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THE URGENCY OF TERMINATING INVESTIGATIONS IN HANDLING CORRUPTION CASES IN THE JURISDICTION OF THE HIGH PROSECUTOR'S OFFICE SOUTH SULAWESI

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ABSTRACT

Objective: This study aims to investigate the urgency of terminating investigations in handling corruption cases within the jurisdiction of the High Prosecutor's Office South Sulawesi. It seeks to identify the factors influencing the decision to terminate investigations, evaluate the effectiveness of such decisions, and propose recommendations for improvement.

Methodology: A mixed-methods approach is employed, combining quantitative analysis of case data with qualitative examination of legal documents and interviews with legal practitioners. Data is collected from corruption case files, legal statutes, and interviews with prosecutors and anti-corruption experts.

Theoretical Framework: Theoretical Framework adopts a normative case study approach as the main method to understand and analyse the urgency of stopping investigations in handling corruption cases in the jurisdiction of the South Sulawesi High Prosecutor's Office. In this context, the main focus of the research is on the concept of law as a norm or rule that applies in society, which guides the behaviour of each individual. Normative legal research, in essence, aims to identify, analyse and evaluate various legal aspects relevant to the termination of investigations in corruption cases. This includes an in-depth study of legal regulations, legal principles, and legal doctrines related to the investigation termination process.

Conclusion: The urgency of halting investigations into corruption cases lies in efforts to recover and restore state finances, as outlined in Article 109 paragraph (2) of the Criminal Procedure Code. Reasons for terminating investigations include insufficient evidence, absence of criminal offense, and adherence to legal principles. Investigators possess the authority to issue Investigator's Termination Orders, particularly in cases where no unlawful acts, strong evidence, or state losses are found. The application of Restorative Justice facilitates the return of state losses by corruption perpetrators while maintaining criminal sanctions against them.

Keywords: Urgency, Terminating Investigations, Jurisdiction, High Prosecutor's Office, South Sulawesi.

A URGÊNCIA DE ENCERRAR INVESTIGAÇÕES NO TRATAMENTO DE CASOS DE CORRUPÇÃO NA JURISDIÇÃO DA PROMOTORIA PÚBLICA DE SOUTH SULAWESI

RESUMO

Objetivo: Este estudo tem como objetivo investigar a urgência de encerrar investigações no tratamento de casos de corrupção dentro da jurisdição do Ministério Público do Sul de Sulawesi. Ele busca identificar os fatores que influenciam a decisão de encerrar as investigações, avaliar a eficácia de tais decisões e propor recomendações para aprimoramento.

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Metodologia: É empregada uma abordagem de métodos mistos, combinando a análise quantitativa de dados de casos com o exame qualitativo de documentos jurídicos e entrevistas com profissionais da área jurídica. Os dados são coletados de arquivos de casos de corrupção, estatutos legais e entrevistas com promotores e especialistas em anticorrupção.

Estrutura teórica: A Estrutura Teórica adota uma abordagem de estudo de caso normativo como o principal método para entender e analisar a urgência de interromper as investigações no tratamento de casos de corrupção na jurisdição da Alta Promotoria de Sulawesi do Sul. Nesse contexto, o foco principal da pesquisa é o conceito de lei como uma norma ou regra que se aplica na sociedade e que orienta o comportamento de cada indivíduo. A pesquisa jurídica normativa, em essência, visa identificar, analisar e avaliar vários aspectos jurídicos relevantes para o encerramento das investigações em casos de corrupção. Isso inclui um estudo aprofundado das regulamentações legais, dos princípios legais e das doutrinas legais relacionadas ao processo de encerramento da investigação.

Conclusão: A urgência de encerrar investigações em casos de corrupção está nos esforços para recuperar e restaurar as finanças do Estado, conforme descrito no Artigo 109, parágrafo (2) do Código de Processo Penal. Os motivos para encerrar as investigações incluem provas insuficientes, ausência de delito criminal e adesão aos princípios legais. Os investigadores têm autoridade para emitir Ordens de Encerramento do Investigador, especialmente nos casos em que não forem encontrados atos ilícitos, evidências fortes ou perdas estatais. A aplicação da Justiça Restaurativa facilita a devolução das perdas do Estado pelos perpetradores de corrupção, ao mesmo tempo em que mantém as sanções criminais contra eles.

Palavras-chave: Urgência, Encerramento de Investigações, Jurisdição, Ministério Público, Sulawesi do Sul.

