

The Mechanism of Law Enforcement on Village Fund Corruption in the Jurisdiction of the Attorney General's Office

Amir Amir*, Hambali Thalib**, Syahrudin Nawii**, Baharuddin Badarus**

*Student of Postgraduate Doctoral Program in Legal Studies, Universitas Muslim Indonesia

**Lecturer of the Faculty of Law, Universitas Muslim Indonesia

Corresponding Author: Amir Amir

Abstract: This study aims to determine the mechanism of law enforcement on village fund corruption in the jurisdiction of the Attorney General's Office. This research uses the type of normative legal research. The legal materials used in this research consist of primary, secondary, and tertiary legal materials. The method used in data analysis is qualitative analysis. Based on the description of the results and discussion, it can be concluded that the law enforcement mechanism against village fund corruption in the jurisdiction of the Public Prosecution Service consists of data/information collection, preliminary investigation, investigation, and prosecution. Furthermore, the law enforcement mechanism is guided by several laws and regulations. In this case, Law No. 1 of 1960, Law No. 8 of 1981, Law No. 20 of 2001, Law No. 2 of 2002, Law No. 16 of 2004, Law No. 6 of 2014, Law No. 19 of 2019, Regulation of the Attorney General's Office No. PER-037/A/J.A/09/2011, Regulation of the Attorney General's Office No. 6 of 2019, Decision of the Attorney General's Office No. KEP-518/A/J.A/11/2001, and Decision of the Attorney General's Office No. KEP-552/A/JA/10/2002.

Keywords: Law Enforcement, Public Attorney, Public Prosecutor, Village Fund Corruption.

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I. INTRODUCTION

Based on the Transparency International survey results, Indonesia ranks 6th out of 133 countries as the most corrupt country in the world.¹ Transparency International stated that since 2001, the Indonesian Corruption Perception Index has remained at a low number, namely 1.9 out of a range of values of 1-10.² Meanwhile, the Political and Economic Risk Consultancy ranked Indonesia as the most corrupt group in the Asian region in 2005.³ Only Bangladesh and Myanmar beat Indonesia.⁴

The increase in the criminal act of corruption in Indonesia occurs because corruption has penetrated various government joints in various state institutions, both executive, legislative, and judicative.⁵ The element of abuse of authority in a criminal act of corruption (*species delict*) is an element of being against the law (*genus delict*).⁶ In addition, the element of violating the law will always be related to a public official's position, not about and understanding the position in the realm of the civil structure.⁷

At this time, the abuse of authority has implications for the occurrence of criminal acts of corruption mainly because the perpetrators do not only come from people who occupy strategic positions in the

¹Suryadarma, D. (2012). How Corruption Diminishes the Effectiveness of Public Spending on Education in Indonesia. *Bulletin of Indonesian Economic Studies*, 48(1), p. 87.

²Schütte, S. A. (2012). Against the Odds: Anti-Corruption Reform in Indonesia. *Public Administration and Development*, 32, p. 43.

³Najih, M. & Wiryani, F. (2020). Learning the Social Impact of Corruption: A Study of Legal Policy and Corruption Prevention in Indonesia and Malaysia. *Journal of Social Studies Education Research*, 11(4), pp. 178-179.

⁴Indrajaya, A. N., et al. (2021). Menumbuhkan Integritas melalui Karakter Anti Korupsi untuk Mempersiapkan Remaja Menjadi Agen Perubahan. *JSCD: Journal of Sustainable Community Development*, 3(1), p. 11.

⁵Muntaha, M., et al. (2021). Tinjauan Hukum terhadap Penanggulangan Tindak Pidana Korupsi di Indonesia. *Pemuliaan Hukum, Universitas Islam Nusantara*, 4(1), p. 60.

⁶Sahlan, M. (2016). Unsur Menyalahgunakan Kewenangan dalam Tindak Pidana Korupsi sebagai Kompetensi Absolut Peradilan Administrasi. *Jurnal Hukum Ius Quia Iustum*, 23(2), p. 285.

