



## Implementation of The Prosecutor's Intelligence Authority in Investigations of Corruption Crimes

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### ABSTRACT

*This study aims to analyze the implementation of the Prosecutorial Intelligence's authority in investigating alleged corruption at the Tidore Kepulauan District Attorney's Office and to identify the challenges encountered during the investigation process. The methodology employed is empirical legal research with a qualitative field approach. Data was collected through in-depth interviews and documentation studies. The research findings indicate that the implementation of the Prosecutorial Intelligence's authority at the Tidore Kepulauan District Attorney's Office aligns with the applicable regulations, including Article 30B paragraph (d) of Law No. 11 of 2021 on the Amendment of Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia and Presidential Regulation No. 38 of 2010 on the Organization and Working Procedures of the Prosecutor's Office of the Republic of Indonesia. Nonetheless, several significant challenges were identified in the investigation process, including budget constraints, insufficient education and training for staff, and inadequate facilities and infrastructure. This study provides recommendations to address these challenges, including increasing budget allocations, conducting regular training for Prosecutorial Intelligence staff, and providing adequate supporting facilities to enhance the effectiveness of corruption investigations.*

**Keywords:** Prosecutor's Intelligence; Corruption Crimes; Investigations.

## 1. Introduction

The issue of corruption in Indonesia has been a significant concern, especially when involving public officials, as it reflects weaknesses in both legislation and its enforcement (Habibi, 2020). Despite Indonesia's ratification of the United Nations Convention Against Corruption (UNCAC) in 2006, corruption continues to pervade various aspects of society, indicating systemic challenges in combating this issue (Anmuni, 2023). The role of the Prosecution Intelligence (Intelijen Kejaksaan) is crucial in investigating corruption cases effectively, although they face obstacles such as budget constraints, lack of training, and inadequate resources (Cahyani, 2022).

Research focusing on the implementation of the Prosecution Intelligence's authority in investigating corruption cases at the Tidore Islands Prosecution Office aims to analyze the challenges faced and provide recommendations for a more efficient investigation process (Cahyani, 2022). This study not only holds academic relevance but also offers practical implications for enhancing the performance of Prosecution Intelligence in combating corruption in Indonesia (Cahyani, 2022).

Previous studies have highlighted the importance of the Corruption Eradication Commission (KPK) in coordinating anti-corruption efforts, conducting investigations, prosecutions, preventive measures, and monitoring governance (Sosiawan, 2019). Similarly, the police play a significant role in investigating corruption cases, utilizing normative legal research methods to analyze laws, concepts, and cases (Sekarsari et al., 2022). The study on the role of Prosecution Intelligence in uncovering corruption in Palopo City employed a Juridical Empirical method to understand their challenges and contributions (Shahab & Amiruddin, 2022).

Efforts to prevent corruption have also been explored, with research emphasizing the role of regional Prosecution Offices in educating stakeholders, collaborating with intelligence units, and providing legal opinions on law enforcement (Cahyani, 2022). The involvement of the Prosecution Development and Empowerment Team (TP4D) in overseeing regional development to prevent corruption has been a subject of study, combining normative-empirical legal research methods (Fiaturrehman, 2023). Additionally, the comparison of Restorative Justice

approaches between the police and prosecution in handling criminal cases sheds light on differences and similarities in their practices (Ubleeuw, 2022).

Studies on the effectiveness of the prosecution in recovering state losses due to corruption reveal challenges and factors hindering the process, emphasizing the need for empirical legal research to address these issues (Siswandi et al., 2020). Furthermore, the analysis of the Prosecution's role in resolving corruption cases using Restorative Justice approaches underscores the importance of location-specific research to understand the application of such methods (Salsabila & Wahyudi, 2022). The handling of corruption cases involving small amounts of state funds by the Sawahlunto Prosecution Office demonstrates the practical challenges faced in such investigations (Sandi, 2024).

The research on the Prosecutor's role in claiming compensatory payments in corruption cases in Cirebon Regency highlights the legal intricacies and principals involved in such proceedings (Christianata, 2020). Similarly, the study on the Prosecutor's handling of corruption cases below a certain threshold in Palangka Raya delves into the considerations and applications of prosecutorial discretion in such instances (Dewi, 2023). The conceptualization of investigation authority in corruption cases by the Indonesian National Police aims to enhance the effectiveness of anti-corruption efforts through legal reforms (Purnomo & Soponyono, 2015).

