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Existence of Prosecutors' Authority in Investigating Criminal Acts of Corruption Based on Law Number 31 of 1999 as Amended by Law Number 20 of 2001 concerning Eradication of Corruption

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Abstract

The main problems studied are as follows: Why in Indonesia, in the process of investigating criminal acts of corruption can be carried out by various law enforcement institutions, namely the Police, the Prosecutor's Office, to the KPK? And how is the existence of the Prosecutor's Office in investigating corruption based on Law Number 16 of 2004 in conjunction with Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 in conjunction with Law Number 30 of 2002? This research is a normative legal research, which is descriptive in nature, using a normative juridical approach, which is an approach through literature review with secondary data as the main source, which is obtained through data collection techniques with literature review, which is supported by interviews. After the data is collected, it is then analyzed in a normative-qualitative manner. The results of the study obtained answers, as follows: The process of investigating criminal acts of corruption in Indonesia can be carried out by law enforcement institutions, namely the Police, the Prosecutor's Office, to the KPK, because of the division of authority to investigate criminal acts of corruption, if the crime of corruption involves law enforcement, state administrators and other people who are related to criminal acts of corruption and receive attention that disturbs the public and/or involves state losses of at least Rp. 1,000,000,000.-.

Keywords
prosecution; investigation; corruption

I. Introduction

The Prosecutor's Office is an integral part of the constitutional system (legal system), as an apparatus that has duties and responsibilities in the field of law enforcement in Indonesia. In other words, the position and function of the Indonesian Prosecutor's Office should be strictly regulated in the 1945 Constitution of the Republic of Indonesia, just like the Indonesian Police and the Judiciary. However, in reality, the position and function of the prosecutor's office is only implicit in the Preamble of the 1945 Constitution, paragraph IV, in Article 24 paragraph (3), and in Article II of the Transitional Rules. Regardless of whether the position and function of the Indonesian Prosecutor's Office is regulated explicitly or implicitly in the 1945 Constitution, what is certain is that the Indonesian Prosecutor's Office is a subsystem of the Indonesian constitutional system as regulated in the 1945 Constitution.

In Indonesia, in the process of investigating criminal acts of corruption, various law enforcement institutions can be carried out, namely the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK). This is regulated in the Criminal Procedure Code, Law Number 2 of 2002 and Law Number 30 of 2002

concerning the Corruption Eradication Commission. In addition, the examination in the court can also be tried in the general court and the court for corruption. Indeed, corruption is perhaps one of the most frequently used vocabulary words today. At least in Indonesia. In addition, corruption is generally known as an evil act that afflicts the people, but makes a few people rich.

On the other hand, corruption is a disease of society which is the same as other types of crime, such as theft, which has existed since humans have lived in society on this earth. The main problem is the increase in corruption along with the progress of prosperity and technology. In fact, there are symptoms in experience which show that the more advanced the development of a nation, the greater the need and encourage people to commit corruption.

Decision of the Constitutional Court Number 012-016-019-PUU-IV/2006 dated December 19, 2006 in the case of the Right to Judicial Review of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK) against the 1945 Constitution of the Republic of Indonesia , stated that the Court views the criminal act of corruption that has harmed the social and economic rights of the Indonesian people as an extraordinary crime and a common enemy of the Indonesian people and nation as a whole (Hakim, 2014). The economic condition of the population is a condition that describes human life that has economic score (Shah et al, 2020).

Problems arise when in the process of investigating criminal acts of corruption, who or which institution has the most authority to conduct investigations against perpetrators of corruption, whether the Police, the Prosecutor's Office or the Corruption Eradication Commission (KPK). However, the Prosecutor's Office as the controller of the case process (Dominus Litis), has a central position in law enforcement, because only the Prosecutor's Office can determine whether a case can be submitted to the Court or not based on valid evidence according to the Criminal Procedure Code. Apart from being a person with Dominus Litis, the Prosecutor's Office is also the only agency implementing criminal decisions (Kay, 2016).

