

Reconstruction of the Prosecutor's Authority Regulation as Dominus Litis in the Enforcement of Corruption Criminal Acts Based on the Values of Justice

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Abstract

Draft Prosecutor's Office as controller investigation that in investigation the controlled and/ or led by the Public Prosecutor. This research aims to: 1) analyze the role of prosecutors as *dominus litis* in corruption law enforcement not yet based on justice values; 2) identify current regulatory weaknesses in that role; and 3) reconstruct the prosecutorial authority based on justice. Using a constructivist paradigm, it applies a sociological legal approach and descriptive study, relying on secondary data from primary, secondary, and tertiary legal materials, collected through literature review and analyzed qualitatively. The research results are: 1) The prosecutor's authority as *dominus litis* in corruption law enforcement is not yet based on justice principles, making its role suboptimal; 2) Key weaknesses include: a) Substantive legal limits, such as Article 138(1) of the Criminal Procedure Code; b) Structural issues from functional separation between investigation and prosecution, reducing prosecutorial control; and c) Cultural resistance to restorative justice, with public preference for judicial processes; 3) Reconstruction should align prosecutorial authority with justice values through amendments to Article 139 of the Criminal Procedure Code, Article 30B(d) of Law No. 11/2021 (amending Law No. 16/2004), and Article 2(1)–(2) of Law No. 31/1999 on Corruption Eradication.

Keywords: *Reconstruction; Regulation; Dominus Litis; Prosecutor's Office*

Introduction

One of state institutions that have role active in enforcement law in society is Attorney General's Office of the Republic of Indonesia. Attorney General's Office is institution enforcer law that has strategic role and position, because act as a filter in the investigation and examination process in court, so that its existence viewed must competent in enforcement Law. Elements enforcement law in a system law prosecutor's office is part from a system, as LM Friedman, quoted by Marwan Effendi, stated that system law arranged from sub- systems in the form of substance law, structure law and culture law. Third

element system law this is very decisive whether a system law can walk with Good or No.¹ Law enforcement is a process of activities or actions, one of which is carried out by law enforcers (Indonesian National Police/PPNS investigators, prosecutors and judges).²

In the criminal justice system, the role of the prosecutor's office is very central because the prosecutor's office is the institution that determines whether someone should be examined by the court or not. The prosecutor also determines whether someone will be sentenced or not through the quality of the indictment and the demands he makes. The position of the prosecutor is so important for the law enforcement process that this institution must be filled by people who are professional and have high integrity. The existence of the prosecutor's office in Indonesia is regulated in Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The law states that the authority to exercise state power in the field of prosecution is carried out by the prosecutor's office.³

The term "Prosecutor" has been used for centuries, derived from the Sanskrit *adhyaksa*. This term was used for the highest priest title in the Hindu Kingdoms on the Island of Java, and was especially used for the highest royal judge title. According to the oldest spelling during the reign of *the Vereenigde Oostindische Compagnie* / United East India Company or the Dutch East India Company (hereinafter abbreviated as VOC) in the sixteenth century it was written as "jaja". From that time until the Dutch Colonial government in 1942, "jaja" and then "djaksa" were used as terms for Bumi Putera Legal Officials who were almost the same as a magistrate and since the Japanese Military occupation in 1942-1945, "jaksa" at that time was written as *djaksa*, which was the title for legal officials who were authorized to prosecute criminal cases.⁴

The existence of the Indonesian prosecutor's office is regulated in Constitution Number 11 of 2021 Concerning Changes to the Law Number 16 of 2004 Concerning Attorney General of the Republic of Indonesia. As state institution, the Attorney General's Office of the Republic of Indonesia is headed by the Attorney General who is appointed and responsible to President. In implementing functions, duties and authorities of the Republic of Indonesia Attorney General's Office are carried out in a way independence.⁵ Not only That in matter prosecution and authority other must capable realize certainty law, order law, justice and truth based on law and respect for norms religion, politeness, and decency, as well must dig values humanity, law and living justice in public.

Prosecutor's Office Alone is the only one institution executor as executor execution decision District Court in our country. Executor is a party that has authority for seize, take action or carry out a decision based on provision or applicable law. Executor Alone originate from the word execution which means implementation decision court that is implementation judge's decision or implementation punishment court (especially punishment dead); confiscation or sale somebody or other Because owe.⁶

Principle of differentiation functional adopted in the Criminal Procedure Code has the potential cause quite a problem means later day, especially for The prosecutor's office. The prosecutor's office which only do inspection to results investigation and not allowed follow as well as in a way direct in action investigation, can become obstacle in evidence in court. The consequences from principle

¹Marwan Effendi, 2005, *Indonesian Attorney General 's Office Position and Functions from a Legal Perspective*, Gramedia Pustaka Utama. Jakarta, p.1.

