

PREVENTION OF CORRUPTION BY THE PROSECUTOR'S OFFICE BASED ON AN INTEGRATED PREVENTIVE CRIMINAL JUSTICE SYSTEM IN INDONESIA

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ABSTRAK

The implementation of corruption prevention is one of the successes of law enforcement officials, especially the Prosecutor's Office, because what happens to law enforcement carried out by the Prosecutor's Office is enforcement after a *tipikor* occurs; therefore, prevention is needed, which is driven by the Prosecutor's Office by strengthening and providing legality in accommodating the collaboration of preventive institutions based on the Integrated Preventive Criminal Justice System (IPCJS). This study focuses on the direction of legal policy for the prevention of corruption by the Prosecutor's Office and the prevention of corruption by the Prosecutor's Office based on an integrated preventive criminal justice system. The results of this study indicate that policy direction is implemented to strengthen the authority of the Prosecutor's Office in efforts to prevent corruption. Therefore, it needs to be strengthened by the existence of regulations that strictly regulate the authority of the Prosecutor's Office to prevent criminal acts of corruption. With this regulation, the authority of the Prosecutor's Office can increase or even strengthen the existing one so that it can be included in the national strategy to prevent corruption. The prevention of corruption can be carried out by the Prosecutor's Office as a driving force in preventing corruption through an Integrated Preventive Criminal Justice System, especially against corruption. Together with the BPK and the Police, it will become an integrated institution for prevention.

Keywords: Prevention, Corruption, IPCJS, Prosecutor's Office

1. INTRODUCTION

In principle, eradicating corruption can be accomplished through prosecution and prevention efforts. Enforcement is carried out by prioritizing the concept of retaliation, which leads to sanctions in the form of imprisonment, return of state losses, and even payment of compensation. This prosecution is necessarily carried out as an effort to eradicate corruption that prioritizes the deterrent effect on perpetrators of crime. In substance, the prosecution of the perpetrators of this crime has been regulated in the relevant laws and regulations, which in essence means that every perpetrator of corruption has been proven to have abused power and misappropriated state finances, so he must be held accountable for this and must be tried and punished. Even now, the mode of corruption is carried out jointly and involves family as a means of money laundering.

The fact that is currently happening is that prosecution is not effective because there are still many people or individuals who commit corruption. This can be seen in the anti-corruption organization Transparency International (TI) in its latest report on January 29, 2020, which states that the extent of corruption is related to democratic development. Indonesia's ranking slightly improved at a score of 38 to 89th position (2019) from the previous 96th rank (2018) out of 180 countries surveyed by the organization, with the provision that the greater the score obtained, the cleaner the country is from corruption. A score of 0 indicated the most corrupt, while a score of 100 indicated the cleanest. The 2019 corruption trend study released by the Indonesia Corruption Watch (ICW) on January 29, 2020, is interesting to observe and see from two perspectives.

First, these corruption trends provide a clearer picture of the performance of law enforcers (Police, Attorney General's Office, and KPK) in handling corruption cases. Second, corruption trend data extracted from various sources also map the most common patterns of corruption modes, actors, and areas. However, it should be noted that this study of corruption trends cannot fully describe the



corruption problem in Indonesia. Some important conclusions of the 2019 corruption trends study show that the number of corruption cases during 2019 was 550 at the investigation stage handled by Law Enforcement Officials (APH), with a total of 1,124 suspects. The total potential State losses from all of these cases amounted to IDR 3.1 trillion and the value of bribes amounted to IDR 450.5 billion.¹ The ICW's previous study of corruption trends explained that the total number of cases that were successfully monitored from 2010 to 2014 was 2,492, with a total value of state losses of Rp 30 trillion and a bribe value of Rp 549 billion. There were approximately 552 cases categorized as stalled or unclear handling. In other words, there is no official information on whether these cases have entered the prosecution stage, are still in the process of investigation, or are even terminated. In addition, an important illustration in the ICW's 2017 corruption trends is the mapping of the modes of corruption committed. The most common mode of corruption in 2017 was budget misappropriation, totaling 134 cases, with a state loss of Rp 803.3 billion. Other modes of corruption that are often used are embezzlement (107 cases), with a state loss of Rp 412.4 billion. Mark-up (104 cases), abuse of authority (102 cases) and fictitious reports (29 cases).