Referring to Law Number 16 of 2004, the implementation of state power carried out by the Prosecutor's Office must be carried out independently. This affirmation is contained in Article 2 paragraph (2) of Law Number 16 of 2004, that the Prosecutor's Office is a government institution that exercises state power in the field of prosecution independently. This means that in carrying out its functions, duties and authorities, it is independent from the influence of government power and the influence of other powers. This provision aims to protect the prosecutor's profession in carrying out his professional duties. So based on the above background, the researcher is interested in further expanding the focus of the problem on how the Authority of the Prosecutor's Office in Investigating Corruption Crimes is Based on Law No. 16 of 2004.

II. Research Method

This type of research in legal writing is normative legal research or library law research. Legal research conducted by examining library materials or secondary data alone, can be called normative legal research or library law research. In line with this type of legal research, namely normative legal research, the research specifications are descriptive analytical, because specifically, this research aims to provide an overview of society or certain groups of people, humans, circumstances or other symptoms. The problem approach method chosen in this study uses a normative juridical approach, namely legal research conducted by examining library materials or secondary data. The data collection

technique used in this paper is the study of documents or library materials, namely the collection of secondary data in the form of primary, secondary and tertiary legal materials. The data analysis used by the author in writing this law is a data analysis technique with deductive logic, which is a technique for drawing conclusions from general things to individual cases. -invitations along with documents that can help interpret these norms in collecting data, then the data is processed and analyzed to answer the problems studied. The last stage is drawing conclusions from the data that has been processed, so that in the end it can be known about the answers to the main problems discussed in this study (Koesoemo, 2017).

III. Results and Discussion

3.1 Corruption Crime Investigation in Indonesia by Various Law Enforcement Institutions

Corruption is a symptom of society that can be found everywhere. History proves that almost every country is faced with the problem of corruption. It is no exaggeration if the notion of corruption always develops and changes according to the times. How to deal with it is also developing. Legally, corruption is a “criminal act”, namely as an act against the law by enriching oneself or another person or a corporation that can harm state finances or the state economy, benefit oneself or others, and abuse existing authority, opportunities or means. him because of the position or position as referred to in the provisions of the laws and regulations governing corruption crimes (Lengkong, 2017).

Decision of the Constitutional Court Number 012-016-019-PUU-IV/2006 dated December 19, 2006, in the case of the Right to Judicial Review of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK) against the 1945 Constitution, stated that the Court viewed corruption as has harmed the social and economic rights of the Indonesian people is an extraordinary crime and a common enemy of the Indonesian people and nation as a whole.

It must be realized that the increase in uncontrolled corruption will have an impact that is not only limited to state losses and the national economy but also to the life of the nation and state.

Corruption is a violation of social and economic rights of the community, so that corruption can no longer be classified as an ordinary crime but has become an extraordinary crime. So that the eradication effort can no longer be carried out "in the usual way", but "extraordinary methods are required. In the framework of reforming the enforcement of criminal acts of corruption, empirically progressive steps have been taken, both in terms of changes to legislation and the creation of new institutions. Institutionally, the handling of corruption in the field of investigation and investigation, there are four authorized institutions, namely the Police, the Prosecutor's Office, the KPK and the Coordination Team for the Eradication of Corruption, while in the field of prosecution there are three institutions, namely the Prosecutor's Office, the KPK and the Corruption Eradication Committee (Mala, 2009).

Regarding the court sector, there are two institutions that have the right to adjudicate, namely the General Court and the Special Corruption Court, to hear cases investigated and prosecuted by the KPK. On the one hand, this reality provides convenience in handling corruption crimes because it provides many alternative institutions that handle it, on the other hand, from a system approach point of view, namely the integrated criminal justice system, it will cause several problems such as overlapping authority, handling is

fragmentary, there may even be rivalry between law enforcement agencies and psychological frictions that lead to the dysfunctional criminal justice system for corruption.

Against corruption, prior to the issuance of Law Number 31 of 1991, the investigation was carried out by the Prosecutor's Office. However, after the enactment of Law Number 31 of 1999, namely post-August 1999, especially after the issuance of Law Number 30 of 2002 concerning the Corruption Eradication Commission, the handling of criminal acts of corruption, in particular the issue of the authority to investigate corruption, has varied. understanding. On the one hand, there are those who think that the KPK is the most entitled to conduct investigations into corruption crimes, as well as that the Police and the Prosecutor's Office also state that they have the right to conduct investigations into corruption crimes. This diversity of understanding, which gives rise to a variety of understandings about which law enforcement institutions are authorized to investigate criminal acts of corruption, is caused by the lack of clarity in the provisions of Article 26 of Law Number 31 of 1991 which reads as follows, Investigation, Prosecution, and Examination in Court hearings against criminal acts of corruption are carried out based on the applicable procedural law, unless otherwise provided for in this law." Article 26 of Law Number 31 of 1991 does not explicitly explain which institution is in charge of committing criminal acts of corruption (Manggalupang, 2019).