²Sri Endah Wahyuningsih, Rismanto, Criminal Law Enforcement Policy on Combating Money Laundering in the Framework of Criminal Law Reform in Indonesia, *Journal of Legal Reform* 46 Volume II No. 1 January - April 2015

³Hamzah, Andi, 1990, *Regulator of Indonesian Criminal Procedure Law*. Ghalia Indonesia. Jakarta. p. 70

⁴Andi Hamzah, 1995, *Prosecutors in various countries: their roles and positions*, Sinar Grafika, Jakarta, p.3.

⁵Constitution Number 11 of 2021 Concerning Changes to the Law Number 16 of 2004 Concerning Attorney General of the Republic of Indonesia, p.3

⁶Sulaiman Nandihanta Rezzi Suharso1 and Andri Winjaya Laksana, The Role and Function of Prosecutors in the Implementation of Destruction of Evidence of Abuse Narcotics in Semarang City, *Proceedings of UNISSULA STUDENTS SCIENTIFIC CONFERENCE (KIMU)*, Sultan Agung Islamic University Semarang, October 28, 2020

differentiation functional the depicted in a number of the case in which the Panel of Judges handed down decision no guilty Because witness / defendant revoke the Minutes of Examination.

This issue is consequence when connection Police Investigators and Investigators other as well as The prosecutor's office at the stage investigation only limited to coordination functional. With thus need existence integration between the Public Prosecutor and Investigator in pattern thoughts and patterns Work Handling case and the Public Prosecutor does not only learn material results investigation or only give instruction to Investigator but follow the way investigation since from beginning. Required a in - depth research about plan changes to the Criminal Procedure Code, especially those regulating about mechanism investigation and prosecution For repair condition moment this. When implementing task function as well as authority prosecution said: a) At the time accept file case from investigator. b) And also at the time file the matter he received He abundant to the judge to done prosecution and examination at trial court ".⁷

Through studies literature, study field and study comparison system law with other countries that implement Prosecutor's Office as dominus litis/ controller case in which the Prosecutor's Office have more roles wide from only just do activity prosecution, then structure Handling case in the Criminal Procedure Code which limits investigation case act criminal only carried out by the police need done changes, namely with give authority control investigation act criminal to Prosecutor's Office.

In general formulation investigation controlled by the Prosecutor's Office the answer No The same exactly. There is a modification so that become differentiator between the HIR period and the concept that the Author describe in this article. Concept the underlying basis Prosecutor's Office as controller investigation intended so that the Public Prosecutor knows How Investigator to obtain tool proof in a case as well as for prove that suspect is the party considered worthy for to be continued to level prosecution, so that at the stage investigation and prosecution No There is back and forth files return like during This.

Draft Prosecutor's Office as controller investigation that in investigation the controlled and/ or led by the Public Prosecutor, with member the team that comes from from Investigator Police for act criminal general, and investigators besides Police for act criminal special / specific. Monitoring, evaluation and supervision carried out by the Public Prosecutor against the cases that are handled slow and become arrears investigation as well as to investigations that are optimal and not yet obtained tool sufficient evidence, then the Public Prosecutor can do investigation addition or advanced to case in the position. as apparatus prosecutor In general, the Criminal Procedure Code confirms that authority prosecutor general For make letter indictment without mix hand agency others, Public Prosecutor stand alone and perfect in making letter indictment.⁸ It is the Public Prosecutor who assesses whether a case results investigation Already complete or No For delegation to District Court for, as set up in Article 139 of the Criminal Procedure Code.⁹

The Public Prosecutor has authority For do termination prosecution if objective law become No achieved If a case delegated to court based on provisions of Article 139 of the Criminal Procedure Code and Regulation of the Attorney General of the Republic of Indonesia Number: 15 of 2020 concerning

⁷Titin, Sulastris, The Role of the Asset Recovery Center at the Bandung District Attorney's Office, Journal Scientific, Volume 10, Number 3, p. 151, (2019)

⁸ Djunaedi, Review Legal Duties and Authorities of Prosecutors to Achieve the Values of Justice, Journal Legal Update Volume I No.1 January –April 2014

⁹ Ardilafiza, Independence Prosecutor's Office as Executor Power Prosecution In The System Indonesian State Administration, Journal Constitution Volume III, Number 2, November (2010)

Termination Prosecution Based on Justice Restorative.¹⁰ Prosecutor's Office as One institution government, basically No only Article 24 and Article 25 of the 1945 Constitution (hereinafter abbreviated to the 1945 Constitution), but also Article 4 Paragraph (1) of the 1945 Constitution, namely that The President of the Republic of Indonesia holds power government according to the 1945 Constitution, this is in line with with Article 19 Paragraph (2) of the Law Number 16 of 2004 concerning The Attorney General of the Republic of Indonesia stated that that the Attorney General is appointed and dismissed by the President.

