International Journal Multidisciplinary
Homepage : https://journal.antispublisher.com/index.php/IJMI
Email : admin@antispublisher.com

e-ISSN : 3031-9870
IJMI, Vol. 3, No. 3, August 2026
Page 203-209

Juridical Analysis of the Authority of the Public Prosecutor in Investigating Corruption Cases

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DOI : https://doi.org/10.61796/ijmi.v3i3.597

Sections Info

Article history:
Submitted: June 30, 2026
Final Revised: July 26, 2026
Accepted: August 18, 2026
Published: August 30, 2026

Keywords:
Prosecutorial authority
Corruption
Investigation
Legal basis
Law enforcement

ABSTRACT

Objective: *This study juridically analyzes the exercise of authority by the Indonesian Prosecutor's Office in investigating corruption cases and identifies the principal legal and institutional obstacles affecting its implementation.* ***Method:*** *The research uses normative legal research with statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively using a descriptive-analytical method.* ***Results:*** *The findings show that prosecutorial authority to investigate corruption has a clear statutory basis in the Criminal Procedure Code, the Prosecutor's Office Law and its amendment, and the anti-corruption legislation. Nevertheless, its implementation continues to face overlapping authority with the Indonesian National Police and the Corruption Eradication Commission, differences in legal interpretation, limited investigative resources, complex proof of state financial losses, and coordination challenges.* ***Novelty:*** *The study integrates authority theory and law-enforcement theory to explain why the effectiveness of corruption investigations depends not only on the existence of statutory authority but also on regulatory harmonization, institutional coordination, professional capacity, independence, and public trust.*

INTRODUCTION

Criminal law is part of public law because it regulates the relationship between the state and individuals and protects the general public interest. A criminal act is conduct that contradicts the legal order, violates rights, and harms society by obstructing the realization of an orderly, fair, and peaceful social life. In practice, the application of criminal law often encounters tension between formal legality and substantive justice. Judges and law-enforcement officials are expected to explore the values living in society, while at the same time remaining bound by written legal norms. This tension is relevant to Indonesia's constitutional objective of protecting the entire nation and promoting public welfare as stated in the Preamble to the 1945 Constitution [1]. Law enforcement therefore cannot be understood merely as the exercise of state power; it must also ensure justice, legal certainty, and social benefit, all of which are influenced by the quality of legal norms, law-enforcement institutions, facilities, society, and legal culture [2].

Indonesia's constitutional commitment to a welfare-oriented rule-of-law state requires the legal system to protect citizens while supporting national development. Corruption directly undermines this commitment because it reduces the resources available for public services, weakens institutional accountability, distorts economic opportunities, and erodes trust in government. The increasingly organized, systemic, and extensive character of corruption makes it a serious threat to national development based on Pancasila and the 1945 Constitution. The urgency of this problem is also reflected in

Indonesia's 2025 Corruption Perceptions Index score of 34 out of 100, ranking 109th of 182 countries, a decline from the previous year [3].

Because corruption is regarded as an extraordinary crime, Indonesia has established a special statutory framework for its prevention and enforcement. Law Number 31 of 1999 provides the principal basis for the eradication of corruption offenses [4], while Law Number 20 of 2001 amended and strengthened a number of substantive provisions in that framework [5]. In addition, Law Number 19 of 2019 regulates the institutional and procedural position of the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK) [6], and Law Number 46 of 2009 governs the Corruption Court as the specialized judicial forum for corruption cases [7]. Together, these laws form an integrated legal basis for investigation, prosecution, and adjudication of corruption offenses.

Within this framework, the Indonesian Prosecutor's Office occupies a strategic position. It is traditionally identified with the prosecution function, but specific legislation also authorizes it to conduct investigations into certain criminal offenses, including corruption. The dual role is intended to increase the effectiveness of law enforcement, yet it also raises questions concerning the scope of prosecutorial investigative authority, its relationship with police investigators and the KPK, and the legal safeguards required to prevent overlap or institutional conflict. Accordingly, this study examines two central issues: the juridical basis and implementation of prosecutorial authority in corruption investigations, and the principal obstacles that arise in the exercise of that authority.

RESEARCH METHOD

This study employs normative legal research (juridical-normative research), which examines legal norms contained in legislation, judicial materials, legal doctrines, and relevant legal literature. The normative approach is appropriate because the main object of analysis is the legal basis and scope of the Indonesian Prosecutor's Office's authority to investigate corruption cases. The study does not rely on interviews or surveys, but on the interpretation and systematic analysis of legal materials.