Corruption is inseparable from the irregularities committed by government officials. Generally, the government is an executive organ. However, in particular, they are positions. To achieve legal objectives (*doelmatigheid*), state administrative officials are required to comply with applicable legal procedures (*rechtmatigheid*). This is intended so that, in carrying out government duties, the official concerned does not bump into guidelines so as not to cause legal problems at a later time. The principle of legality holds a high position in administrative law in the Netherlands. This is embodied in the *wetmatigheid van Bestuur*, which later developed into the principle of *rechtmatigheid van bestuur*.

The function of preventing corruption with the aim of encouraging a corruption-free society, but thus far, the public's view of the role of the Prosecutor's Office in the field of prosecution of corruption has yielded good results, while the Prosecutor's Office's efforts to implement the function of preventing corruption have not yet obtained optimal results to be felt by the community directly. The prosecution of corruption should be directly proportional to the decrease in the number of corruption cases; thus, prevention efforts are required. The existence of the Prosecutor's Office as an investigator in corruption cases cannot be fully understood with one opinion. In fact, in judicial practice, there are courts that cannot accept the reason that the Prosecutor is authorized to investigate corruption crimes. The function of the prosecutor as an investigator of corruption crimes is still in the context of repression, so by cooperating and coordinating with other institutions, the prosecutor's authority may be realized in a preventive manner.²

The Prosecutor's Office certainly requires collaboration in harmony and synergy with other stakeholders. Therefore, cooperation and coordination are the main points in the prevention of corruption crimes carried out by the Prosecutor's office. This step was then welcomed by all stakeholders who had the same commitment to eradicate corruption in the region, both law enforcement agencies, government and non-government institutions, and institutions established based on statutory regulations.

Institutions that have the authority to eradicate corruption are the Corruption Eradication Commission (KPK), Government Internal Supervisory Apparatus (APIP), and Supreme Audit Agency (BPK). However, the Attorney General's Office has not been explicitly regulated by its authority to prevent *tipikor*. The Corruption Eradication Commission is authorized to conduct supervision, research, or review of agencies that carry out their duties and authorities related to the eradication of criminal acts of corruption and agencies that carry out public services. APIP performs internal government supervision. The role of APIP in the regions in preventing corruption has begun to emerge through a new function in the context of preventing corruption contained in PP 72/2019.

¹Weekly Bulletin Against Corruption, <http://www.antikorupsi.org/>, accessed on April 23, 2021.

² Redi Hendar Pakpahan and Aras Firdaus, "Renewal of Asset Recovery Legal Policy: Between *Ius Constitutum* and *Ius Constituendum*," *Legalization Indonesia* 16, no. 3 (2019): 269-378.



The obligations and responsibilities of APIP in efforts to prevent and detect acts of irregularities and criminal acts of corruption and the APIP supervision assignments carried out through audit, review, evaluation, and monitoring assignments must be designed to prevent irregularities. Role of BPK in eradicating corruption. Prevention efforts are carried out through the implementation of Fraud Risk Assessment, which is carried out by all BPK State Finance Auditors at the audit planning stage. The Prosecutor's Office is also one of the institutions that has the authority to prevent corruption, but in substance, the Prosecutor's Office Law does not explicitly regulate the authority of the Prosecutor's Office to prevent corruption.

Based on this, efforts to prevent corruption by the Prosecutor's Office will certainly lead to an integrated system where the Prosecutor's Office becomes the driving force in preventing corruption by means of an Integrated Preventive Criminal Justice System, especially against corruption. Together with the BPK and the Police, they will become an integrated institution to carry out prevention. The problems that will be studied in this research are the direction of legal policy for the prevention of corruption by the Prosecutor's Office and how the Prosecutor's Office can prevent corruption, based on an integrated preventive criminal justice system.