The Criminal Procedure Code (KUHP) does not apply principle *dominus litis* or authority absolute given to Agency The Attorney General's Office of the Republic of Indonesia is in the process of handling case criminal.¹¹ If every crime resolved so public as the result will satisfied Where justice has enforced and the guilty has sentenced in accordance with applicable penalties.¹² Prosecutor's Office be at the axis and be a filter between the investigation process and the examination process in court as well as executor determination and decision court.¹³ Many suspects case criminal must serving a prison sentence maximum due to the filing process matters and collection tools and goods the proof hampered in the pre - process adjudication / prosecution.¹⁴

Validation Constitution Number 1 of 2023 concerning the Criminal Code (KUHP) brings a number of change means in law criminal Indonesian national. One of them is release self from paradigm justice retributive. Law This carry paradigm modern criminalization. The goal realizes justice corrective, justice restorative, and justice rehabilitative.

Approach the punishment also shifted from teachings classic to teachings neoclassical. Teachings classic law criminal emphasize effort Retaliation. Adoption teachings neoclassical in the New Criminal Code reflects a more approach holistic. The New Criminal Code takes into account interests of victims (justice) restorative), interests the perpetrator to become more personal good (justice) corrective), and rehabilitate conflict that occurs (justice rehabilitative).

Authority prosecutor's office in do investigation a act criminal set up in **Article 30 paragraph (1) letter d** Constitution The prosecutor's office stated prosecutor's office authorized For do investigation to act criminal certain based on Constitution.

Apart from that, Article 30B letters a and d of the Law Number 11 of 2021 explained that in field intelligence enforcement law, prosecutor's office authorized to organize function investigation, security and fundraising For interest enforcement law as well as carry out prevention corruption, collusion and nepotism.

More further, authority prosecutor's office in investigation and inquiry case Corruption is also regulated in Perjagung No. PER-039/A/JA/10/2010 as changed with Perjagung No. PER-017/A/JA/07/2014 .

¹⁰ Marjudin Djafar, Tofik Yanuar Chandra, Hedwig Adianto Mau, Authority of Public Prosecutor as Dominus Litis in Termination Prosecution Based on Justice Restorative, Journal Social and Cultural Syar-i P-ISSN: 2356-1459. E-ISSN: 2654-9050 Vol. 9 No. 4 (2022),

¹¹English: Dr. Tiar Adi Riyanto, Functionalization The Principle of Dominus Litis in Criminal Law Enforcement in Indonesia, Lex Renaissan, N. 3 VOL. 6 JULY 2021

¹²Tiar Adi Riyanto, Functionalization The Principle of Dominus Litis in Criminal Law Enforcement in Indonesia, LEX Renaissan NO. 3 VOL. 6 JULY 2021: 481-492

¹³ Jasmine Basic Saragih, The Role of the Prosecutor's Office in Eradication Action Criminal Corruption in Indonesia After The Law Number 20 of 2001 Concerning Eradication Action Criminal Corruption, Al'Adl Volume IX Number 1, January-April 2017 ISSN 1979-4940/ISSN-E 2477-0124

¹⁴Zainab Ompu Jainah, Arrangement Interaction of Investigation and Prosecution Process in System Justice Crime in Indonesia, Journal Legal Science PROGRESSIVE JUSTICE Legal Science Study Program Faculty of Law, University of Bandar Lampung Volume 9 Number 1 March 2018 p. 2.

Article 1 number 4 of the Law Number 11 of 2021 mention prosecution is action prosecutor general For bestow case to Competent District Court in things and according to the way it is arranged in criminal procedure law with request so that examined and decided by the judge at the trial court. In addition, Article 140 paragraph (1) of the Criminal Procedure Code states that:

In terms of prosecutor general to argue that from results investigation can done prosecution, he in time as soon as possible make letter indictment.

Then after the inspection process court finished, then Article 182 paragraph (1) letter a of the Criminal Procedure Code applies which reads:

After inspection stated finished, prosecutor general submit demands criminal;

As for example, we only will explain procedure prosecution in scope Attorney General's Office. This is because of scope prosecutor's office divided three, namely: Attorney General's Office, the High Prosecutor's Office, and the District Prosecutor's Office.