LA URGENCIA DE PONER FIN A LAS INVESTIGACIONES EN LA TRAMITACIÓN DE LOS CASOS DE CORRUPCIÓN EN LA JURISDICCIÓN DE LA FISCALÍA SUPERIOR DE SULAWESI MERIDIONAL

RESUMEN

Objetivo: Este estudio pretende investigar la urgencia de poner fin a las investigaciones en la tramitación de casos de corrupción dentro de la jurisdicción de la Fiscalía Superior de Sulawesi del Sur. Pretende identificar los factores que influyen en la decisión de poner fin a las investigaciones, evaluar la eficacia de tales decisiones y proponer recomendaciones de mejora.

Metodología: Se emplea un enfoque de métodos mixtos, combinando el análisis cuantitativo de datos de casos con el examen cualitativo de documentos legales y entrevistas con profesionales del derecho. Los datos se recogen de expedientes de casos de corrupción, estatutos legales y entrevistas con fiscales y expertos anticorrupción.

Marco teórico: El Marco Teórico adopta un enfoque de estudio de caso normativo como método principal para comprender y analizar la urgencia de detener las investigaciones en la tramitación de casos de corrupción en la jurisdicción de la Fiscalía Superior de Sulawesi Meridional. En este contexto, el enfoque principal de la investigación se centra en el concepto de derecho como norma o regla que se aplica en la sociedad y que guía el comportamiento de cada individuo. La investigación jurídica normativa, en esencia, pretende identificar, analizar y evaluar diversos aspectos jurídicos relevantes para la conclusión de las investigaciones en casos de corrupción. Esto incluye un estudio en profundidad de las normas jurídicas, los principios jurídicos y las doctrinas jurídicas relacionadas con el proceso de conclusión de las investigaciones.

Conclusión: La urgencia de poner fin a las investigaciones sobre casos de corrupción radica en los esfuerzos por recuperar y restablecer las finanzas del Estado, como se indica en el artículo 109, apartado 2, de la Ley de Enjuiciamiento Criminal. Las razones para poner fin a las investigaciones incluyen la insuficiencia de pruebas, la ausencia de delito penal y el cumplimiento de los principios jurídicos. Los investigadores están facultados para dictar órdenes de conclusión de la investigación, especialmente en los casos en que no se encuentren actos ilícitos, pruebas sólidas o pérdidas para el Estado. La aplicación de la Justicia Restaurativa facilita la devolución de las pérdidas estatales por parte de los autores de actos de corrupción, al tiempo que mantiene las sanciones penales contra ellos.

Palabras clave: Urgencia, Terminación de Investigaciones, Jurisdicción, Fiscalía Superior, Sulawesi del Sur.

1 INTRODUCTION

The evolution of global civilization increasingly gravitates towards modernization, ushering in changes across all spheres of life. However, alongside progress, crime too evolves, manifesting in sophisticated and diverse forms. Technological and scientific advancements have birthed crimes like cybercrime, money laundering, and corruption, which plague societies worldwide. Corruption, in particular, stands as a formidable adversary to nations worldwide. It is defined as the abuse of power or public position for personal gain. While it has long existed in societies, its prominence surged after World War II. Corruption, often intertwined with power, allows rulers to exploit their authority for personal and cronies' interests, transcending mere criminality to become an extraordinary crime. [5] In Indonesia, corruption predates independence, evident in historical practices like tribute-giving to local rulers. Indonesian law, specifically Law Number 31 of 1999 amended by Law Number 20 of 2001, defines corruption as unlawfully enriching oneself or others, detrimental to state finances or the economy.

The imperative of clean state administration is underscored to thwart corrupt practices that extend beyond officials to their families and cronies, jeopardizing the nation. Corruption not only involves state officials but also entangles families, cronies, and entrepreneurs, corroding societal, national, and state fabric. Combatting corruption necessitates extraordinary measures, distinct from conventional crime enforcement due to its pervasive impact on national foundations. Corruption's deleterious effects manifest in various disasters and deprivation of economic and social rights. However, existing norms in Indonesia's anti-corruption framework, as outlined in Laws Number31 of 1999 and Number20 of 2001, and Laws Number15 of 2002 and Number25 of 2003 on Money Laundering, primarily adhere to a paradigm of retributive justice. This paradigm, centered on retaliation, impedes the overarching goal of protecting state assets by recovering losses incurred from corruption.