2. RESEARCH RESULTS AND DISCUSSION

1. Legal Policy Direction for the Prevention of Corruption by the Public Prosecutor's Office

a. Corruption Hotspots and Modes

Corruption is one of the many problems that hinders the development of Indonesia, including regional development. One of the most fertile grounds for corruption is procurement of goods and services. This type of corruption is included in transactional corruption. Within the scope of government, it turns out that the most corruption that occurs is the procurement of goods and services. The KPK reported that 80% of the corruption cases handled were related to this type of corruption. This corruption usually starts with the planning of project orders or proposals during the tender process for the procurement of goods and services, but not from the public but from entrepreneurs. For those who propose it, the project will usually be approved with a planned budget. If planning and budget submissions are not in accordance with the procedures, there is usually an action to mark the budget. If this happens, it is likely that there will be a request for money from the regional head to the businessman. Translated with www.DeepL.com/Translator (free version)³

When a local government needs goods and services, there are two alternatives open to it, namely by making them itself or by purchasing them. This means that local governments can either procure goods and services themselves, or obtain them from the private sector.⁴ Corruption is a dimension of this choice. One type of corruption in the local government is corruption in auctions. Here, the cost or price can be high for the local governments. Then, officials can obtain more than their share of the payment and the price difference because it has been marked up beforehand. Commissions from suppliers to "manage" competition in procurement, as well as bribes for officials in charge of the procurement process, leading to cost increases and changes to contract specifications.⁵

These costs increase, and changes in contract specifications are categorized as corrupt. In addition, procurement contracts generally involve large sums of money and involve government insiders and outsiders who have a large name or influence. Suppliers are interested in influencing the specifications of the goods or services required by the local government, with the aim of showing their strengths while hiding their weaknesses, thereby influencing competition. It has the opportunity

³ Dkk Anak Agung Gede Juniran, "The Role of the Prosecutor's Office in Asset Recovery Efforts Due to Corruption Crimes (Case Study at the Bali High Prosecutor's Office)," Udayana University Bali, 2014.

⁴ Klitgaard, R. (1998). Getting rid of corruption. Jakarta: Yayasan Obor Indonesia, pp. 31.

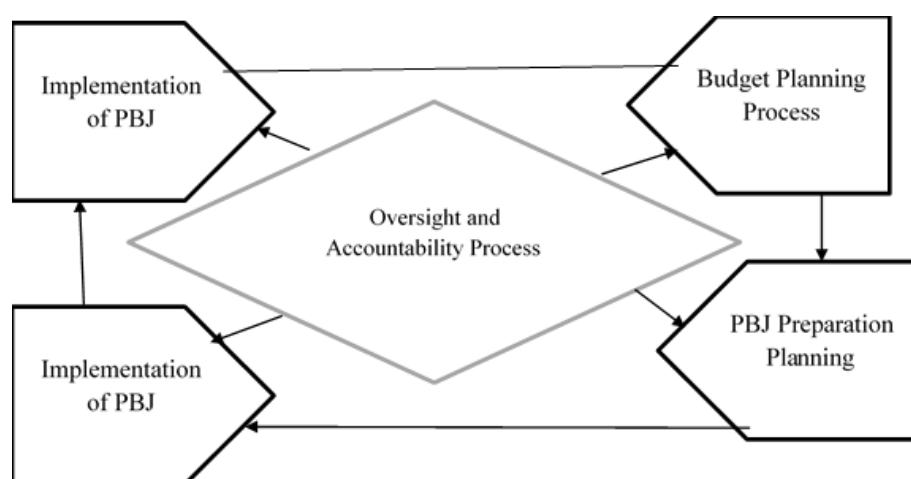
⁵ heiliyana Sharen, "Law Enforcement in Asset Forfeiture of Corruption Proceeds as an Effort to Save State Finances in Relation to Uu No. 31 Year 1999 Jo Uu No. 20 Year 2001 on the Eradication of Corruption," in Proceedings of Law Science, 2001, 133-36.