Based on description background behind on interesting for researcher for take title: "Reconstruction Regulation the Authority of the Prosecutor as *Dominus Litis* in Law Enforcement Crime Criminal Corruption Based on Justice Values".

Research Methods

Writer in study This use paradigm constructivism, a paradigm that views that knowledge law That only deal with regulation legislation solely. Law as something that must be done applied, and more tend for No to question mark justice and its usefulness for society. Legal studies and their enforcement only range about what is right and what is not right, what is wrong and what is not wrong and more other forms nature prescriptive.

Approach research used in study This is study law sociological or normal called study legal sociological. In research this, law conceptualized as a symptom empirical that can be observed in life real.

Types of research used in finish dissertation This is method study legal descriptive analysis, namely research conducted with method researching material library (secondary data) or study law library, then described in analysis and discussion.

Types of data used are primary and secondary data. For obtain primary data from researchers referring to data or facts and cases law obtained direct through field research including information from related respondents with object research and practice that can see as well as relate with object research. While secondary data done with method studies bibliography. Secondary data This useful as runway theory for underlying analysis the main points existing problems in study This.

Discussion

1.Regulation the Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Not Yet Based on Justice Values

Formation Commission Eradicator Corruption (KPK) aims for to fight corruption as well as answer challenge to No its effectiveness system justice criminal law in Indonesia. KPK officially formed with existence Constitution Number 30 of 2002 and after the election the leadership and Chairman of the

Corruption Eradication Committee on December 16, 2003.¹⁵ In handling case corruption, institution The prosecutor's office also has role in investigation and examination related with act criminal corruption. Prosecutor's Office as stated inside Law no. 16 of 2004 concerning Indonesian Attorney General's Office Article 2 paragraph 1 confirms that " the Indonesian Attorney General's Office is institution government that implements function state power in the field prosecution as well as other authorities based on what is set in Constitution ".¹⁶

The Attorney General's Office of the Republic of Indonesia also functions as place research referring to the Law Number 16 of 2004 concerning The Attorney General's Office of the Republic of Indonesia which replaces Constitution Number 5 of 1991 concerning The Attorney General's Office of the Republic of Indonesia, especially Article 30 paragraph (1) letter d which states that duties and authorities Prosecutor's Office in field criminal one of them is carry out investigation to act criminal certain based on Constitution.¹⁷ Investigation in provision criminal procedure law as stated in the Law certain things in question in Article 284 paragraph (2) of the Criminal Procedure Code, it is carried out by investigators, prosecutors and officials. Investigator other authorized person based on regulation legislation.¹⁸

Issues that arise before existence draft The KPK Law is whether effective if to form an institution new namely the Corruption Eradication Committee? because institution law in charge has There is since long ago, namely Police and Prosecutor's Office. Taking right the authority of the Corruption Eradication Committee is matter new in system Indonesian justice because KPK's authority is different with those in some Countries such as Malaysia, Hong Kong, Singapore and Australia because in these countries authority institution like this KPK only limited to function investigation and inquiry only, so that authority prosecution still is in the Prosecutor's Office. This is Of course different with the authority of the Corruption Eradication Committee in Indonesia, which apart from carry out function investigation and inquiry, can also do prosecution.¹⁹

The authority of two institutions this, has equality namely You're welcome authorized for demand especially in the act criminal corruption. In theoretical the only one institution that is given authority for do power prosecution is Attorney General of the Republic of Indonesia where Prosecutor's Office have power absolute prosecution known with the principle of Dominus Litis, namely the Prosecutor as ruler case so that only the prosecutor can do power prosecution in act criminal. However, after the formation of Commission Eradication Corruption based on Article 6 letter (c) of the Law Number 30 of 2002 concerning Commission Eradication Action Criminal Corruption that states that the Corruption Eradication Committee has duties and authorities as investigators, investigators, and prosecutors. Then Article 6 letter (b) of the Law Number 30 of 2002 concerning Commission Eradication Action Criminal Corruption state that the Corruption Eradication Committee has authority supervision to institutions that have authority in do eradication act criminal corruption.²⁰

Apart from through track criminal, return state finances are also carried out through track civil. Civil path This taken when effort criminal Already No possible. That is, confiscation and replacement money No succeed done Because faced with conditions law particular. The only one. alternative is done through lawsuit civil. With Thus, the path civil nature optional and is complement from law criminal.