Procedural and technical obstacles further hinder efforts to reclaim state assets. In essence, combating corruption demands a shift from retributive justice to a holistic approach

[5] Yuliana, Y., & Prasetyo, M. (2022). CRIMINAL ACCOUNTABILITY OF STATE OFFICIALS COMMITTING POLITICAL CORRUPTION IN INDONESIA. Arena Hukum, 15(1), 160–175. https://doi.org/10.21776/ub.arenahukum.2022.01501.8

aimed at protecting state assets and restoring societal trust. This requires systemic reforms to align legal frameworks with the overarching goal of eradicating corruption and safeguarding national interests.[6]

Existing legal norms struggle to keep pace with the intricacies of corruption, especially concerning the distribution of proceeds to third parties not involved in trials, complicating efforts to recover state losses. For instance, in cases involving corporate corruption, laws allow company management to designate representatives to face legal proceedings, but punitive measures are limited to fines, capped at one-third of additional penalties according to Article 120 paragraph (6) and (7) of Law Number31/1999 as amended by Law Number 20/2001.[7] Consequently, procedural and technical challenges hinder state financial loss recovery. Given the escalating corruption rates in Indonesia, coupled with legal inadequacies, reforming corruption laws becomes imperative, recognizing corruption's infringement upon societal and economic rights as part of human rights. South Sulawesi Province exemplifies this issue, with rampant corruption highlighted by the Anti-Corruption Committee (ACC) Sulawesi's 2022 report, indicating State Civil Apparatus (ASN) as the dominant actors in corruption cases. Then followed by private parties, village heads, BUMN employees, village officials, honorary or contract employees, BUMD employees, and finally heads of cooperatives.19 Then according to the Performance Data on the Handling of Corruption Cases in the South Sulawesi region in 2022 listed in table 1, namely:

Table 1

The Performance Data on the Handling of Corruption Cases in the South Sulawesi region in 2022

Inquiry		Investigation		Judgment		Execution	
Amount	Resolved	Amount	Resolved	Amount	Resolved	Amount	Resolved
83	70	62	45	97	90	98	97

Source: South Sulawesi District Attorney's Office 2023

Based on the information in table 1, the number of investigations handled by the South Sulawesi Attorney General's Office in 2022 was 83 cases and 70 cases had been resolved, at the investigation level there were 62 cases and 45 cases had been resolved. Then in the

[6] Fajrin, Yaris Adhial, and Ach. faisol triwijaya. 2019. “Punishment Asset Forfeiture for Corruptor In Perspective of Indonesian Community Justice”. Fiat Justisia: Jurnal Ilmu Hukum 13 (3):209-30. https://doi.org/10.25041/fiatjustisia.v13no3.1702.

[7] Maskun, Maskun (2014) "COMBATING CORRUPTION BASED ON INTERNATIONAL RULES," Indonesia Law Review: Vol. 4: No. 1, Article 3. DOI: 10.15742/ilrev.v4n1.74 Available at: https://scholarhub.ui.ac.id/ilrev/vol4/iss1/3

prosecution stage there were 93 cases and 90 cases had been resolved, while in the execution stage there were 98 cases and 97 cases had been resolved. In the development of the criminal justice system in Indonesia, punishment by imprisoning criminals is the main sanction against criminals who are proven guilty in court. Meanwhile, if we look deeper, the community needs not only imprisonment for the perpetrators, but also the hope to be able to restore the situation to before the crime occurred. The hope of the community is urgent to be resolved by restorative justice.

2 THEORETICAL FRAMEWORK

Theoretical Framework adopts a normative case study approach as the main method to understand and analyse the urgency of stopping investigations in handling corruption cases in the jurisdiction of the South Sulawesi High Prosecutor's Office. In this context, the main focus of the research is on the concept of law as a norm or rule that applies in society, which guides the behaviour of each individual. Normative legal research, in essence, aims to identify, analyse and evaluate various legal aspects relevant to the termination of investigations in corruption cases. This includes an in-depth study of legal regulations, legal principles, and legal doctrines related to the investigation termination process.