to do this by exchanging information with the local government before the specifications are released, especially if they are highly technical and better understood by the local government. Another possibility is the detailed specifications of goods or services: procurement officials, perhaps in exchange for bribes, eliminate suppliers who cannot meet the very detailed specifications of the goods or services requested or cannot meet the requirements because the requirements themselves are unusually detailed and complex.⁶ On one hand, specifications that are too vague will lead to bids being received, even from suppliers who are unable to carry out the work in question. However, very detailed and narrow specifications may severely limit the number of suppliers who submit bids. In the case of overly vague specifications, for example, administrative costs increase and the goods or services purchased may not be satisfactory. When specifications are too detailed, there are opportunities for corruption. Detailed specifications limit the authority of officials, but increase the monopoly power of suppliers.⁷

Based on these facts, public procurement is the most corruption-prone area because it deals with large sums of money. Local governments sometimes lack the ability to itemize their needs, especially in high-technology areas. Several things reach corruption hotspots: procurement plan, advertisement, bidding documents, pre-qualification, pre-bidding, bid submission, bid opening, bid evaluation committee, and bid evaluation report. All of these are vulnerable points that, without realizing, will occur automatically in the procurement of goods and services for local governments. Developments according to ICT The mode that occurs in the crime of corruption occurs in several ways both in the procurement of goods and services and other criminal acts. The ICW has found at least three dominant modes of corruption. The three modes are budget abuse, markup, and fictitious activities or projects. Budget misuse appeared to dominate, with 147 cases found.

Based on these data, it is clear that there are numerous modes carried out by corruptors, and this needs to be followed up by law enforcement officials so that state finances can be safe. If the crime is left alone every year, then the impact that will occur is not on the government, but on the people who feel it. Furthermore, corruption occurs because of the abuse of authority over the project; there is a conspiracy even up to the manipulation of winner selection. Based on this, it will certainly cause many parties to be harmed because the implementation is not in accordance with existing regulations. Even in the context of the procurement of goods and services, it is certain that playing on markups in the procurement of goods and services is visible and can occur anytime and anywhere. Furthermore, there are several modes of corruption in the procurement of goods and services based on current developments:

Bagan 1. Modes of Corruption in Goods and Services Procurement based on its development



⁶ Rosidi, A. (2006). Corruption and Culture. Jakarta: Pustaka Jaya, pp. 50.

⁷ Khairus Febryan Fitrahady, Ahmad Zuhairi, and M Riadhussyah, "Recovery of Regional Assets Used as Collateral by Parties in Cooperation Agreements with BUMDs," *Arena Hukum* 13, no. 3 (2020): 550-67.

Based on this chart, it can be interpreted that the mode of corruption that occurs in principle will occur one after another because deviations can still be made from the planning process stage to the supervision process. These deviations must be prevented by the Attorney General's Office, as a law enforcer. This can be overcome through the process of preventing corruption crimes that will occur. There are three national strategies for the prevention of corruption, there are 3 things that become strategies, namely: short-term, medium-term, and long-term sustainable prevention strategies. In principle, this national strategy is a national policy direction that contains the focus and objectives of corruption prevention and is used as a reference in implementing corruption-prevention actions in Indonesia. The focus of this preventive action lies on licensing and trade procedures, state finances, law enforcement, and bureaucratic reform. This is also related to the prevention of goods; therefore, in implementing this, it must be able to provide a focus of prevention that can be carried out by law enforcement. Thus, efforts to prevent corruption can be mapped, and the following recommendations are made:

Table 1. Corruption Prevention Efforts based on mode

No	Corruption Modes	Recommendation
1	Projects/packages are sold in advance to vendors before the budget is approved or authorized, thus these circumstances will certainly lead to procurement that is not in accordance with the needs (document engineering).	a). Integration of planning and budgeting; b). Pre, process and post PBJ audits (special audit of the benefits of goods / services procurement)
2	The existence of a conspiracy	
3	Bribes to related parties	
4	HPS and technical specifications are made by the vendor	Expansion of e-catalog, including strengthening the database of prices and specifications of goods and services and the management institution
5	<i>Price mark up</i>	