⁷Yulianti, L. (2020). Sejarah Diskresi dan Unsur Menyalahgunakan Wewenang dalam Ranah Pidana Korupsi di Indonesia. *JISIP: Jurnal Ilmu Sosial dan Pendidikan*, 4(4), p. 73.

government and state systems located in the national capital.⁸ However, criminal act of corruption has also been carried out by Village Head officials in various parts of Indonesia.⁹ As for the abuse of authority in the criminal act of corruption, as based on Article 3 of Law of the Republic of Indonesia Number 20 of 2001 on Amendment to Law Number 31 of 1999 on Eradication of the Criminal Act of Corruption (hereinafter referred to as Law No. 20 of 2001), it regulates that:

“Anyone with the aim of enriching oneself or another person or a corporation, abuses the authority, opportunity or facilities given to him related to his post or position, which creates losses to the state finance or state economy, is sentenced to life imprisonment or minimum sentence of 1 (one) year and maximum sentence of 20 (twenty) years and/or the minimum fine of Rp. 50,000,000 (fifty million Rupiahs) and maximum fine of Rp. 1,000,000,000 (one billion Rupiahs).”

Meanwhile, law enforcement on village fund corruption is an effort to harmonize legal values.¹⁰ In this case, by reflecting on the attitudes and actions of the Village Administration apparatus in the association for the realization of justice, certainty, and the benefit of the law itself and in addition, implementing sanctions in the legal management of village fund corruption so that it can become a guideline for the Village community.¹¹

Every actor who manages the village fund that is proven to have committed a criminal act of corruption must be held accountable for his actions before the law and receive punishment in the form of criminal sanctions according to laws and regulations. For example, a person who violates the law must be held accountable for his actions based on the rule of law. Meanwhile, a prosecutor prosecuting the defendant must be based on the defendant's actions. Furthermore, judges in making decisions must pay attention to all aspects of their decisions, starting from the need for prudence and accuracy, both formal and material, to technical skills in making their decisions.

The legal basis for the authority to investigate criminal acts of corruption by the Public Prosecution Service is apparent, referring to Law of the Republic of Indonesia Number 16 of 2004 on the Attorney General's Office of the Republic of Indonesia (after this referred to as Law No. 16 of 2004). As one of the law enforcement agencies, the Public Prosecution Service is required to play a more significant role in upholding the rule of law, protecting the public interest, enforcing human rights, and eradicating the criminal act of corruption, collusion, and nepotism.

Based on Article 30 section (1) of Law No. 16 of 2004, regulates that in the crimes division, the Public Prosecution Service has the following duties and authorities:

- a. carry out prosecution;
- b. carry out to execute the rulings of a judge and a court judgment which has become final and binding;
- c. carry out supervision of the execution of conditional sentence judgment, supervision of criminal judgment, and conditional acquittal judgment;
- d. carry out the investigation of certain criminal acts based on the law;
- e. complete a certain case dossier and for that purpose can carry out a supplemental examination before being brought to court which in its implementation is coordinated with the Investigator.

Law enforcement on village fund corruption is also carried out by the Public Prosecution Service throughout Indonesia, including the Public Prosecution Service in the High Attorney Office of South Sulawesi jurisdiction. In addition, the role of the Public Prosecution Service as a Junior Investigator, Investigator, and Public Prosecutor. In this case, the Public Prosecution Service in the High Attorney Office of South Sulawesi jurisdiction is required to apply Law No. 20 of 2001 maximally against misuse of village funds because these funds should be used for physical and non-physical development. However, the role of preliminary investigation, investigation, and prosecution has not seen its maximum benefit for the village community.

Village fund corruption in the High Attorney Office of South Sulawesi jurisdiction has developed in 3 (three) stages: elitist, endemic, and systematic. At the elitist stage, the criminal act of corruption is still in the preliminary investigation, investigation, and prosecution processes within the elite/village officials. At the endemic stage, the criminal act of corruption is endemic and almost reaches all levels of the Village community. Then the critical stage, if the criminal act of corruption becomes systemic, every individual in the system is infected with the same disease. Village fund corruption in the High Attorney Office of South Sulawesi

⁸Taufiqurrahman, M. (2019). Peran Jaksa Agung Republik Indonesia terhadap Pembentukan dan Pelaksanaan Tugas Tim Pengawasan, Pemerintah dan Pembangunan Daerah. *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, 1(2), p. 128.