¹⁵Ibid

¹⁶ Constitution Number 16 of 2004 concerning Indonesian Attorney General's Office, Article 2 paragraph 1

¹⁷ Republic of Indonesia Law Number 16 of 2004 Concerning Attorney General of the Republic of Indonesia.

¹⁸ Mario Randy Lengkong, Authority prosecutor's office in prosecution act criminal corruption according to Constitution Number 8 of 1981 concerning Criminal Procedure Law, Lex Crimen Vol. IV/No. 2/April/2015, p. 163

¹⁹Ibid

²⁰Ibid

Anti-Corruption Law No obligatory lawsuit civil. The absence of obligation That give opportunity to prosecutor state attorney for do or No do lawsuit civil return state finances. The proof is, during This lawsuit civil return state finances do not Lots done.

Regulation authority prosecutor as dominus litis in enforcement law act criminal corruption Not yet based on mark justice that essence The principle of Dominus Litis attached to the Prosecutor is not yet optimal. At the stage Pre Prosecution, the Prosecutor as Dominus Litis only limited to receive SPDP and examine file from investigator for prosecuted continue to stage prosecution or returned to investigators. Such things potential the occurrence engineering files by investigators with method intervene as well as press witness or suspects resulting in revocation statement by the person concerned during the examination process in court. With thus the need optimization role prosecutor as *dominus litis*.

2. Weaknesses Regulation the Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Today

a. Weaknesses of Aspects Legal Substance

Weakness aspect substance law that is lies in the regulations legislation, namely in the Criminal Procedure Code. Article 138 paragraph (1) of the Criminal Procedure Code states that prosecutor general after accept results investigation from investigator quick study and research it and in time seven day must to inform to investigator whether results investigation That Already complete or not yet. Clause the to put forward that communication or coordination process from investigators and prosecutors general only limited to correspondence based on files cases sent by investigators. Communication short and only based on file case This naturally often to meet obstacles that result in the handling process case No effective.

b. Weaknesses of Aspects Legal Structure

Weakness aspect structure law that is the principle of Dominus Litis has reduced / reduced its meaning and function by the Criminal Procedure Code Alone through principle differentiation functional resulting in compartmentalized subsystem investigation with prosecution. Even though the Criminal Procedure Code does not apply function prosecutor general as Dominus Litis in whole and complete, the Prosecutor's Office still given portion limited for do supervision horizontally towards the investigation process with the aim of preventing happen abuse authority by the authority enforcer potential law violate right basic human. Implementation supervision horizontally when This come true in institution pre-prosecution which becomes means coordination prosecutor general with investigator.

c. Weaknesses of Aspects Legal Culture

Weakness aspect culture law is public part reject enforcement law criminal based on justice restorative. Rejection the because of high ego than society (the parties) to to finish problem through the judicial process. Another reason that exists in the public That that assumption from objective criminalization that is currently This implemented in Indonesia since enforcement law criminal and sanctions imposed in accordance with theory retaliation (retributive) has been attached inside culture society. As a result, shift objective criminalization toward justice restorative Still not optimal for done.

3.Reconstruction Regulation the Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Based on Justice Values

a.Comparison with Overseas

1) United States of America

United States of America No own regulation legislation special that regulates act criminal corruption. The US Federal Government as well as The state government is compiling a general law law Criminal law that regulates that act crimes that are classified as as corruption including offense bribery, abuse authority and embezzlement. Rules that are often used and worn as reference in court act criminal corruption are the Foreign Corrupt Practices Act (FCPA) and the Travel Act.

The FCPA regulates bribery official government foreign as an olegal Act, the FCPA does not just applicable for US citizens but also for issuer securities foreign.

Travel act frequently used for to judge act criminal corruption including bribery commercial. The Travel Act covers criminal activities that occur across border interstate and also national.

America besides own second Constitution It also has a law that regulates the WHISTLE Blower Sarbanes-Oxley Act that regulates threat punishment criminal for those who reply feud against Whistle blowers and the Dodd-Frank Act which regulates the reward system for Whislet Blower which has given information

United States of America take multi- approach institution for to fight corruption. Department of Justice (Department Justice) is institution anti-corruption main, together with its sub- agents, FBI and Public Integrity Section (PIS). DOJ and SEC responsible answer on enforcement FCPA. Bodies in on handle investigation, investigation and prosecution cases anti- corruption. While that, anti- corruption functions other like to uphold transparency and ensure code ethics in the sector public obeyed will handled by the Office of Government Ethics (OGE), Office of Management and Budget (OMB), Government Accounting Office (GAO), as well as commission ethics and inspectorate general at the institution federal and legislative.