In conclusion, the synthesis of these studies underscores the multifaceted nature of combating corruption in Indonesia, involving various agencies, legal frameworks, and challenges. Understanding the roles and challenges faced by entities such as Prosecution Intelligence, the Corruption Eradication Commission, and regional Prosecution Offices is crucial for developing effective strategies to address corruption comprehensively. By analyzing the implementation of anti-corruption measures and proposing recommendations based on empirical research, these studies contribute significantly to the ongoing efforts to uphold justice and integrity in Indonesia.

## **2. Method**

This empirical legal research utilized a qualitative approach to investigate the implementation of the Prosecutor's Intelligence authority in handling corruption cases at the Tidore Islands District Attorney's Office and to identify the challenges encountered. The study location was selected based on relevance and accessibility (Ulhaq, 2023). Primary data was collected through in-depth interviews with officials and staff of the Prosecutor's Intelligence, along with direct observation of the investigation process. Secondary data was sourced from literature studies, official documents, regulations, and relevant reports (Lytvyn et al., 2021).

Data collection methods included in-depth interviews to gather detailed information on the execution of authority and challenges faced, direct observation of the investigation process, and documentation studies to obtain data from various official sources (Lytvyn et al., 2021). Data analysis was carried out descriptively and qualitatively, involving data grouping by theme, narrative description, and interpretation of results. Triangulation of data was employed to ensure research validity and reliability by cross-referencing and confirming data from multiple sources (Lytvyn et al., 2021).

The research procedure comprised preparation, data collection, data analysis, and result reporting. Preparation involved preliminary studies and research instrument development, while data collection included interviews, observations, and documentation studies. Systematic data analysis was conducted, and the research report encompassed key findings, analysis, conclusions, and recommendations (Lytvyn et al., 2021). This methodology aimed to offer a comprehensive understanding of the implementation of the Prosecutor's Intelligence authority in investigating corruption cases and the associated challenges (Ulhaq, 2023).

## **3. Results and Discussion**

### **3.1 Implementation of the Prosecutor's Intelligence Authority in Investigating Alleged Corruption at the Tidore Islands District Prosecutor's Office**

The implementation of the intelligence authority of the Tidore Islands District Prosecutor's Office in investigating alleged criminal acts of corruption is a crucial aspect in law enforcement in the region. Based on Article 30B letter (d) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia and Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedures of the Republic of Indonesia's Prosecutor's Office, the prosecutor's intelligence sector has a legal basis clear. Considering that criminal acts of corruption are a type of crime that can touch various interests relating to human rights, state ideology, the economy, state finances and national morals (Simbolon, 2023).

The Intelligence Division of the Tidore Islands District Prosecutor's Office in Investigating Corruption Crimes refers to the concept of intelligence as an instrument of prevention, deterrence and overcoming threats to national security (Gama Palias, Personal Communication, 1 Maret, 2024). Within the framework of the State Intelligence Law, intelligence is defined as organizations and activities that support policy formulation and decision making based on analysis of information and facts. Intelligence agencies hold a professional duty in combining human intelligence with technological advances for this purpose. Thus, the Tidore Islands District Prosecutor's Intelligence is responsible for carrying out investigations into alleged criminal acts of corruption, including collecting evidence and information as well as preparing reports to support subsequent decision making. They carry out intelligence operations using various methods, from interviews to infiltration, to obtain information that supports the law enforcement process at the investigative level, in line with applicable legal and regulatory principles.