⁹Herdiana, D. (2019). Kecenderungan Perilaku Koruptif Kepala Desa dalam Pembangunan Desa. *Matra Pembaruan: Jurnal Inovasi Kebijakan*, 3(1), p. 5.

¹⁰Ramadhani, A. N. R., et al. (2021). Upaya Perlindungan Hukum terhadap Penyalahgunaan Bantuan Sosial: Aplikasi Kawal.Id sebagai Platform Kelompok Marginal Terdampak Covid-19 di Indonesia. *Legislatif: Lembaran Gagasan Mahasiswa yang Solutif dan Inovatif*, 4(2), p. 239.

¹¹Khoiriah, S. & Meylina, U. (2017). Analisis Sistem Pengelolaan Dana Desa Berdasarkan Regulasi Keuangan Desa. *Masalah-Masalah Hukum*, 46(1), p. 28.

jurisdiction has reached a systematic stage. Village fund corruption violates the community's social and economic rights, so this criminal act of corruption is no longer classified as an ordinary crime.¹²

Meanwhile, village fund corruption in the High Attorney Office of South Sulawesi jurisdiction involved various parties, such as the Village Head, Village Head superiors, and his apparatus at the Village Administration, with minimal decision results. For example, the case of village fund corruption in Mattirowalie Village, Bengo Sub-district, Bone Regency, South Sulawesi Province with the convict Rudding Tokkong (50), a former Village Head with state financial losses reaching hundreds of millions of rupiah. The criminal act of corruption carried out by the Village Head and the Village apparatus involves abuse of official authority, fictitious reports, and mark-ups on the building construction price that they do themselves, which do not match the plans they made.

Based on the above background, this study aims to determine the mechanism of law enforcement on village fund corruption in the jurisdiction of the Attorney General's Office.

II. METHOD

This research uses the type of normative legal research. The normative legal research is intended to examine legal norms. Meanwhile, this research approach is a statute approach. This approach is carried out by examining all laws and regulations related to law enforcement against village fund corruption. The sources of legal materials used in this research consist of:¹³

1. Primary legal materials, namely binding legal materials. In this case, in the form of laws and regulations, jurisprudence, treaties, and other crucial legal materials.
2. Secondary legal materials, namely materials that explain primary legal materials obtained from library studies. In this case, in the form of literature related to research problems.
3. Tertiary legal materials, namely materials that provide information and explanations about primary legal materials and secondary legal materials. In this case, in the form of legal dictionaries, newspapers, and encyclopedias.

The technique used in collecting research data is literature study. Literature study, including collecting, reading, and browsing many journals, books, laws and regulations, scientific works, literature from the internet, and other materials. In this case, it is related and can support this research's preparation.¹⁴ All data that has been collected will then be classified and analyzed to produce conclusions from the materials obtained according to the problems discussed. The method used in data analysis is qualitative analysis, which describes quality data in regular, coherent, logical, non-overlapping, and effective sentences. In this case, to facilitate the analysis and interpretation of data.

III. RESULTS AND DISCUSSIONS

A. The Authority of the Public Prosecution Service to Enforce Law on Village Fund Corruption Through Investigator

In essence, the implementation of law enforcement through investigators has been regulated in several laws and regulations. Based on Article 1 point 1 jo Article 6 section (1) of Law of the Republic of Indonesia Number 8 of 1981 on the Code of Criminal Procedure (hereinafter referred to as Law No. 8 of 1981), it regulates that an Investigator shall be:

- a. an official of the State Police of the Republic of Indonesia;
- b. a certain Official of the Civil Service who is granted special authority by law.

In addition, based on Article 1 point 11 of Law of the Republic of Indonesia Number 2 of 2002 on the State Police of the Republic of Indonesia, explains that:

"An official of the civil service investigator shall be a certain official of the civil service who is appointed to be an investigator and granted special authority by the law to conduct criminal investigation within the scope of law as each legal basis."

