. This shows that although the authority

[29]R Sulaiman, "The Authority of Prosecutors in Investigating Corruption Crimes," Journal of Law and Development (2020): 50(3), 331–349.
[30]D Amalia, "Asset Recovery in Handling Corruption Cases: The Strategic Role of the Prosecutor's Office," KPK Integrity Journal (2022): 8(1), 12–25.
[31]MK Putri, "Restorative Justice and Its Prospects in Corruption Cases in Indonesia," Journal of Legal Reform (2023): 15(2), 150–168.

is normatively available, its implementation is not fully optimal. Therefore, the effectiveness of recovering state losses depends heavily on optimizing the use of authority in a professional, progressive, and integrated manner. The authority of the prosecutor's office in investigating corruption crimes as an effort to return state financial losses based on justice, namely the implementation of returning state financial losses due to corruption crimes is carried out in several stages, namely: tracking, blocking, confiscation, confiscation, and returning state losses.

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