In principle, the mode contained in the table is carried out by vendors who must be prevented by law enforcement, especially the Attorney General's Office, so that state finances are not misused. What can also be done is the implementation of an integrated prevention system in the corruption crime prevention system. With efforts to prevent some of the above focuses, the crimes committed by perpetrators of corruption can be reduced and provide a clear and accountable contribution.

a. Prosecutorial Authority and Policy Direction for the Prevention of Corruption

The Criminal Procedure Code itself contains a legal basis for the prosecutor's position as an investigator for special criminal offenses (*lex specialis*). This special provision is in line with Article 26 of Law Number 31 of 1999, as amended by Law Number 20 of 2001 concerning the Eradication of Corruption, which states that investigation, prosecution, and examination in court in the case of criminal acts of corruption shall be carried out based on the applicable criminal procedure law, unless otherwise provided in this law. Based on this description, the Public Prosecutor's Office serves as an investigator and investigator in corruption crimes, and a public prosecutor in a case before the court. The Public Prosecutor's Office in the criminal justice system occupies an important and decisive position, with its position likened to a bridge that connects the investigation stage with the examination stage in court.

The authority in this provision is that stipulated in Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 jo. Law No. 30 of 2002 concerning the Corruption Eradication Commission. The prosecutor's authority as an investigator of corruption crimes is intended to accommodate several provisions of the law. The formulation of the authority to investigate in the Corruption Eradication Law and the Law on the Prosecutor of the Republic of



Indonesia states that the investigator for corruption crimes is the Prosecutor's office, which has the privilege of being able to carry out investigative actions against corruption crimes.⁸

The Prosecutor's function as an investigator of corruption crimes is still in the context of repression, so by cooperating and coordinating with other institutions, the Prosecutor's authority in a preventive manner is likely to be realized. The modus operandi of individual corruption has begun to lag, and the new dimension of corruption crimes is the abuse of power by public officials, known as systemic corruption or institutional corruption, which is always related to policy issues. On the one hand, existing policies are used to commit corruption. On the other hand, some law enforcement officials have a limited understanding of the meaning of abuse of authority in the realm of State Administrative Law, which is equated with the elements of lawlessness in the realm of criminal law. The new Criminal Code in Substance has several provisions related to the inclusion of Corruption Crimes. Substantially related to this, it does not strengthen the sanctions given to the perpetrators of the crime, but provides a loophole to play with the substance included in it. The legislators ignored the Constitutional Court's order, precisely decision Number 91/PUU-XVIII/2020. The urgency of public participation, commonly referred to as the embodiment of democratic values in the process of forming laws, has been emphasized by the Constitutional Court with the mention of meaningful participation. The term refers to a number of prerequisites that must be met by lawmakers within the scope of community participation, including the right to be heard, right to be considered, and right to receive an explanation or answer to the opinion given. In relation to this matter, if you do not want to be accused of violating formal rules, then forming the law must immediately socialize the draft Criminal Code as a whole to hear and consider the aspirations of the community. There are several problems that occur in substance if the Criminal Code is passed, which are related to the reduced punishment for corruption offenders and partial eradication of punishment. Contrary to the decisions of the Constitutional Court, corruption is no longer an extraordinary crime, criminalizing public criticism in the trial of corruption cases.

Legal reform in corruption law does not necessarily release the law from the Criminal Code regime. Although principles such as *lex specialis derogat lex generalis* apply, their application must be based on the principles of *Logische Specialiteit*, where a criminal provision is considered special if this criminal provision, in addition to containing other elements, also contains all the elements of a general criminal provision, and *Systematic Specialiteit*, where the criminal is special if the legislator intends to enact the criminal as a special criminal provision or it will be special from the existing special.⁹