In the United States besides the teaching of Vicarious Liability also adhere to teachings Presumption Liability adopted in MPC Sub section (5) which contains that can be carried out " defense from a suspected corporation has do act criminal. With thus corporation can avoid accountability criminal during corporation can prove that "*a high managerial agent*" who has responsibility supervision to main the problem that becomes case has do "*due diligence*" or principle be careful precautions taken For prevent the occurrence act criminal Likewise with the Model Penal Code, The Foreign Corrupt Practice Act United State Code (FCPA) which is rule law related with act oidana corruption in America also applies teachings Vicarious Liability for action actions carried out by employees and if action That done in scope task employee and if action That done For profit corporation.

2) Malaysia

The criminal punishment system for corruption in Malaysia in Article 16 of the Malaysian Law Act 694 is:

Any person standing alone or through or together with any other person:

- a) Casually asking for or receiving he (Person) agrees to accept for himself or any other person.
- b) Randomly giving, promising or offering to anyone either for that person's benefit or for the benefit of another person.

Any bribe as an incentive to share wages, or otherwise for the following reasons:

- a) Any person doing or not doing anything is willing to do any matter or transaction, whether real or proposed or possible;
- b) Any employee of a public body does or does not do anything with respect to any matter or transaction whether actual or proposed or which may occur with which that public body is involved. Punishment for those who accept corruption/bribery:
 - a) Determining that people who ask to accept or agree to commit corruption for others or themselves are not permitted;
 - b) Decide that you cannot promise to give or offer corruption to other people, even if it provides benefits to that person or others

Punishment for those who commit bribery:

- a) It is not permissible for anyone who does or does not do anything related to corruption to receive compensation or wages, whether this occurs or not, and will be given appropriate punishment if involved;
- b) Any official of any position who is found to have done or not done anything related to a corrupt transaction and is found to have been involved in it will be subject to punishment.

In Article 24 of the Malaysian Corruption Prevention Commission Act, the penalties for perpetrators of criminal acts of corruption are stated as in Articles 16-23 as follows:

- (1) Any person who commits an offense under section 16-23, if convicted, may :
 - a. Imprisoned for a period not exceeding twenty years; And
 - b. Be fined not less than five times the amount or value of the bribe involved in the offense if the bribe is denominated or in the form of money, or ten thousand ringgit, whichever is higher.
- (2) Any person who commits an offense under section 18 may, if convicted :
 - a. Imprisoned for a period not exceeding twenty years; And
 - b. Fined not less than five times the amount or value of the counterfeit or fraudulent matan grains if the counterfeit or fraudulent matan grains are valued or in the form of money, or ten thousand ringgit, whichever is higher. The form of sanctions for perpetrators of criminal acts of corruption according to Malaysian law depends on the type of act and actions of the perpetrator. The threats imposed are imprisonment and fines, but the threat of corruption also has minimum and maximum limits.

Based on these articles, the punishment imposed is in the form of imprisonment and a fine:

1. Imprisonment

Imprisonment is a form of punishment that restricts the freedom of movement of a convict.

2. Criminal fines

A criminal fine is a form of punishment given by a panel of judges in the form of an obligation to pay a predetermined amount of money.

In Malaysia, in the Malaysian Corruption Prevention Commission Act 2009, the threats given are clearly stated, namely imprisonment and fines, but in Indonesia, each article stated is explained in detail how much the fine threat has been determined with minimum and maximum limits. Not in Malaysia, in the anti-corruption law owned by Malaysia, it is stated that the fine that must be paid is not less than five times the proceeds of corruption. so the payment of the fine is determined by the panel of judges. According to the Malaysian anti-corruption law, it is clear who the perpetrators of corruption are, the types of corruption, the elements and the imposition of sanctions regulated therein, the application of sanctions for corruption in Malaysia is no different from in Indonesia to prove that the perpetrators of corruption are guilty and can be punished, it must first be determined whether the elements of the act have been met or not. Article 16 of the Malaysian Corruption Prevention Commission Act states that corruption occurs when a person or several people unlawfully ask for, accept or agree to a policy to obtain certain benefits for themselves or their group.

3) Singapore

In Singapore, the separation of the function of eradicating corruption, which was originally under the police institution, was implemented into an independent body with a lean and flexible institutional structure. Meanwhile, in Indonesia, there is no unified institution that has the authority to handle corruption crimes, as is known that the police, the Prosecutor's Office and the Corruption Eradication Commission have the authority to investigate corruption crimes, even the Corruption Eradication Commission has expanded its authority with the authority to prosecute which was originally only possible by the Prosecutor's Office as the Public Prosecutor.