Furthermore, based on Article 1 point 2 of Law No. 8 of 1981 explains that:

"Investigation is a series of acts by an investigator in matters and by means regulated in this law to seek and gather evidence with which to clarify whether an offense has occurred and to locate the suspect."

The investigation into criminal acts of corruption, including village fund corruption, must be based on applicable laws and regulations. In this case, as a foothold for every enforcer, including Public Attorney and Public Prosecutor, in carrying out their duties and authorities. In addition, the Public Prosecutor in carrying out

¹²Manihuruk, T. N. (2019). Penegakan Hukum Tindak Pidana Korupsi Dana Desa di Kabupaten Kampar. *Jurnal Gagasan Hukum*, 1(1), p. 87.

¹³Qamar, N. & Rezah, F. S. (2020). Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal. Makassar: CV. Social Politic Genius (SIGn), p. 99.

¹⁴Harefa, N. S. K., et al. (2020). Dasar Pertimbangan Hakim terhadap Tindak Pidana Korupsi yang Dilakukan oleh Pegawai Negeri Sipil (PNS): Studi Kasus Putusan Pengadilan Negeri Medan Nomor: 73/Pid.Sus-TPK/2018/PN.Mdn. *SIGN Jurnal Hukum*, 2(1), p. 54.

prosecutions against criminal acts of corruption must also be based on Law No. 20 of 2001 as material law, Law No. 8 of 1981 as formal criminal law, and Law No. 16 of 2004. However, based on Article 26 of Law No. 20 of 2001, regulates that:

“The investigation, prosecution, and examination at trial against the corrupt act shall be conducted based on the existing criminal law procedures, unless otherwise provided for in this Law.”

The provisions contained in Article 26 of Law No. 20 of 2001 must be linked to Article 39 section (1) of Law of the Republic of Indonesia Number 19 of 2019 on Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission (hereinafter referred to as Law No. 19 of 2019), which regulates that:

“Preliminary investigation, investigation, and prosecution of criminal acts of corruption shall be carried out according to the Law of Criminal Procedure and based on Law Number 31 of 1999 on Eradication of the Criminal Act of Corruption as amended by Law Number 20 of 2001 on Amendment to Law Number 31 of 1999 on Eradication of the Criminal Act of Corruption, unless otherwise provided for in this Law.”

The relevance of the above provisions is confirmed in Article 50 section (2) of Law No. 19 of 2019, which regulates that:

“The investigation process being conducted by the Police or the Public Prosecution Service as referred to in section (1) must be coordinated continuously with the Corruption Eradication Commission.”

The Public Attorney indirectly conducts a preliminary investigation from the above provisions. In this case, before the Public Attorney conducts a criminal act of corruption investigation, he must first conduct a preliminary investigation. Furthermore, based on Article 109 section (1) of Law No. 8 of 1981, regulates that *“where an investigator has begun to investigate an event that constitutes a criminal act, the Investigator shall inform the Public Prosecutor of this fact”*.

Based on the above provisions, the Investigator will issue a notification letter for the commencement of the investigation. On the other hand, based on Article 52 of Law No. 8 of 1981 regulates that *“in examinations at the stages of investigation and adjudication, a suspect or an accused shall have the right to freely give information to an investigator or judge”*.

From the above provisions, the suspect or an accused is not obliged to provide information on all the Investigator's questions during the investigation process. However, to investigate a criminal act of corruption, the suspect or an accused is charged with the obligation to provide information relating to:

- a. All property belonging to the suspect or an accused himself;
- b. All property of the wife or husband or children of the suspect or an accused;
- c. All property of any person or corporation known and/or suspected to have a relationship with the suspect or an accused.

After the evidence is collected and the suspected suspect has been determined, the Investigator begins a careful assessment. In this case, is there sufficient evidence to be transferred to the Public Prosecutor, or does it turn out that the alleged incident is not a criminal act? If the alleged incident is not a criminal act, based on Article 109 section (2) of Law No. 8 of 1981 regulates that:

“Where an Investigator terminates an investigation because of the absence of sufficient evidence or it has become clear that said event did not constitute an offense or the investigation has been terminated by virtue of law, the Investigator shall inform the Public Prosecutor, the suspect or his family of this fact.”