As long as the law on corruption does not contain a regulation regarding punishment or punishment specific to the crime of corruption, the rules regarding punishment and punishment still refer to the general provisions of the Criminal Code itself. This is further complicated by the fact that the Criminal Code does not recognize legal subjects other than individuals, as explained in the Explanatory Memory of the Criminal Code. In addition, by recognizing only this type of single main punishment, the pattern of criminal formulation can only be done in a single manner, in the sense that it does not recognize alternative or combination formulation patterns. In addition, this single punishment also requires the judge to impose punishment immediately after a corporation is legally and convincingly proven guilty of committing a criminal offense, even though there is no reason to explicitly state that a criminal offense must be imposed as a sanction. In principle, the policy direction that must be built is to strengthen the authority of the Prosecutor's Office in carrying out efforts to prevent corruption crimes integrated into several institutions. This is useful for improving and restoring the spirit of law

⁸ Rustam Rustam, "IMPLEMENTATION OF ASSET RECOVERY IN CORRUPTION CRIME (Case Study of West Sumatra High Prosecutor's Office)," *Dimensional Journal* 6, no. 2 (2017): 206–25, <https://doi.org/10.33373/dms.v6i2.1047>.

⁹ Dewi Kania Sugihartib & Muhammad Ilham Satrianaac Eri Satrianaa, "System, Asset Recovery of Detrimental to The Finances of The State From Proceeds of Corruption in The Development of National Criminal Law," *Jurnal Dinamika Hukum* 19, no. 2 (2015): 350–69, <https://doi.org/10.20884/1.jdh.2019.19.2>.

enforcement to achieve and reduce corrupt crimes. Therefore, it can make the Prosecutor's Office prioritize prevention rather than prosecution that will be carried out.

1. Forms of Prevention of Corruption by the Public Prosecutor's Office Based on *Integrated Preventif Criminal Justice System*

In principle, prevention can be achieved by prioritizing a complete companion to the activities that will be carried out. Prevention of corruption can be done by means of social control according to Ronny Hanitijo Soemitro, as a normative aspect of social life or can be referred to as a provider of definitions and deviant behavior and its consequences, such as prohibitions, prosecutions, punishment, and compensation; according to him, deviant behavior depends on social control. This means that social control determines which behaviors constitute deviant behavior. The more dependent the behavior is on social control, the more severe is the deviant value of the perpetrator. Therefore, deviant actions are not justified, because society as a whole finds them unacceptable.¹⁰ First, penal policy is a science as well as an art that ultimately has a practical goal to enable better formulation of positive legal regulations and to provide guidance not only to lawmakers, but also to courts that apply the law and also to organizers or executors of court decisions. Crime prevention efforts through the penal route emphasize the repressive nature (suppression, eradication, or suppression) after a crime occurs.¹¹ Prevention that can be carried out by the government and related agencies includes legal counseling and anti-corruption campaigns, implementing bureaucratic reforms, reporting official assets, and implementing public information disclosure. In particular, in interviews conducted by the author, it is known that in the High Prosecutor's Office and the District Attorney's Office, there are several other prevention efforts carried out, among others, by conducting socialization regarding understanding, assistance, consultation, and legal opinions in carrying out government duties and functions in expediting development activity programs to avoid mistakes or irregularities.

Prevention of corruption by the Prosecutor's Office can at least conduct a comparative study as a reference or benchmark for designing the ideal construction of corruption prevention for the Prosecutor's Office. To provide an overview of institutional comparison, I took an institutional picture of law enforcement institutions in the field of corruption in Hong Kong with the Independent Commission Against Corruption (ICAC) institution carrying out the prevention function. The ICAC in carrying out efforts to eradicate corruption includes three approaches, namely prosecution, prevention, and public education, which are regulated and protected under several laws.