Singapore actually only has one anti-corruption agency, namely the CPIB (Corrupt Practices Investigation Bureau) as a new organization that is independent and separate from the police to investigate all corruption cases.

CPIB or Corruption Inspection Office have The organizational structure consists of from three branches. The most important branch is the Investigation Division which consists of four units, each headed by a Senior Deputy Director or Deputy Director, who is responsible for directing and monitoring the investigative efforts of the agency, subordinate officers. Investigation Letters are prepared by investigators and submitted to the Director, who receives evidence and makes appropriate recommendations to the prosecutor, where approval is required for prosecution under the PCA State policy ²¹,

In Singapore regulation for arrange about act criminal Which related with corruption shared become 2 regulation that is *Prevention of Corruption Act* formulation offense special among business in the form of bribery between private individuals, and for civil servants the crime of bribery is taken from Criminal Code Singapore, matter This because of background behind country Singapore is A country business or trade.

On *Prevention of Corruption Act*, there is 2 (two) chapter, on Chapter 5 And Chapter 6 , that is with threat criminal maximum 5 (five) year added with clause that increases the sentence to 7 (seven) years. If corruption or bribery is related to contracts made between private parties and the government or public institutions/agencies, so in accordance in Chapter 5 And Chapter 6 *Prevention of Corruption Act*, threat criminal improved become \$ 100,000 or criminal prison most long 7 (seven) year And applicable cumulative. On Articles 10 to 12 of *the Prevention of Corruption Act* regulate bribery in tender for work, services, carrying out or supplying something, material or object, which is contract with Government or department or u body public

²¹ Abd. Rachman Assegaf, Policy Analysis and Educational Strategy for Anti-Corruption in Indonesia and Singapore, (Yogyakarta: Sunan Kalijaga State Islamic University, 2015) p. 621

In general, there are three main points that support CPIB in its eradication efforts. corruption, namely strong political will from the government, by providing a legal framework strong and adequate resources in efforts to eradicate criminal acts of corruption, have function publication Which Good especially in publish process prosecution corruption, existence policy Which emphasize organizer country For to announce his assets along with source his income implemented with Good, do approach Which comprehensive through three strategy: investigation, prevention, And education public.

Development Handling Corruption in Singapore can be seen from a cultural perspective, Singapore with *political will*, public awareness and attitudes and culture professionalism Already bleeding meat. In Indonesia, awareness public And *political will* from government Still Not yet maximum so that part public Indonesia consider corruption It is a normal thing and in its handling it is still unprofessional or seems to be still half-hearted. Meanwhile, in terms of regulations, the regulations in Singapore are more differentiated in sorting out the perpetrators of corruption crimes, whereas in Indonesia there is more differentiation offense that happened. From aspect institution, Singapore only There is One institution Which authorized full in eradication corruption, namely the CPIB, while Indonesia has three institutions, namely the Police, the Prosecutor's Office and the Corruption Eradication Committee (KPK). Which impressed have authority parallel And The same in Handling corruption, so that happen overlapping authority.

b.Reconstruction of Regulatory Values the Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Based on Justice Values

Reconstruction mark regulation authority prosecutor as dominus litis in enforcement law act criminal corruption that used to be Not yet based on mark justice, now based on mark justice.

c.Reconstruction of Regulatory Values the Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Based on Justice Values

View justice in law national The Indonesian nation is guided by the state philosophy, namely Pancasila, which is the principle the fifth reads: " Justice" social for all Indonesian people". Which became problem Now is what is it called fair according to concept law national which is based on Pancasila.

Conception thus if connected with please second from Pancasila as source law national the Indonesian nation, in essence instruct to always do harmonious relationship between man in a way individual with group other individuals so that created fair and civilized relations.

Based on information above, then served table reconstruction regulation sanctions criminal to perpetrator act criminal corruption based on mark justice as following:

Table 5.1. Reconstruction Regulation Regulation The Authority of the Prosecutor as Dominus Litis in Enforcing Criminal Law Criminal Corruption Based on Justice Values