3 URGENCY OF TERMINATION OF INVESTIGATION IN CASE HANDLING CORRUPTION IN THE LEGAL AREA OF THE SOUTH SULAWESI HIGH PROSECUTOR'S OFFICE

Efforts to combat corruption have been ongoing, marked by the establishment of various institutions. The inadequacy of the old Corruption Law (Law Number31 of 1971) led to its replacement by Law Number31 of 1999, which introduced provisions like reverse proof and heavier sanctions, including the death penalty for corruptors.[8] However, shortcomings persisted, such as the absence of Transitional Rules and unresolved issues regarding the authority of prosecutors and police. Consequently, Law Number30/2002 on the Corruption Eradication Commission (KPK) was enacted. The investigation process, as per Criminal Procedure Code Number8 of 1981, precedes actions like arrest or search, aiming to gather

[8] Mukminah, L. S., Hartiwiningsih, H., Yudianto, O., & Hufron, H. (2023). THE IMPORTANCE OF REGULATING NON-CONCIVTION BASED FORFEITURE IN CORRUPTION CASES IN INDONESIA. IBLAM LAW REVIEW, 3(2), 31–45. https://doi.org/10.52249/ilr.v3i2.125

preliminary evidence. With the amendment of Law Number16 of 2004, granting the Prosecutor's Office authority in corruption cases, investigations can be initiated at various levels, from regency to central, with the Attorney General assisted by the Deputy Attorney General for Special Crimes (Jampidsus). Investigations begin upon receipt of public reports of suspected corruption, prompting the apNumberment of prosecutorial teams to gather preliminary data, reinforcing the basis for issuing investigation warrants.

The investigation itself is issued if there is an allegation of a criminal act of corruption in an area with the issuance of an Investigation warrant as the Chief Prosecutor apNumbers a team of Prosecutors to conduct an investigation into the alleged criminal act of corruption here on the basis of an Investigation Warrant, the status of the Prosecutor becomes an Investigating Prosecutor in order to collect a minimum of two pieces of evidence as stipulated in Article 184 paragraph (1) of the Criminal Procedure Code. In the activities of the investigation stage itself, the Investigating Prosecutor can immediately summon potential witnesses who at the time of the investigation were examined for questioning as outlined in the Minutes of Request for Information on the alleged criminal act of corruption, on the other hand the Investigating Prosecutor can immediately borrow documents and photocopies of documents for the calculation of State Losses by the Financial and Development Supervisory Agency (BPKP), Regional Inspectorate or private auditors.[9]

In the investigation stage, the Investigator Prosecutor can also issue a letter of assistance requesting the calculation of State Losses to the authorized parties, namely BPKP, Regional Inspectorates and private auditors so that they are required to routinely coordinate on what documents are needed for the calculation of State losses so that the Investigator Prosecutor can immediately fulfill the request by borrowing documents from the reported party or the reporting party which does not rule out the possibility of borrowing from related agencies in order to smooth the process of calculating State losses.[10]

[9] Laub, J. A. (1999). Assessing the servant organization; Development of the Organizational Leadership Assessment (OLA) model. Dissertation Abstracts International,. Procedia - Social and Behavioral Sciences, 1(2), 1–10. Retrieved from http://linkinghub.elsevier.com/retrieve/pii/S1877042814020023%5Cnhttp://www.sciencedirect.com/science/article/pii/S1877042815031535%5Cnhttp://linkinghub.elsevier.com/retrieve/pii/S1877042815003511%5Cnhttp://dx.doi.org/10.1016/j.sbspro.2012.04.044%5Cnwww.s

[10] Hamdani, & Misra, F. (2023). The Role of Investigation Audit for the Calculation of State Losses in Governor Corruption Cases Handled by the Corruption Eradication Commission for 2013-2022 Period. *Jurnal Bina Praja*, *15*(2), 249–260. https://doi.org/10.21787/jbp.15.2023.249-260

4 THE URGENCY OF TERMINATION OF INVESTIGATION IN HANDLING CORRUPTION CASES IN THE LEGAL AREA OF THE SOUTH SULAWESI HIGH PROSECUTOR'S OFFICE

Before initiating the investigation process in a criminal case, investigators conduct a preliminary investigation to determine if there's a basis for further inquiry. According to Article 1 Number (5) of Law Number 8 of 1981 on Criminal Procedure (KUHAP), an investigation entails actions aimed at uncovering potential criminal activities to ascertain whether formal investigation is warranted. Conversely, Article 1 Number (2) defines investigation as the systematic collection of evidence and identification of suspects according to legal methods. However, if an ongoing investigation is halted despite evidence collection and suspect identification, the law empowers investigators to terminate the process.