In connection with the above, it has been stated that in Indonesia, currently there are several institutions or institutions related to the eradication of corruption, namely the Police, the Attorney General's Office and the Corruption Eradication Commission (KPK). In a criminal justice system that applies in Indonesia, the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK) work together based on that system.

The system gives rights and powers to law enforcers in the system, which authority has great potential to intersect and clash, such as the authority to investigate corruption. The Police, the Prosecutor's Office and the KPK each state that their institutions are the most authorized to investigate corruption crimes, because the law stipulates that the police can act as investigators and investigators (KUHAP and PP No. 27/1983); prosecutors can act as investigators and investigators in corruption cases (Law Number 16 of 2004); The KPK can also act as an investigator and investigator for corruption cases (Law Number 30 of 2002). Referring to Law Number 8 of 1981 concerning the Criminal Procedure Code ("KUHAP"), the Indonesian state police officers are to act as investigators and investigators of criminal cases (see article 4 in conjunction with article 6 of the Criminal Procedure Code). So, the police are authorized to be investigators and investigators for every criminal act (Nugroho, 2013).

The authority of the prosecutor's office to conduct investigations is stated in Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (the "Prosecutor Law"). Based on Article 30 of the Prosecutor's Law, the Prosecutor's Office has the authority to conduct investigations into certain criminal acts based on the law. The prosecutor's authority includes, for example, the powers granted by Law Number 26 of 2000 concerning Human Rights Courts, Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001, and Law No. 30 of 2002 concerning the Corruption Eradication Commission. The General Explanation of the Prosecutor's Law further explains that the prosecutor's authority to carry out investigations of certain criminal acts is intended to accommodate several provisions of the law that authorize the prosecutor's office to conduct investigations. So, the prosecutor's authority to conduct investigations is limited to certain criminal acts, namely those specifically regulated in the Act.

As for the Corruption Eradication Commission ("KPK"), the authority is given by the KPK Law. Based on article 6 of the KPK Law, it is tasked to carry out investigations, investigations, and prosecutions of criminal acts of corruption. Article 11 of the KPK Law further limits that the KPK's authority to carry out investigations, investigations and prosecutions is limited to corruption crimes involving law enforcement officers, state administrators, and other people who are related to corruption crimes committed by law enforcement officers or state officials. concerns that are troubling to the public; and/or concerning state losses of at least Rp. 1,000,000,000.00 (one billion rupiah). The categories of cases as mentioned above are also emphasized in the General Elucidation of the KPK Law. So, not all corruption cases fall under the authority of the KPK, but are limited to corruption cases that meet the above requirements (Paonganan, 2013).

Thus, in fact the problem of division of authority for handling corruption crimes for each institution, such as in conducting investigations, investigations and prosecutions has included the provisions of Article 11 of Law Number 30 of 2002 concerning the Corruption Eradication Commission which states that, in carrying out the duties as referred to in Article 6 letter c, the Corruption Eradication Commission has the authority to conduct investigations, investigations, and prosecutions of corruption crimes involving law enforcement officers, state administrators, and other people who are related to corruption crimes committed by law enforcement officers or state administrators, receive attention that is troubling to the public; and/or concerning state losses of at least Rp. 1.000.000.000,00 (one billion rupiah).

Another thing that needs to be considered is that the takeover of investigations and prosecutions by the Corruption Eradication Commission must be based on the reasons as stated in the provisions of Article 9 of Law Number 30 of 2002 concerning the Corruption Eradication Commission, including public reports regarding criminal acts. corruption is not followed up, the process of handling corruption is protracted or delayed without justifiable reasons, the handling of corruption is aimed at protecting the real perpetrators of corruption, the handling of corruption contains elements of corruption, barriers to handling corruption due to interference from the executive, judiciary, or legislature; or other circumstances which, according to the police or prosecutor's opinion, handling corruption is difficult to carry out properly and can be accounted for (Prabowo, 2017).