The research uses a statutory approach and a conceptual approach. The statutory approach examines the hierarchy, consistency, and relationship of legal provisions governing corruption investigations. The conceptual approach examines doctrines concerning authority, criminal justice, legal certainty, and law enforcement. As explained by Marzuki, legal research approaches enable researchers to examine a legal issue from relevant normative perspectives and to construct legal arguments on the basis of authoritative materials [8]. The methodology is also consistent with the characteristics of normative legal research described by Soekanto and Mamudji, particularly the use of library materials as the principal source of legal analysis [9].

The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution, the Criminal Procedure Code, the anti-corruption laws, the Prosecutor's Office laws, the KPK laws, and related legislation.

Secondary legal materials include legal books, journal articles, doctrines, and scholarly commentaries relevant to prosecutorial authority and corruption enforcement. Tertiary materials, including legal dictionaries and encyclopedic sources, are used to clarify concepts and terminology. All materials were collected through library research, classified according to the research questions, and analyzed qualitatively using a descriptive-analytical method.

RESULTS AND DISCUSSION

Results

The eradication of corruption in Indonesia is carried out through the interaction of several law-enforcement institutions, principally the Indonesian National Police, the Indonesian Prosecutor's Office, and the KPK. Under Article 6 paragraph (1) letter a of Law Number 8 of 1981 concerning Criminal Procedure, police officers constitute the general criminal investigators, together with certain civil servant investigators granted special authority by law [10]. On this basis, the Police possess general investigative authority over criminal offenses, including corruption, unless special legislation provides a more specific institutional arrangement.

The Prosecutor's Office, by contrast, exercises a special investigative authority for particular offenses. Law Number 11 of 2021, which amended the Prosecutor's Office Law, confirms that in addition to exercising prosecution functions, the Prosecutor's Office may conduct investigations into certain criminal offenses when such authority is granted by legislation [11]. This statutory position develops the institutional framework established by Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia [12]. In corruption cases, the consequence is that prosecutors may perform a dual institutional role: first as investigators during the evidence-gathering stage and later as public prosecutors before the court, subject to procedural safeguards and the limits imposed by law.

The KPK also possesses authority to conduct inquiry, investigation, and prosecution in corruption matters. Its original institutional mandate derives from Law Number 30 of 2002 concerning the Corruption Eradication Commission [13], as subsequently amended. The KPK's jurisdiction is not designed to replace all police or prosecutorial investigations; rather, the statutory framework assigns it a special role in cases that meet particular criteria, including matters involving state officials, significant public concern, or substantial state losses. Consequently, the Indonesian anti-corruption enforcement system is characterized by concurrent but differentiated authority among the Police, the Prosecutor's Office, and the KPK.

From the perspective of authority theory, the Prosecutor's Office's power to investigate corruption can be categorized as attributive authority because it is granted directly by legislation. Hadjon explains that authority in public law must be traced to a valid legal source, and that attribution constitutes the original conferral of governmental power on an institution or office [14]. This means that prosecutorial investigators do not exercise investigative powers merely by delegation from the Police or by mandate from another agency. Their authority has an independent statutory basis, while remaining limited by the purpose, scope, and procedures established by law.

The practical implementation of this authority nevertheless requires coordination and synchronization across the criminal justice system. A corruption investigation can involve complex financial records, audit findings, public officials, corporate actors, and evidence held by multiple institutions. Criminal justice institutions therefore need clear allocation of responsibilities, reliable information exchange, and consistent procedural standards. Reksodiputro's conception of the Indonesian criminal justice system emphasizes the importance of institutional interdependence and due process in preventing fragmented or competing enforcement practices [15]. In the context of corruption, this interdependence means that statutory authority must be exercised in a manner that supports, rather than obstructs, the effectiveness of the overall justice process.

Discussion

The findings show that the Indonesian Prosecutor's Office has a strong juridical basis for investigating corruption, but the existence of legal authority alone does not automatically guarantee effective implementation. The first challenge concerns potential overlap among the Police, the Prosecutor's Office, and the KPK. Because each institution may lawfully investigate corruption within its respective statutory mandate, a case can raise questions about which institution should take the lead, especially when the factual circumstances evolve during the investigation. Although coordination mechanisms exist, differences in institutional interpretation can delay case handling and create a public perception of competition among law-enforcement agencies. From the perspective of legal certainty, the system therefore requires clearer operational rules for resolving concurrent competence [10], [11], [12], [13].