Termination of investigation of a criminal case is the authority possessed by the investigator in dealing with a case that is considered no longer necessary to continue at the next stage of law enforcement. In this case, the termination of the investigation is also called sepoonering. Yahya Harahap said that the authority to stop an ongoing investigation is given to investigators with a ratio or reason:

a. To uphold the principles of fast, precise and low cost justice, and at the same time to uphold legal certainty in people's lives. If the investigator concludes that based on the results of the investigation and investigation there is not enough evidence or reason to charge the suspect before the court, why drag on handling and examining the suspect. It is better for the investigator to officially declare the termination of the investigation, in order to immediately create legal certainty both for the investigator himself, especially for the suspect and the Community;
b. So that the investigation avoids the possibility of claiming compensation, because if the case continues, but it turns out that there is not enough evidence or reason to prosecute or punish, it automatically gives the suspect / defendant the right to claim compensation based on Article 95 of the Criminal Procedure Code. The law has enumerated the reasons that investigators can use as a basis for terminating an investigation. The mention or delineation of these reasons is important in order to avoid negative tendencies on the part of the investigating officer. With this outline, the law expects that in exercising the authority to stop the investigation, investigators test it against the specified reasons. It will not be arbitrary without reasons that cannot be accounted for

according to the law, and at the same time it will also provide a reference basis for parties who object to the legality of the termination of investigation according to the law.

Based on the provisions of Article 109 paragraph (2) of KUHAP above, there are several circumstances in which an investigation into 163 criminal cases can be stopped.[11] These circumstances are 1. there is insufficient evidence; 2. the event turns out not to be a criminal offense; and 3. the case is closed by law The three conditions contained in Article 109 paragraph (2) of the Criminal Procedure Code (KUHAP).[12]

The three circumstances contained in Article 109 paragraph (2) of the Criminal Procedure Code (KUHAP) will be discussed one by one as follows below.

a. Insufficient Evidence

If the investigator fails to gather enough evidence to charge the suspect, or if the evidence collected is deemed insufficient to prove guilt in court, the investigator is authorized to terminate the investigation. Determining sufficient evidence hinges on meeting specific criteria, such as having at least two valid pieces of evidence to establish the commission of a criminal offense and the suspect's culpability. Article 183 of the Criminal Procedure Code sets forth this requirement, emphasizing the need for a minimum threshold of proof. Article 184 further delineates valid evidence, including witness testimony, expert opinions, clues, and statements from the defendant. Investigators rely on these provisions to gauge whether evidence is adequate to establish guilt in court. If evidence falls short, the investigation must cease. However, should additional evidence be subsequently gathered, investigators can recommence the investigation against the previously terminated suspect;

b. The event turns out not to be a criminal offense

If from the results of the investigation and examination, the investigator is of the opinion that what is alleged against the suspect is not a criminal act as regulated in the Criminal Code, then the investigator is authorized to stop the investigation. Admittedly, it is sometimes very difficult to draw a clear line on whether an act committed by a person falls within the scope of a criminal act, whether it is a crime or an offense. This difficulty is often found in events that are closely related to the scope of civil law.127 Investigators

[11] HAKIKI, Azizul. Warrant of Termination of Investigation (SP3) Issued Based on Peace Agreement Between Suspects and Reporters in Ordinary Offences. Lentera Hukum, [S.l.], v. 6, n. 2, p. 277-286, july 2019. ISSN 2621-3710. Available at: <https://jurnal.unej.ac.id/index.php/ejlh/article/view/10501>. Date accessed: 30 mar. 2024. doi: https://doi.org/10.19184/ejlh.v6i2.10501.

[12] Kusuma, I. M. W. W., Sepud, I. M., & Karma, N. M. S. (2020). Upaya Hukum Praperadilan dalam Sistem Peradilan Pidana di Indonesia. Jurnal Interpretasi Hukum, 1(2), 73–77. https://doi.org/10.22225/juinhum.1.2.2438.73-77

in determining whether an event is a criminal offense or not, must rely on the elements of the alleged criminal offense. Because in a criminal act definition there are elements of the offense that must be fulfilled, so that investigators can decide an event as a criminal offense.10 Against the termination of investigation on the grounds that the event is not a criminal offense, the investigator cannot conduct a re-investigation, because the case is not the scope of criminal law, unless strong indications are found to prove otherwise.