Based on the provisions in Article 11 and Article 9 of Law Number 30 of 2002 concerning the Corruption Eradication Commission, the duties and authorities of the KPK in dealing with corruption cases are very limited, so that conflicts or overlapping authorities can be resolved and unreasonable. The guarantee regarding this matter is also emphasized in the general explanation of Law Number 30 of 2002 concerning the Corruption Eradication Commission, paragraph 6 which states that: authority with these various agencies. However, in the practice of law enforcement to eradicate corruption, in the case of investigations there are still conflicts between the Police, the Prosecutor's Office and the KPK, even though the Police, Prosecutors and KPK both have a juridical basis which is a positive law to carry out their duties and authorities in accordance with their respective functions. -respectively in the eradication of corruption. From the authority mentioned above, if corruption occurs with law enforcers, state administrators and other people who have nothing to do with corruption crimes committed by law enforcement officers or state administrators, or the loss is less than IDR 1,000,000,000 (one billion rupiah). rupiah) is carried out or handed over to other law enforcement officers, namely the Police or the Prosecutor's Office.

3.2 The Authority of the Prosecutor's Office in Investigating Criminal Acts of Corruption Based on Law Number 16 Year 2004

It can be said that since the entry into force of the Criminal Procedure Code, the legal basis for the Prosecutor's Office as an investigator in corruption crimes is Article 284 paragraph (1) of the Criminal Procedure Code. In the article it is stated: within two years after this law is promulgated, the provisions of this law are applied to all cases, with the exception that temporarily the prosecutor's authority as an investigator in cases of criminal acts of corruption cannot be fully understood with one opinion. Until now, the prosecutor's authority in investigating corruption is still being debated. In this paper, the author will try to conduct a study of the prosecutor's authority in investigating corruption based on Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia (Samosir, 2020).

Since the enactment of the Criminal Procedure Code, the authority for investigation has fallen into the hands of the Indonesian police. Article 6 of the Criminal Procedure Code states that the investigator is a State Police Officer of the Republic of Indonesia, this means that the police are the sole investigator in the Criminal Procedure Code. However, in the transitional rules of article 284 paragraph (1) of the Criminal Procedure Code, it is stated that within two years after this law is promulgated, the provisions of this law are applied to all cases, with the temporary exception of the special provisions on criminal procedures as referred to in the law. certain time, until there is a change and or declared no longer valid. Regarding the special provisions for criminal procedures as referred to in certain laws, until there are changes and or are declared no longer valid. Then in the explanation it is stated that what is meant by special provisions are provisions concerning the investigation, prosecution and trial of economic crimes, Law number 7 Drt of 1955 and the Law on the Eradication of Corruption.

However, in order not to create a variety of interpretations in Government Regulation number 27 of 1983 in article 17 it expressly mentions the prosecutor as an investigator for certain criminal acts (corruption). For more details, the contents of the article are as follows, investigators according to the special provisions on criminal procedures as referred to in certain laws as referred to in article 284 paragraph (2) of the Criminal Procedure Code are carried out by investigators, prosecutors, and other authorized investigator officials based on statutory regulations. . This article is the reference for giving the prosecutor's authority to act as an investigator for corruption. In this article, there is actually a limitation, namely the existence of a "temporary" editorial (Saphely, 2017).

In fact, after many provisions regarding the law on corruption, starting from Law No. 3 of 1971, Law No. 31 of 1999 to Law No. 20 of 2001, there is no explicit mention of whether the Attorney General's Office has the authority to eradicate corruption. . Therefore, various interpretations arise about whether the prosecutor's office has the authority to investigate corruption crimes. This authority is explicitly stated in Law No. 16 of 2004, namely Article 30 paragraphs 1-3. From the contents of Article 30, the duties and authorities of the prosecutor's office can be divided into three parts, namely, in the field of crime, the prosecutor's office has duties and authorities, including carrying out prosecutions, carrying out judges' decisions and court decisions that have permanent legal force and supervising the implementation of criminal decisions. conditional, supervisory criminal decisions, and parole decisions.