The process of implementing the prosecutor's intelligence authority is carried out through several important stages. First, collecting data and information from various sources, such as public complaints, findings from prosecutors, media reports and internal findings. This data is then analyzed and verified to ensure its accuracy, using specific methods to identify and confirm suspected criminal acts of corruption. The results of the intelligence operation are then submitted in the form of a report to the leadership as material for making decisions regarding next steps. Prosecutor's Intelligence plays a central role in carrying out daily tasks in all areas of the District Prosecutor's Office, especially the Tidore Islands District Prosecutor's Office. Even though there are significant differences in duties between Presidential Decree Number 86 of 1999 and Presidential Decree Number 38 of 2010, both have similarities in supporting and facilitating tasks in all areas of the state prosecutor's office. The duties and authorities stipulated in Presidential Decree Number 38 of 2010 include preventing criminal acts to support law enforcement both preventively and repressively in various fields, as well as making efforts to prevent deterrence against certain people and/or participating in maintaining public order and overcoming criminal acts as well as civil and state administration in their jurisdiction. Apart from that, prosecutorial intelligence is also tasked with providing support for the success of the prosecutor's duties and authority, carrying out cooperation and coordination, and increasing public legal awareness, especially in efforts to eradicate criminal acts of corruption. The author wants to describe the handling of criminal acts of corruption by the Pidsus sector from 2019-2023. Also, data on corruption cases handled by the Tidore District Prosecutor's Intelligence in the last 5 (five) years from 2019-2023 are listed in the table, as follows:

**Table 1. Handling of Corruption Crime Cases by the District Attorney Tidore Islands**

No	Year	Number of Cases Handled	Name of Defendant	Number And Date Decision	Information
1	2019	2 Cases	<b>ABDUL GAFUR SALEH</b>	2/Pid. Sus-TPK/2019/PN TTE June 26, 2019	
			<b>ISMIT TIDORE</b>	2/Pid. Sus-TPK/2019/PN TTE 09 October 2019	
2	2020		<b>MUHTAR HI HARUNA</b>	7/Pid. Sus-TPK/2021/PN TTE August 16, 2019	
3		2 Cases	<b>MUH. ABDU ABUBAKAR</b>	10/Pid. Sus-TPK/2021/PN TTE November 22, 2021	Evidence Was Used In The Case Of FARADILLA ABDURRAJAK, ST
			<b>FARADILLA ABDURRAJAK, ST</b>	11/Pid.Sus-TPK/2021/PN TTE November 22, 2021	
				4/PID. SUS-TPK/2021/PN TTE December 21, 2021	
4	2022	2 Cases	<b>M. SALEH ABU</b>	4/Pid. Sus-TPK/2022/PN TTE May 25, 2022	
			<b>SAFRUDIN SAFAR, S.Pd</b>	16/Pid. Sus-TPK/2022/PN TTE October 11, 2022	
5	2023	1 Case	<b>NASER KOROIS</b>	4/Pid. Sus-TPK/2023/PN TTE May 23, 2023	

**Data Source: Administrative** Sub-Section of the Tidore Islands District Prosecutor's Office

Based on the description of the table above, it can be concluded that in 20 19 - 2023 the number of corruption cases handled by the Tidore Islands District Prosecutor's Office amounted to 7 (seven) cases. Meanwhile, in 2019 there were 2 (two) cases, in 2020 there were none, in 2021 and 2022 there were 2 (two) cases handled, and 1 (one) case in 2023.

The authors can describe the corruption cases handled by the Tidore Islands District Prosecutor's Intelligence at the investigation stage in the last 5 (five) years from 2019-2023:

**Table 2. Investigation of Corruption Crime Cases by Tidore Islands District Prosecutor's Intelligence**

No	Type of Intelligence Activity/Operation	2019	2020	2021	2022	2023	Amount
1	Investigation	-	-	2	1	4	7

**Data Source: Administrative** Sub-Section of the Tidore Islands District Prosecutor's Office

Based on the description of the table above, it can be concluded that in 20 19 - 2023 the number of corruption cases handled by the Tidore Islands District Prosecutor's Intelligence at the investigation stage was 7 (seven) cases. As for 2019 and 2020, there were zero, in 2021 there were 2 (two) cases, in 2022 there was 1 (case) case handled, and 4 (four) cases in 2023.

The author concludes that the process of disclosing corruption cases starts from the initial stage, namely when there are complaints from the public or information from intelligence. After that, the complaint report is reviewed, and if there are indications of corruption, the head of the state prosecutor's office will direct him to collect further data and information. The results will be reviewed, and if there is sufficient evidence, the case may be escalated to investigation. Next, the results of the investigation are exposed to the head of the prosecutor's office, the intelligence team and the prosecutor to decide whether the case is worthy of being followed up to the investigation stage. If approved, the investigation file will be submitted to the special criminal sector for further investigation. The prosecutor's intelligence task is to verify the truth of information from the public regarding suspected corruption. Meanwhile, the special criminal sector is responsible for the more technical inquiry and investigation process. Collaboration between the two is very important to ensure efficiency in law enforcement, especially in corruption cases which have a careful and organized pattern.