Case Closed by Law If a case is closed by law, it means that the case cannot be prosecuted or a criminal charge can be imposed. This provision is stated in Chapter VIII of the Criminal Code (KUHP) Article 76 to Article 85[13] which regulates the removal of authority to prosecute and execute punishment including:

a. Nebis in idem A person cannot be prosecuted for the second time on the basis of the same act, for which the person concerned has been tried and the case has been decided by a judge or court authorized to do so in Indonesia, and the decision has obtained permanent legal force.11 The principle of nebis in idem is one of the human rights that must be protected by the law and at the same time is intended for the establishment of legal certainty. A person is not allowed to receive multiple punishments for a criminal offense he has committed. If a person has been convicted of a criminal offense, whether the decision is in the form of conviction, acquittal, or release from prosecution, and the decision has obtained a permanent legal;
b. Death of the suspect With the death of the suspect, the investigation must automatically stop. This is in accordance with the universal legal principle in modern times, namely that the guilt of a criminal offense committed by a person is the sole responsibility of the perpetrator concerned. This legal principle is an affirmation of responsibility in criminal law, which teaches that a person's responsibility in criminal law is only imposed on the perpetrator of the criminal act. The responsibility cannot be transferred to the heirs. With the death of the suspect, the investigation automatically stops and is nullified by law. Investigation and examination cannot be transferred to the heirs. In the science of criminal law, criminal responsibility is personal or individual responsibility, meaning that it cannot be imposed on others;

[13] Adhi, M. I. P., & Soponyono, E. (2021). Crime Combating Policy of Carding in Indonesia in the Political Perspective of Criminal Law. Law Reform: Jurnal Pembaharuan Hukum, 17(2), 135–144. https://doi.org/10.14710/lr.v17i2.41736

c. Expiration After exceeding a certain period of time, a criminal offense cannot be prosecuted on the grounds that the criminal offense has passed the time limit or expired, (Article 78 of the Criminal Code). Logically, if a person who commits a criminal offense has lost the authority to prosecute before the court, it would be useless to investigate and examine that person. Therefore, if the investigator encounters this situation, he must immediately stop the investigation and examination. decision, the person can no longer be investigated, prosecuted and judged for the second time for the incident in question.

Criminal Procedure when viewed from the angle of examination, this can be detailed in two parts, namely preliminary examination and examination in court. The preliminary examination is carried out first by the police, both as investigators and as investigators, if there are allegations that the material criminal law has been violated. Meanwhile, the court trial is an examination carried out to determine whether the allegation that someone has committed a criminal offense can be punished or not. [14]According to the guidelines for the implementation of the Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure, before conducting an investigation, an investigation is first carried out because it is one of the ways or methods or sub of the investigation function which precedes other actions, namely actions in the form of arrest, detention, search, seizure, examination of letters, summons, examination actions, and submission of files to the public prosecutor. So before conducting an investigation, an investigation is first carried out by an investigating officer, with the intention and purpose of collecting sufficient preliminary evidence or evidence so that a follow-up investigation can be carried out.

Based on the Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Law Article 1 Number (5) emphasizes that: An investigation is a series of investigator actions to search for and find an event suspected of being a criminal offense in order to determine whether or not an investigation can be carried out in the manner provided for in this law. Investigations are carried out before investigations, investigations function to find out and determine what events have actually occurred and are tasked with making minutes and reports which later form the basis for the beginning of an investigation. The prosecutor's office is one of the law enforcement agencies. The formation of this Prosecutor is based on the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office which in the weighing section explains Indonesia's national goals are law enforcement and justice and

[14] Clark, R. (2023). The Concept of International Criminal Law and Its Relationship With Transnational Criminal Law and Conflict of Laws. Transnational Criminal Law Review, 1(2). https://doi.org/10.22329/tclr.v1i2.7930

as one of the bodies whose functions are related to the structure of the Prosecutor's Office according to the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia consisting of the Attorney General's Office, the High Prosecutor's Office, and the District Attorney's Office.[15] Where the highest power in the Prosecutor's Office is in the Attorney General's Office, namely the Attorney General himself, while a prosecutor is apNumbered and dismissed by the Attorney General, where the requirements to be apNumbered as a prosecutor are regulated in Law No.16 of 2004 article 9. In carrying out its duties and functions, the prosecutor acts and on behalf of the state and is responsible according to the hierarchical channels. [16]