Besides that, the prosecutor's office also has other duties, namely as regulated in articles 31, 33 and 34 of Law number 16 of 2004, namely, the prosecutor can ask the judge to place a defendant in a hospital or mental treatment center, or other appropriate place, build relationships cooperation with law enforcement agencies and other state agencies and

can provide legal considerations to other government agencies. In addition to the duties and authorities of the prosecutor's office, specifically the Attorney General by Law number 16 of 2004 also regulates the duties and authorities of the Attorney General, namely in articles 35, 36,37 of Law number 16 of 2004 which explicitly states that the prosecutor's office has the authority to investigate criminal acts of corruption.

Meanwhile in the Indonesian criminal justice system, the position of the Prosecutor's Office has a central role. This is inseparable from the authority of the prosecutor's office in determining whether or not a case can be brought to trial. The power to determine whether a case can be continued or not at trial based on valid evidence is the Dominus litis owned by the prosecutor in the Indonesian state. Based on this, the prosecutor's office in the process of investigating and investigating a case must be involved, so it is not only limited to case files sent by Polri investigators to be investigated by the prosecutor. If so, the prosecutor will find it difficult to direct a case towards gathering adequate evidence to hear the case in court.

In the Criminal Procedure Code, the authority of the prosecutor (public prosecutor) as stated in Article 14 of the Criminal Procedure Code point b, states, "to hold a pre-prosecution if there are deficiencies in the investigation by taking into account the provisions of Article 110 paragraph (3) and (4) by providing instructions in the context of completing the investigation from the investigator. , the KUHAP mentions it with the term pre-prosecution. Even Andi Hamzah is of the opinion that the instructions for perfecting the investigation are part of the investigation, so that investigation and prosecution cannot be separated. Thus, the prosecutor (public prosecutor) is actually an investigator in any criminal case (Suhendar, 2019).

As for the scope of legal regulation in Indonesia, when the Herziene Inlandsch Reglement (HIR) was still valid as a criminal procedural law in Indonesia, the investigation was considered part of the prosecution. Such authority makes the Public Prosecutor (prosecutor) as the coordinator of the investigation, even the Prosecutor can carry out the investigation himself. If the Prosecutor conducts his own investigative action against a case, to handle the case, there is no longer a need for a National Police or PPNS investigator to avoid duplication. With the revocation of HIR by the Criminal Procedure Code in 1981 through Law Number 8 of 1981, there was a fundamental change in the criminal procedure law. The fundamental changes include, among others, in the field of investigation. When the HIR is still valid, investigations can be carried out by many agencies. However, after the enactment of the Criminal Procedure Code, the investigation authority was only borne by the Police as the sole investigator, although there were still other investigators, namely Civil Servant Investigators (PPNS) whose authority was very limited and under the coordination of the National Police investigators. However, there are still other investigators besides the National Police, namely the Prosecutor, who conducts investigations for perpetrators of certain crimes (Arista, 2021).

Furthermore, what is meant by 'special provisions for criminal procedures' as enshrined in certain laws are special provisions for criminal procedures as regulated in the Criminal Act, for example economic crimes and criminal acts of corruption after Law Number 5 Year 1991 concerning the Prosecutor's Office was enacted. RI with Article 27 paragraph (1) letter d, the Prosecutor's Office is again given the authority to carry out additional examinations that are different from follow-up examinations (nasporing) after (opsporing). The authority to carry out additional examinations granted by the law is limited to requests for information on witnesses and experts as well as other efforts in the form of searches and confiscations, while further examination (naporing) can also be carried out on suspects. Both additional examinations and further investigations are only

carried out on case files resulting from investigations from investigators as referred to by KUHAP Article 6 paragraph (1) letters a and b (Sumakul, 2013).

Then with the issuance of Law Number 26 of 2000 concerning the Human Rights Court, the investigative authority was given again to the Indonesian Attorney General's Office, strictly speaking only to the Attorney General as stipulated in Article 21 paragraph (1) which is Lex Specialis Derogat lex Generalis, and this authority is in accordance with paragraph 3, where the Attorney General may delegate the execution of investigations to ad hoc investigators consisting of elements of the government (the Prosecutor and Military Prosecutor) and the public. In relation to corruption, the Prosecutor's Office as a sub-system of the criminal justice system (criminal justice system) has the responsibility to deal with these corruption crimes, so that the law has given full authority to the Prosecutor's Office, which is not just a legal institution with the main task prosecute criminal cases that occur within their jurisdiction but are also authorized to carry out investigations of all forms of corruption. Thus, in relation to the investigation of corruption, the prosecutor's office other than as a public prosecutor's agency, the prosecutor's office acts as an investigative agency, so that the prosecutor is authorized to investigate corruption crimes.