Based on the above provisions, the Investigator will issue a decree to terminate the investigation.

B. Village Fund Corruption Handling Mechanism by Public Attorney Office in the High Attorney Office of South Sulawesi Jurisdiction

1. Data/Information Collection

Institutionally, data/information collection is the duty and authority of the Junior Attorney General Intelligence. Based on Article 145 section (2) of Regulation of the Attorney General's Office of the Republic of Indonesia Number 6 of 2019 on Amendment to Regulation of the Attorney General's Office Number PER-006/A/JA/07/2017 on Organization and Work Procedure of the Attorney General's Office of the Republic of Indonesia (hereinafter referred to as Regulation of the Attorney General's Office No. 6 of 2019), it regulates that:

“The scope of Attorney Intelligence as referred to in section (1) includes intelligence activities preliminary investigation, security, and support duties concerned with the prevention of crime to support law enforcement of a preventive or coercive nature in the areas of ideology, politics, economics, finance, socio-cultural, defense and security, imposing travel bans, and/or helping upholding public order and security.”

From the provisions above, Attorney Intelligence presents the product as based on Article 1 point 12 of Regulation of the Attorney General's Office of the Republic of Indonesia Number PER-037/A/JA/09/2011 on Standard Operating Procedures of the Attorney General Intelligence of the Republic of Indonesia (hereinafter referred to as Regulation of the Attorney General's Office No. PER-037/A/JA/09/2011), explains that:

“Intelligence Products are Service Documents made in written form, which are the activities of submitting, reporting the results of information processing, and the results of activities carrying out intelligence operations duties carried out by elements of Attorney Intelligence.”

Furthermore, based on Article 10 section (2) of Regulation of the Attorney General's Office No. PER-037/A/J.A/09/2011, regulates that:

“In accordance with the forms of Intelligence Products that will be presented/made, their preparation needs to be based on systematic guidelines as regulated in the Decision of the Attorney General's Office Number KEP-552/A/JA/10/2002 on Attorney Judicial Intelligence Administration of the Republic of Indonesia”

As based on the Decision of the Attorney General's Office of the Republic of Indonesia Number KEP-552/A/JA/10/2002 on Attorney Judicial Intelligence Administration of the Republic of Indonesia, regulates that: *“It collects information, data, evidence of symptoms, indications of violating the provisions of applicable laws and regulations through Judicial Intelligence Operations supported by Judicial Intelligence Operations Orders, which period is 30 days or more according to leadership orders. It is also possible for intelligence operations to search for data by issuing an Assignment Order (Prin-Tug) with a maximum of 7 days.”*

2. Preliminary investigation

Based on Article 1 point 5 of Law No. 8 of 1981 explains that:

“Preliminary Investigation is a series of acts by a junior investigator to seek and to find an event that is presumed to be an offense in order to determine whether or not an investigation may be carded out by means regulated in this law.”

In addition, based on Article 1 number 17 of Regulation of the Attorney General's Office No. PER-037/A/J.A/09/2011, explains that:

“Preliminary investigation intelligence is all efforts, activities, work, and actions carried out in a planned, gradual, and sustainable manner in a cycle of intelligence activities to seek, explore, obtain, and collect information, data/information materials from various sources (both open source and closed source) through necessary open and closed activities on particular problems to be able to make estimates of the problems encountered to enable determining policies and taking actions with calculated risks.”

Furthermore, based on Article 14 section (10) of Regulation of the Attorney General's Office No. PER-037/A/J.A/09/2011 regulates that the results of Intelligence investigations after exposure have been carried out, conclusions can be accepted, including:

- a. continue intelligence operations;
- b. increase to the investigation;
- c. delegate to another unit;
- d. delegate to the competent authority;
- e. stop intelligence operations.

Follow-up actions as concluded above must be carried out within a maximum of 7 (seven) days.