The function of the Prosecutor is one of the links of the law enforcement process in overcoming crimes or criminal acts that occur in society, where the function cannot be separated and separated from the process of investigation, investigation, prosecution, trial and execution. Article 1 Number 1 of Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia stipulates that a prosecutor is a functional official authorized by this law to act as an investigator, public prosecutor and implement court decisions that have obtained legal force. The Prosecutor's Office of the Republic of Indonesia as a government agency that exercises state power in the field of prosecution must be free from the influence of the power of any party. The prosecution is carried out independently regardless of the influence of government power and the influence of other powers. The Prosecutor's Office as one of the law enforcement agencies is required to play a greater role in upholding the rule of law, protecting the public interest, upholding human rights, and eradicating corruption.[17]

The substance of the law is all legal principles, legal norms and legal rules, both written and unwritten, including court decisions, in terms of the substance of criminal law in Indonesia, the parent of our material criminal legislation is the Criminal Code (KUHP), while the parent of formal criminal legislation (procedural law) is the Criminal Procedure Code (KUHAP). The third element in the legal system is the legal culture, namely the habits or culture of the community that accompanies law enforcement. The legal culture is both in the community and

[15] Sitompul, Josua (2019) "DEVELOPING A LEGAL FRAMEWORK OF PERSONAL DATA PROTECTION IN THE INDONESIAN CRIMINAL PROCEDURE LAW," Indonesia Law Review: Vol. 9: No. 3, Article 1. DOI: 10.15742/ilrev.v9n3.582 Available at: https://scholarhub.ui.ac.id/ilrev/vol9/iss3/1

[16] Hidayat, A., & Wahyuningsih, S. E. (2018). Role Of Prosecutor General Prosecution Of Actors In The Implementation Of Abuse Of Narcotics Crime (Case Study in Magelang District Attorney). Jurnal Daulat Hukum, 1(2), 445. https://doi.org/10.30659/jdh.v1i2.3290

[17] Hidayat, A., & Wahyuningsih, S. E. (2018). Role Of Prosecutor General Prosecution Of Actors In The Implementation Of Abuse Of Narcotics Crime (Case Study in Magelang District Attorney). Jurnal Daulat Hukum, 1(2), 445. https://doi.org/10.30659/jdh.v1i2.3290

in law enforcement officials.[18] In principle, the legal culture of a nation is proportional to the progress achieved by the nation concerned because the law of a nation is actually a reflection of the social life of the nation concerned. In carrying out its duties and authorities, the AGO is in a central position with a strategic role in strengthening national resilience. Because the Prosecutor's Office is at the axis and becomes a filter between the investigation process and the examination process in court and also as the executor of court decisions and decisions.

That way the Prosecutor's Office is in control of the case process (dominus litis), because only the Prosecutor's Office institution can determine whether a case / case can be submitted to the Court or not based on valid evidence according to the Criminal Procedure Law. based on valid evidence according to the Criminal Procedure Law. That apart from conducting prosecutions, implementing judges' decisions and court decisions that have obtained permanent legal force. court decisions that have obtained permanent legal force (executive ambtenaar). The Public Prosecutor's Office also has duties and authorities in other criminal matters, namely supervising the implementation of conditional criminal decisions, supervisory criminal decisions, and conditional release decisions; conducting investigations into acts of conditional criminal decisions, supervision criminal decisions, and conditional release decisions; conducting investigations into certain certain criminal offenses based on the law, complete certain case files and for that purpose can conduct additional examinations before being submitted to the court which in its implementation is coordinated with the investigator. with investigators.

5 CONCLUSSION

The urgency of stopping the investigation of corruption cases as an effort to return and restore state finances and as regulated in Article 109 paragraph (2) of the Criminal Procedure Code, namely: Insufficient evidence is not obtained, the alleged event is not a criminal offense and the termination of the investigation for the sake of law, and also the authority of the investigator to issue an Investigator's Termination Order in a corruption case, if in the corruption case no unlawful act is found, no strong evidence is found and no state losses are found, the urgency of stopping the investigation of corruption cases is carried out through the

[18] Mansar, A., & Lubis, I. (2023). Harmonization of Indonesian Criminal Law Through the New Criminal Code Towards Humane Law. *Journal of Law and Sustainable Development*, *11*(12), e2381. https://doi.org/10.55908/sdgs.v11i12.2381

application of Restorative Justice so that the perpetrators of corruption crimes still try to return all state losses, but the application of Restorative Justice does not remove criminal sanctions against the perpetrators of corruption.

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