From the historical aspect, the prosecutor's authority in conducting investigations into certain criminal cases, especially corruption has started since the enactment of the Herziene Inlandsch Reglement (HIR) until now. “During the HIR period, the investigation was part of the prosecution. This authority makes the public prosecutor (prosecutor) the coordinator of the investigation. In fact, prosecutors can carry out their own investigations in accordance with Article 38 in conjunction with Article 39 in conjunction with Article 46 paragraph (1) HIR," according to the Director of TUN at the Attorney General's Office in reviewing Article 30 paragraph (1) of Law no. 16 of 2004 concerning the Prosecutor's Office in the courtroom of the Constitutional Court (MK), based on the law”. In relation to the authority of the Prosecutor's Office in conducting investigations into criminal acts of corruption, it is based on legal grounds including the following, Article 26, Article 27 and Article 39 of Law no. 31 of 1999 jo. UU no. 20 of 2001 and Article 39 of Law no. 30 of 2002, Article 284 paragraph (2) of Law Number 8 of 1981 (KUHAP) and Article 30 of Law no. 16 of 2004 (Sutoro, 2020).

Based on the provisions of Article 26 of Law Number 31 of 1999 which was later amended by Law Number 20 of 2001, according to the author, the prosecutor remains or does have the authority to carry out investigations into criminal acts of corruption as referred to in Law Number 31 of 1999 which then amended by Law Number 20 of 2001 and other related regulations. In conducting investigations into criminal acts of corruption, the prosecutor automatically conducts an investigation because before the prosecutor conducts an investigation into a criminal act of corruption, it must be preceded by an investigation. Thus, although before the enactment of Law Number 30 of 2002, by Law Number 30 of 1999 which was later amended by Law Number 20 of 2001 it was not explicitly stated that the prosecutor had the authority to carry out investigations including investigations of criminal acts of corruption, but on the basis of the reasons above, the prosecutor does have the authority to carry out investigations, including investigations of criminal acts of corruption.

It should be noted that what is meant by "corruption" in the formulation of the provisions contained in Article 18 paragraph (3) of Law Number 28 of 1999 is a criminal act of corruption as referred to in Law Number 3 of 1971, because at the time the Act came into force Number 23 of 1999 on May 19, 1999, which still applies is Law Number 3 of 1971. Since Law Number 3 of 1971 was replaced and declared invalid by Law Number 31

of 1999 on August 16, 1999, then then what is meant by "corruption" in the formulation contained in the provisions of Article 18 paragraph (3) of Law Number 28 of 1999 at present is a criminal act of corruption as referred to by law Number 28 of 1999 which is then amended by law Number 20 of 2001 which one of the legal basis is Law Number 28 of 1999 (WOLA, 2008).

After the enactment of Law Number 30 of 2002, from Article 50 paragraph (2) of Law Number 30 of 2002 which stipulates: Investigations carried out by the police or prosecutors as referred to in paragraph (1) must be in continuous coordination with the Commission Eradication of Corruption, it can be seen that it is expressly stated that the prosecutor has the authority to conduct investigations into criminal acts of corruption. What is meant by "investigation" in Article 50 paragraph (2) of Law Number 30 Year 2002, includes "investigation", because before the prosecutor conducts an investigation into a corruption crime, it must be preceded by an investigation.

The authority of the prosecutor to carry out investigations is further emphasized by Article 30 of Law Number 16 of 2004 concerning the Indonesian Prosecutor's Office which stipulates: (1) In the criminal field, the prosecutor's office has the following duties and authorities: "... d. conduct investigations into certain criminal acts. based on the Law", which later in the explanation stated: "The authority in this provision is the authority as regulated for example in Law Number 26 of 2000 concerning Human Rights Courts and Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as already stated in the Act. amended by Law Number 20 of 2001 in conjunction with Law Number 30 of 2002 concerning the Commission for the Eradication of Corruption Crimes (Mumu, 2016).