The Corruption Prevention Department was established by law to prevent corruption. The Corruption Prevention Department's task is to develop a corruption prevention system by closing loopholes for corruption in all systems and procedures through partnership strategies and a proactive stance in the public and private sectors. The Corruption Prevention Department advises the public sector on infrastructure projects, creates new regulations, or advises on large franchise contracts.¹²

Prevention of corruption crimes if government agencies or state administrators face problems in carrying out the duties and functions of government or state administrators in the civil and administrative fields of the state can request assistance from the Prosecutor's Office through the duties and powers of the Prosecutor's Office. In practice, there are still many government officials who do not understand the laws and regulations that apply to carrying out government functions and duties, as well as the elements of corruption in the activities concerned, such as activities to implement development projects, development not being carried out, and the goals for the welfare of the community not being realized. In addition to not understanding the laws and regulations, the officials concerned must understand the functions and duties of government how to carry out

¹⁰ Bhakti, A. E. (2017). Efforts to Prevent Corruption Through Community Participation. *Khaira Ummah Law Journal*, 13(2), pp. 314.

¹¹ Arief, B. N. (2015). *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Kencana, p. 23.

¹² de Mahmud, "Problems of Asset Recovery in Returning State Losses Due to Corruption," *Judicial Journal* 11, no. 3 (2018): 347, <https://doi.org/10.29123/jy.v11i3.262>.



government functions in order to understand the juridical rules and not be trapped in the scope of corruption because the activities carried out use State finances.

Activities to increase public legal awareness can be carried out through legal counseling and legal information, either requested or on their own initiative. In relation to efforts to prevent corruption or other criminal acts, government agencies or SKPDs that wish to provide understanding or socialization can request legal counseling assistance or legal information from the Prosecutor's Office, the implementation of which is the duty and authority of the Intelligence Division. Providing assistance to State Institutions, Government Agencies at the central or regional levels, BUMN or BUMD, the Prosecutor's Office as a State Attorney acts as a legal consultant and is passive (as long as requested) within the scope of formal juridical, and is not allowed to participate in the implementation of activities or project implementation. In addition, in the procurement of goods and services, the Prosecutor's Office can provide assistance from planning to contract agreements that include consideration of making contracts, consideration of the revocation of a license, and assistance in the implementation of goods and services procurement activities.

1) There are several aspects that need to be considered to determine the goods and services procurement system, including the method of selecting goods and services providers, the method of submitting bidding documents, the method of evaluating bids, and the type of contract, and it is necessary to consider the type, nature, and value of goods or services as well as location conditions, public interests, and the number of existing goods or service providers. These arrangements are intended so that the procurement of government goods and services financed by APBN and/or APBD can be carried out effectively and efficiently with the principles of fair competition, transparency, openness, and fair treatment for all parties. Thus, the results can be accounted for both in terms of physical and financial benefits for the smooth running of government duties and community services. The development of PPS involved the Civil and State Administration Division (Datun), the Special Crimes Division, and the Intelligence Division. The work system of the PPS Kejaksaan resembles assistance, as has been done by the Datun field; only the scope is expanded, namely, that initially assistance was limited from planning to making contracts or agreements expanded from planning to submission of completed activities. The forms of activities carried out by PPS are as follows:

2) Legal Counseling, Information, and assistance.

Assistance is provided at the request of the relevant agencies for the project to be carried out, which is for the Attorney General's Office to supervise and provide direction if the project will be indicated or not in accordance with the work contract. However, the Attorney General's Office is only a supervisor, and is not involved in the project.

3) Socialization.

4) Provide socialization on what restrictions should be avoided when performing activities.

5) Provision of legal opinions.

6) A request from a legal institution to provide a legal opinion executed based on a warrant.

7) Coordination with Related Agencies (BPK/LKPP)

8) Requests for data on whether BPK has ever calculated the existence of state losses or requests for data on whether there are incoming reports related to projects that are held to be assisted.

Prevention of corruption in the procurement of government goods and services used by the High Prosecutor's Office and the District Attorney's Office is carried out by open and closed supervision.

1) Open Supervision was carried out by the High Prosecutor's Office and the District Attorney's Office. Open supervision was carried out through socialization, directly asking relevant agencies or related parties.