A second weakness is the absence of a single comprehensive procedural arrangement that expressly defines every boundary of prosecutorial investigative authority in relation to the general investigative system under the Criminal Procedure Code. The Criminal Procedure Code places the Police at the center of general criminal investigation, while later special statutes allocate investigative powers to the Prosecutor's Office and the KPK. The principle of lex specialis provides an important legal explanation for this arrangement, but practical disputes may still arise when two or more institutions consider themselves competent to investigate the same conduct. Regulatory harmonization is therefore necessary to reduce inconsistent interpretation and to provide a predictable mechanism for case allocation and institutional coordination [10], [11], [12], [13].

A third challenge concerns human resources, technical capacity, and the complexity of proving state financial loss. Corruption cases frequently require analysis of procurement documents, financial transactions, corporate structures, electronic records, and audit findings. Investigators must therefore possess not only criminal procedure competence but also sufficient understanding of financial investigation, asset tracing, digital evidence, and sector-specific regulations. Delays in obtaining audit results or expert assessments may extend the investigation period and affect evidentiary strategy. In terms of law-enforcement theory, these conditions confirm that the effectiveness of a legal rule depends on the capability of the officials and facilities responsible for implementing it [2].

A fourth challenge relates to institutional independence and public trust. Corruption often involves public officials, regional leaders, legislators, or private actors with significant economic and political influence. Such circumstances can create risks of political pressure, bureaucratic interference, or attempts to influence investigative decisions. The statutory character of prosecutorial authority requires investigators to act objectively, proportionately, and in accordance with due process, while institutional leadership must ensure that investigative decisions are protected from improper external intervention. The legitimacy of the Prosecutor's Office therefore depends not only on successful case outcomes but also on transparent, accountable, and rights-respecting procedures [1], [11], [12].

Public trust has become increasingly important because citizen participation contributes to the detection and reporting of corruption. Allegations of ethical violations, abuse of authority by individual officials, or controversial case handling can influence public perceptions even when they do not represent institutional performance as a whole. Social media also accelerates the spread of incomplete or unverified information about ongoing investigations. If the public doubts the independence or professionalism of the Prosecutor's Office, individuals may become less willing to report suspected corruption or to cooperate as witnesses. Strengthening professional standards, internal supervision, public communication, and inter-agency accountability is therefore essential to preserve the legitimacy of corruption investigations [2], [15].

Overall, the juridical analysis indicates that the most appropriate reform is not to remove the Prosecutor's Office's investigative authority, but to strengthen the conditions under which that authority is exercised. Harmonization of legislation should clarify the relationship between general and special investigative authority; inter-agency protocols should define procedures for coordination and transfer of cases; professional development should strengthen financial, digital, and evidentiary skills; and oversight mechanisms should protect both investigative independence and the rights of persons involved in the process. These measures would enable the statutory authority conferred on the Prosecutor's Office to contribute more consistently to legal certainty, justice, and the effective eradication of corruption.

CONCLUSION

Fundamental Finding : This study concludes that the Indonesian Prosecutor's Office has a valid and clear juridical basis for investigating corruption cases as part of the special authority granted by legislation. The authority must be exercised in accordance with legality, due process, legal certainty, professionalism, proportionality, and respect for human rights. **Implication :** Accordingly, strengthening corruption enforcement requires harmonization of the relevant statutes, clearer inter-agency case-allocation and coordination mechanisms, improved investigator competence and supporting facilities, stronger internal and external oversight, and transparent institutional communication. These reforms are necessary so that prosecutorial investigative authority can operate effectively while maintaining legal certainty, justice, accountability, and public confidence in the Indonesian criminal justice system. **Limitation :** Its effectiveness, however, is still constrained by potential overlap with the Indonesian National Police and the KPK, differences in the interpretation of institutional competence, limited specialized investigative capacity, complex proof of state financial losses, coordination problems, and challenges related to independence and public trust. **Future Research :** Future research should further examine inter-agency coordination, institutional competence, investigative capacity, independence, and public trust in the exercise of prosecutorial investigative authority in corruption cases.

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