The Prosecutor's Office as a sub-system of the criminal justice system has been positioned as a legal institution with the main task of prosecuting criminal cases that occur within its jurisdiction. Meanwhile, corruption as a form of crime that is suspected to have been institutionalized in society is the responsibility of the prosecutor's office. Therefore, in order to realize his responsibility in dealing with this truly dangerous crime, the law has given full authority to Not only do prosecutions in court but are also authorized to carry out investigations into all forms of corruption.

It is natural that the law gives broad authority to the Prosecutor's Office, because this institution is the spearhead in eradicating corruption and handling corruption crimes because the authority of the Prosecutor's Office of the Republic of Indonesia is not much different from the authority of the Indonesian National Police in the field of investigation and investigation, namely conducting prosecutions. corruption cases that are not handled by the Corruption Eradication Commission. If the corruption case does not involve law enforcement officers, state administrators, and other people who are related to criminal acts of corruption committed by law enforcement officers or state administrators, do not receive attention that is disturbing to the public, and does not involve state losses of at least Rp. 1,000,000,000.00 (one billion rupiah, usually the prosecution of such cases is carried out by the Prosecutor's Office of the Republic of Indonesia. The corruption case investigation file submitted by the investigator to the public prosecutor will then be processed in the form of submitting the file to the court and asking the court to hear a corruption case whose files have been complete earlier (Kussoy, 2022).

The authority of the prosecutor to investigate corruption has been questioned by a number of residents through judicial review of the law at the Constitutional Court (MK), namely by M Zainal Arifin, Iwan Budi Santoso, and Ardion Sitompul who claimed to be an advocate with Case Number 16/PUU-X /2012. Specifically, the three requested the Court to examine Article 30 paragraph (1) letter d of Law No. 16 of 2004 concerning the

Prosecutor's Office, Article 39 of Law No. 31 of 1999 concerning the Eradication of Corruption, and Article 44 paragraph (4), (5), Article 50 paragraphs (1), (2), (3), and (4) of Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK) regarding the authority of prosecutors to investigate corruption

Based on the description of the discussion and analysis above, the writer can find the answer that the existence of the prosecutor's authority in investigating corruption crimes is based on Law Number 16 of 2004 in conjunction with Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 in conjunction with Law No. Law Number 30 of 2002 as contained in Article 30 paragraph (1) letter d of Law Number 16 of 2004 which states that in the criminal field the prosecutor's office has the authority to investigate certain criminal acts. One of the certain criminal acts as referred to in Article 30 paragraph (1) letter d of Law Number 16 of 2004 is the Crime of Corruption. Furthermore, based on Article 26 of Law Number 31 of 1999 which was later amended by Law Number 20 of 2001, the prosecutor's office remains or does have the authority to investigate criminal acts of corruption.

IV. Conclusion

The process of investigating criminal acts of corruption in Indonesia can be carried out by various law enforcement institutions, namely the Police, the Prosecutor's Office, to the Corruption Eradication Commission (KPK), because this is due to the division of authority to investigate corruption crimes, namely if a corruption crime involves law enforcement, state administrators and other people who are not related to criminal acts of corruption committed by law enforcement officers or state administrators, receive attention that is disturbing to the public and/or involves state losses of at least IDR 1,000,000,000 (one billion rupiah). whereas if corruption occurs with law enforcement, state administrators and other people who are not related to criminal acts of corruption committed by law enforcement officers or state administrators, or a loss of less than IDR 1,000,000,000 (one billion rupiah) is committed or submitted to the pen other law enforcement agencies, namely the Police or the Attorney General's Office. The prosecutor's authority in investigating criminal acts of corruption is based on Law Number 16 of 2004 Article 30 paragraph (1) letter d which states that in the criminal field the prosecutor's office has the authority to investigate certain criminal acts. One of the certain criminal acts as referred to in Article 30 paragraph (1) letter d of Law Number 16 of 2004 is the Crime of Corruption. And the existence of the Prosecutor's Office in Corruption Crime Investigations Based on Law Number 31 of 1999 as amended by Law Number 20 of 2001 in conjunction with Law Number 30 of 2002 concerning the Corruption Eradication Commission, the prosecutor's office remains or is indeed required to have the existence to carry out investigations corruption.

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