3. Investigation

The investigation is a series of acts by an Investigator based on Article 1 point 2 Law No. 8 of 1981. As for the involvement of the Public Prosecution Service in the investigation of criminal acts of corruption, as based on Article 27 of Law No. 20 of 2001, regulates that *“in the event a corrupt act is detected that is very hard to prove, a joint team shall be set up under the coordination of the Attorney General's Office”*. This provision is in line with Article 30 section (1) point d of Law No. 16 of 2004, which regulates that *“in the crimes division, the Public Prosecution Service has the duty and authority to investigate certain criminal acts based on the law”*. Furthermore, based on Article 7 section (1) of Law No. 8 of 1981, regulates that the Investigator as intended by Article 6 section (1) point a by virtue of his authority shall be competent:

- a. to accept a report or complaint from a person about the existence of an offense;
- b. to take the first steps at the place of occurrence;
- c. to order a suspect to stop and examine the suspect's identification;
- d. to carry out arrest, detention, search and seizure;
- e. to carry out the examination and seizure of documents,
- f. to fingerprint and photograph a person; .
- g. to summon a person to be heard or examined as a suspect or a witness;
- h. to call in an expert required in connection with the examination of a case;
- i. to terminate an investigation;
- j. to take other responsible acts in accordance with law.

Meanwhile, based on Article 381 of Regulation of the Attorney General's Office No. 6 of 2019, regulates that:

“Sub-directorate of Criminal Act of Corruption and Criminal Act of Money Laundering has duties to carry out preparation of the preparation of technical and administrative policy formulation, implementation and control,

providing technical guidance, submission of considerations, opinions and suggestions, coordination and cooperation, data and information management, monitoring and evaluation, and preparation of investigation reports on criminal acts of corruption and criminal acts of money laundering.”

The investigation process carried out by the Public Prosecution Service against perpetrators of criminal acts of corruption is also based on the Decision of the Attorney General’s Office of the Republic of Indonesia Number KEP-518/A/JA/11/2001 on Amendment to Decision of the Attorney General’s Office Number KEP-132/JA/11/1994 on Criminal Case Administration. The following is the general format code for criminal cases within the scope of the investigation, including:

- a. P-8 for Investigation Warrant;
- b. P-8A for Planned Investigation Activity Schedule;
- c. P-9 for Witness/Suspect Summons;
- d. P-10 for Expert Testimonial Assistance;
- e. P-11 for Witness/Expert Calling Assistance;
- f. P-12 for Investigation Development Report;
- g. P-13 for Proposal to Stop Investigation/Prosecution;
- h. P-14 for Warrant for Termination of Investigation;
- i. P-15 for Warrant for Submission of Case Files.

If the case file is complete, then based on Article 8 of Law No. 8 of 1981, regulates that:

- (1) The investigator shall prepare minutes of the execution of acts as intended by Article 75 without detracting from the other provisions of this law.
- (2) The investigator shall deliver the dossier of a case to the public prosecutor.
- (3) The delivery of the dossier of a case as intended by section (2) shall be accomplished as follows:
 - a. at the first stage, the investigator shall deliver only the dossier of a case;
 - b. where the investigation is deemed to have been completed, the investigator shall cede responsibility for the suspect and the physical evidence to the public prosecutor.

4. Prosecution

Based on Article 1 point 7 of Law No. 8 of 1981, explaining that:

“Prosecution is an act of the public prosecutor to bring a criminal action before a competent district court in matters and by means regulated in this law with the plea that it be heard and decided upon by the judge at trial.”

Furthermore, based on Article 14 of Law No. 8 of 1981, regulates that the Public Prosecutor shall have the authority:

- a. to accept and examine the dossier of a case under investigation submitted by an investigator or an assistant investigator;
- b. to conduct pre-prosecution if there are shortcomings in the investigation with due regard to Article 110 section (3) and section (4), by giving instructions to the investigator on ways to improve his investigation;
- c. to grant an extension of detention, to carry out a detention or a further detention and/or to change the status of a detainee after his case has been turned over to him by the investigator;
- d. to prepare bills of indictment;
- e. to bring actions before the court;
- f. to give notification to the accused of the day and time the case will be tried accompanied by summonses, both to the accused and to witnesses, to appear at the designated trial session;
- g. to conduct a prosecution;
- h. to close a case in the interest of law;
- i. to take other acts within the scope of his duties and responsibilities as a public prosecutor according to the provisions of this law;
- j. to execute rulings of a judge.