2) Closed Supervision is carried out by the High Prosecutor's Office and the District Attorney's Office, which is carried out by intelligence within the High Prosecutor's Office to observe, search, and supervise projects starting from the auction procedure; the winner of the auction and other procedures are credible. If it does not fulfill the elements and is not credible, the High Prosecutor's Office and the District Attorney's Office will cooperate with the Inspectorate for the government area. If the Inspectorate has followed up at the beginning, the High Prosecutor's Office and the District Attorney's Office will not take over or will not follow up on the case.

The corruption of goods and services that occurs today must be prevented. In practice, corruption in goods and services is very high; therefore, effective and integrated prevention efforts and cooperation between institutions are needed. This is done in an effort to implement a prevention system that can be used as a barometer for prosecution efforts. This means that this prevention effort can be carried out before the TPK occurs and is more efficient when compared to prosecution because if the prosecution is carried out, it is not certain that the state's losses can be fully recovered.

The prevention of corruption has not been carried out optimally, and the efforts made at this time are limited to prosecution after the crime. These were carried out by the Prosecutor's office. The prosecution carried out by the Prosecutor's Office at this time when there are allegations of Corruption, especially in the procurement of goods and services, the prosecution carried out by the Prosecutor's Office starts from the investigation stage to the prosecution stage and the tracing of the defendant's assets. In principle, this has not provided a clear direction for prevention efforts; therefore, corruption does not occur. With this data, it is appropriate and the politics built in the eradication of tipikor should start from the prevention stage, not prosecution; in fact, the prosecution system carried out does not have a deterrent effect on the perpetrators of tipikor as seen from the increase in cases that occur every year.

The existing condition of data and case handling is currently only used to determine how many cases are tried, not how many cases are prevented so that there are no trials. The Prosecutor's Office must be able to make maximum prevention efforts in the context of preventing tipikors. To provide legal certainty that prevention is better than the prosecution of tipikors, the authority of the Prosecutor's Office must be strengthened by regulation, and it is necessary to create a better prevention effort system than at present.

Based on this, efforts to prevent the occurrence of TPK can be carried out by cooperating between institutions or institutions, with the following cooperation model:

Bagan 2. Model Kerjasama dalam mencegah terjadinya tindak pidana korupsi



This chart can be explained as follows. The Attorney General's Office was the driving force for preventing corruption. Based on this, the AGO will work with three institutions-BPK, APIP and the Police-in an effort to carry out prevention. This is due to the fact that currently the KPK, which is an ad hoc institution by law, has the mandate to prevent and eradicate Corruption. On the other hand, APIP institutions, especially the Attorney General's Office and the Police by law, have not been emphasized to make efforts to prevent corruption.

After having strong regulatory authority to make efforts to prevent tipikor, it is hoped that the Prosecutor's Office will be able to become a driving force for tipikor prevention efforts so that it can collaborate with the Police and the BPK. Thus, the creation of legal pillars oriented towards tipikor

prevention efforts will create an Integrated Preventive Criminal Justice System (integrated criminal prevention efforts system) in the criminal law enforcement system. The construction that will be built is that the Prosecutor's Office becomes the driving force in preventing tipikor by means of an Integrated Preventive Criminal Justice System, especially against tipikor.

3. CONCLUSIONS

Based on the description in the results and discussion above, it can be concluded that

1. At this time, corruption crimes committed by the Prosecutor's Office do not provide a deterrent effect for perpetrators of corruption crimes, as seen from the increasing number of cases each year. Therefore, a tipikor prevention system is required to reduce the occurrence of tipikors. Thus, corruption crimes that occur every year increase and law enforcement by law enforcement officials do not provide a deterrent effect and do not fully restore state losses. Policy direction is carried out to strengthen the authority of the Prosecutor's Office in an effort to prevent corruption. Therefore, regulations strictly regulate the authority of the Prosecutor's office to prevent corruption. With this regulation, the authority of the Prosecutor's Office can increase or even strengthen the existing one so that it can be included in the national strategy for preventing corruption.
2. The form of prevention of corruption can be done by the Attorney General's Office as a driving force in preventing corruption by means of an Integrated Preventive Criminal Justice System, especially against corruption. Together with the BPK and the Police, it will become an integrated institution for prevention.

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