The author uses law enforcement theory as an analytical tool to see how the prosecutor's intelligence authority is used in uncovering corruption cases at the Tidore Islands District Prosecutor's Office. Factors such as legal regulations, personnel, facilities, and community participation play an important role in carrying out this process. The success of law enforcement depends greatly on the balance and interrelationship between all these factors. In this context, intelligence theory describes the relationship between intelligence and the state as part of the national security system.

**3.2 Constraints on Prosecutor's Intelligence in uncovering alleged criminal acts of corruption at the Tidore Islands District Prosecutor's Office**

The Prosecutor's Intelligence authority in handling corruption cases does not always run smoothly, there are several significant obstacles or obstacles experienced in carrying out their duties. One of the main obstacles is budget constraints that hinder various operations and procurement of resources needed for effective investigations. Limited funds cause the data collection process and intelligence operations to be limited and less than optimal. Additionally, education and training for intelligence staff is often inadequate, reducing the effectiveness of their operations. Staff require regular and continuing training to improve skills and knowledge in carrying out increasingly complex investigative tasks. Not only that, the available facilities and infrastructure often do not support the prosecutor's intelligence operational needs. The absence of facilities such as sophisticated information technology, surveillance equipment, and access to important databases hampers the process of investigating, securing data, and gathering information needed to reveal suspected criminal acts of corruption (Gama Palias, Personal Communication, 1 Maret, 2024).

During these various obstacles, there are several case studies that show the effectiveness of collaboration between prosecutor's intelligence and other law enforcers in uncovering criminal acts of corruption. For example,

at the Tidore Islands District Prosecutor's Office, information from the public verified by the intelligence team was able to uncover significant corruption cases. This shows the importance of good cooperation and coordination in intelligence operations. To overcome existing obstacles and increase the effectiveness of prosecutorial intelligence operations, several recommendations that can be proposed include increasing budget allocations to support intelligence operations and procuring the necessary resources. In addition, providing regular training and continuing education for intelligence staff is essential to ensure that they have the skills and knowledge necessary to face the challenges of increasingly complex corruption investigations.

Another recommendation is the development of better infrastructure, including improving facilities and technology used in intelligence operations. By implementing these steps, it is hoped that the prosecutor's intelligence operations can run more effectively, so that law enforcement against criminal acts of corruption at the Tidore Islands District Prosecutor's Office can be more optimal. In the long term, increasing the effectiveness of prosecutorial intelligence operations will not only help in uncovering and handling corruption cases more efficiently, but will also strengthen public trust in the law enforcement system in Indonesia. This will have a significant positive impact on efforts to eradicate corruption at various levels of government and sectors of society.

#### 4. Conclusion

The implementation of the Prosecutor's Intelligence Authority in Investigating Alleged Corruption Crimes at the Tidore Islands District Prosecutor's Office is in accordance with the duties and authority stipulated in Article 30B letter (d) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic Indonesia. Apart from that, the implementation of this task also follows the Presidential Regulation of the Republic of Indonesia Number 38 of 2010 concerning the Organization and Work Procedures of the Prosecutor's Office of the Republic of Indonesia Article 22 letter (b), as well as Article 12 and Article 13 of the Attorney General's Regulation Number Per-037/A/JA/09 /2011 concerning Standard Operational Procedures for Prosecutor's Intelligence. The essence of this regulation is to prevent corruption, collusion and nepotism.

Tidore Islands District Prosecutor's Intelligence has carried out an effective investigation into criminal acts of corruption, which includes the investigation, security and mobilization stages. However, the obstacles faced in this process can hinder the disclosure of corruption cases, which are extraordinary crimes. Therefore, extra handling is needed, including an adequate budget for uncovering corruption cases and increasing the education of intelligence staff. This will increase the ability to obtain data or information that is hidden or removed. Apart from that, adequate facilities and infrastructure are needed to support investigative, security and data collection efforts in uncovering suspected criminal acts of corruption in Tidore Islands City.

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