Based on Article 137 of Law No. 8 of 1981, regulates that the Public Prosecutor shall have the authority:

“A public prosecutor shall have the authority to carry out the prosecution of anyone who is accused of committing an offense within his jurisdiction by bringing the case before a court that is competent to adjudicate.”

Meanwhile, based on Article 393 of Regulation of the Attorney General's Office No. 6 of 2019, regulates that:

“Sub-directorate of Criminal Act of Corruption and Criminal Act of Money Laundering has duties to carry out preparation of the preparation of technical and administrative policy formulation, implementation and control, providing technical guidance, submission of considerations, opinions and suggestions, coordination and cooperation, data and information management, monitoring and evaluation, and preparation of pre-prosecution action reports, additional check, pre-trial, prosecution and trial, resistance, implementation of the judge's

determination, ordinary legal remedies in handling cases of criminal acts of corruption and criminal acts of money laundering.”

On the other hand, the Public Prosecution Service determines the Public Prosecutor at the time of issuance of the Order for the Commencement of Investigation to follow the progress of the investigation of criminal cases (P-16). After that, based on Article 138 of Law No. 8 of 1981, regulates that:

(1) A public prosecutor after having received the results of an investigation from an investigator shall promptly study and research them and within seven days shall be obligated to inform the investigator whether the results of the investigation are complete or incomplete.

(2) Where the results of the investigation are evidently incomplete, the public prosecutor shall return the dossier of the case to the investigator accompanied by instructions on what must be done to make it complete and within fourteen days after the receiving date of the dossier, the investigator shall be obligated to have returned the dossier of the case to the public prosecutor.

Furthermore, based on Article 139 of Law No. 8 of 1981, regulates that:

“After the public prosecutor has received or accepted the return of a complete investigation from the investigator, he shall promptly determine whether or not the dossier of the case has met requirements to be brought to court.”

Then enter the prosecution stage, where the Public Prosecution Service makes Letter P-16A, namely the appointment of a Public Prosecutor to resolve Criminal Cases, where the Public Attorney is authorized to:

- a. Carry out detention/transfer of detention/release of prisoners;
- b. Carry out additional checks;
- c. To terminate the prosecution;
- d. Carry out prosecutions in court;
- e. Carry out the judge’s determination;
- f. To fight against the judge’s determination;
- g. Take legal action;
- h. Consider the request for clemency of the convict;
- i. Provide answers to requests for Judicial Review of the court judgment, which has become final and binding;
- j. Signing the minutes of the Judicial Review examination.

The trial time will be determined after the Head of the Court declares that he is ready to adjudicate. The Public Prosecutor’s job is to prove the charges. In this case, the legal principle is that whoever accuses is obliged to prove his accusation, except as provided otherwise in this law is like reverse proof in granting gratuities.

Therefore, the process of proving before the court is not an easy matter for the Public Prosecutor.¹⁵ It takes courage, intelligence, professionalism in carrying out the evidentiary process, such as summoning witnesses, summoning experts, or showing documentary evidence or other evidence.¹⁶

IV. CONCLUSIONS

Based on the description of the results and discussion, it can be concluded that the law enforcement mechanism against village fund corruption in the jurisdiction of the Prosecutor’s Office consists of data/information collection, preliminary investigation, investigation, and prosecution. Furthermore, the law enforcement mechanism is guided by several laws and regulations. In this case, Law No. 1 of 1960, Law No. 8 of 1981, Law No. 20 of 2001, Law No. 2 of 2002, Law No. 16 of 2004, Law No. 6 of 2014, Law No. 19 of 2019, Regulation of the Attorney General’s Office No. PER-037/A/J.A/09/2011, Regulation of the Attorney General’s Office No. 6 of 2019, Decision of the Attorney General’s Office No. KEP-518/A/J.A/11/2001, and Decision of the Attorney General’s Office No. KEP-552/A/JA/10/2002.

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¹⁶Nur, N. C. & Djabbar, A. (2019). Urgensi Spesialisasi Penyidik Polri dalam Pemberantasan Tindak Pidana Korupsi. *Jurnal Ilmu Hukum Kyadiren*, 4(2), p. 130.

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