No.	Construction	Weakness	Reconstruction
1.	Criminal Procedure Code (KUHP) Article 139 After prosecutor general accept and receive return results complete investigation from investigator, he immediately,	Not based on mark justice	Reconstruction of the Criminal Procedure Code (KUHP) Article 139 with add words based on mark justice, so that reads: Article 139 After prosecutor general accept and

	determine whether file case That Already fulfil condition For can or No delegated to court.		receive return results complete investigation from investigator, he immediately, determine whether file case That Already fulfil condition For can or No delegated to court.
2	<p>Constitution Number 11 of 2021 Concerning Changes to the Law Number 16 of 2004 Concerning Attorney General of the Republic of Indonesia</p> <p>Article 30 B</p> <p>Letter d</p> <p>In the field intelligence enforcement law, prosecutor's office authorized:</p> <p>Carry out prevention corruption, collusion and nepotism</p>	Not optimized yet role prosecutor as a dominus litis	<p>Reconstruction Constitution Number 11 of 2021 Concerning Changes to the Law Number 16 of 2004 Concerning The Attorney General's Office of the Republic of Indonesia, in Article 30 B Letter d with add sentence with optimize role prosecutor as dominus litis, so that reads:</p> <p>Article 30 B</p> <p>Letter d</p> <p>In the field intelligence enforcement law, prosecutor's office authorized:</p> <p>Carry out prevention corruption, collusion and nepotism with optimize role prosecutor as a dominus litis</p>
3	<p>Constitution Number 31 of 1999 Concerning Eradication Action Criminal Corruption.</p> <p>Article 2</p> <p>(1) Any person who is oppose law do act of enrichment self Alone or someone else or a corporations that can harm state finances or state economy, punished prison with prison lifelong life or criminal imprisonment of at least 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).</p> <p>(2) In terms of act</p>	Sanctions criminal still relatively light, and not yet There is effort impoverishment corruptor	<p>Reconstruction Constitution Number 31 of 1999 Concerning Eradication Action Criminal Corruption, in Article 2 with change Article (1) where the nominal fine which was originally at least IDR 200,000,000.00 (two hundred million rupiah) becomes IDR 1,000,000,000.00 (one hundred million rupiah). billion rupiah), and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). billion rupiah) to Rp. 5,000,000,000.00 (five billion rupiah), and also changed Article (2) with insert the word impoverishment so that reads:</p> <p>Article 2</p> <p>(1) Any person who is oppose law do act of enrichment self Alone or someone else or a corporations that can harm state finances or state economy, punished prison with prison lifelong life or criminal imprisonment</p>

	criminal corruption as meant in Article (1) is carried out in condition certain, criminal dead can dropped.		for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one million rupiah). billion rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah). (2) In terms of act criminal corruption as meant in Article (1) is carried out in condition certain, impoverishment criminal dead can dropped.
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Closing

Conclusion

Regulation authority prosecutor as dominus litis in enforcement law act criminal corruption Not yet based on mark justice that essence The principle of Dominus Litis attached to the Prosecutor is not yet optimal. At the stage Pre Prosecution, the Prosecutor as Dominus Litis only limited to receive SPDP and examine file from investigator for prosecuted continue to stage prosecution or returned to investigator. Weakness aspect substance law that is lies in the regulations legislation, namely in the Criminal Procedure Code. Article 138 paragraph (1) of the Criminal Procedure Code states that prosecutor general after accept results investigation from investigator quick study and research it and in time seven day must to inform to investigator whether results investigation That Already complete or not yet. Weaknesses aspect structure law that is the principle of Dominus Litis has reduced / reduced its meaning and function by the Criminal Procedure Code Alone through principle differentiation functional resulting in compartmentalized subsystem investigation with prosecution. Even though the Criminal Procedure Code does not apply function prosecutor general as Dominus Litis in whole and complete, the Prosecutor's Office still given portion limited for do supervision horizontally towards the investigation process with the aim of preventing happen abuse authority by the authority enforcer potential law violate right basic human. Weakness aspect culture law is public part reject enforcement law criminal based on justice restorative. Rejection the because of high ego than society (the parties) to to finish problem through the judicial process. Another reason that exists in the public That that assumption from objective criminalization that is currently This implemented in Indonesia since enforcement law criminal and sanctions imposed in accordance with theory retaliation (retributive) has been attached inside culture societyReconstruction mark regulation authority prosecutor as dominus litis in enforcement law act criminal corruption based on mark justice that is regulation authority prosecutor as dominus litis in enforcement law act criminal previous corruption Not yet fair now based on mark justice.Reconstruction of regulatory norms authority prosecutor as dominus litis in enforcement law act criminal corruption based on mark justice namely in the Criminal Procedure Code (KUHAP) Article 139, Law Number 11 of 2021 Concerning Changes to the Law Number 16 of 2004 Concerning The Attorney General's Office of the Republic of Indonesia, in Article 30 B Letter d and the Law Number 31 of 1999 Concerning Eradication Action Criminal Corruption, in Article 2

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