



## Analysis of the Authority of the Prosecutor's Office as the State Attorney in the Process of Confiscation of Corruption Assets

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### **Abstract**

Corruption is when a person acts in a way that is contrary to morals, ethics, customs, laws, and legal policies. Corruption means rottenness, ugliness, wickedness, dishonesty, bribable, and wrongdoing. When there is corruption in a country, it harms everyone and causes economic and social problems. This study looks at the power of the prosecutor's office as a lawyer to confiscate funds associated with wrongdoing. The findings of this study Regulation of the Attorney General of the Republic of Indonesia (PERJA) Number: PER-025/A/JA/11/2015 on how to carry out law enforcement, legal assistance, legal considerations, other legal actions, and legal services in the field of civil and state administration allows state prosecutors to file civil suits to investigate cases. So, although the state's ethics have been harmed by corruption crimes, the damage can still be repaired.

**Keywords:** *Corruption; Authority; Prosecutor's Office*

### **Introduction**

Realizing big ideals requires synergy between the government and the people and must work well together. The participation and role of the people is very important for the government to realize development. With collaboration between the government and the people, development goals can be easily achieved to realize justice and prosperity. As a big nation, Indonesia has many problems that have just been solved. It needs to be underlined that this national development can have a negative and positive impact <sup>1</sup>.

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<sup>1</sup> Andi Haris, "Memahami Pendekatan Pemberdayaan Masyarakat Melalui Pemanfaatan Media," *Jupiter* 8, no. 2 (2014): 50–63.

Increased prosperity and welfare are positive outcomes of national development. Meanwhile, the negative impact includes an increasing level of crime in the community<sup>2</sup>. Losses have a significant impact and provide a bottleneck to the progress and smooth development of the country. Four factors affect the development of the country. The first is law, in the substantial sense of the law that establishes material law. Second, law enforcement must have professionalism and adequate resources. And the fourth is how the law is seen by the public. Third, adequate resources. And the fourth is the way society sees the law<sup>3</sup>.

The word "corruption" comes from the Latin "corruptus" or "corruptio", and "corruption" in English means "to divide" or "to abolish". Corruption is defined as behavior that violates ethics, morals, traditions, laws, and legal policies. It is defined as corruption, ugliness, depravity, dishonesty, dishonesty, and immorality. Corruption itself usually harms the country's finances or economy and can be carried out by individuals or companies and can hinder national development<sup>4</sup>.

The culture of corruption is ingrained in the Indonesian people and it is always detrimental to the country's finances or economy, whether it is done by individuals or companies. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes allows the prosecutor's office to act as a plaintiff or defendant as a representative of the state or government. In doing so, they not only consider or defend the interests of the state or the government as state lawyers, but they can also refund the wealth resulting from corruption in court<sup>5</sup>. In representing the state and government, the prosecutor's office is assigned as a lawyer to defend the state and government. Based on the above explanation, it can be concluded in terms of language that "State Attorney General" refers to the duties of lawyers and acts to defend the state in cases.

To combat corruption, various institutions have been established a long time ago. However, since the Old Order regime, the government has received attention from time to time. The old Corruption Crime Law, Law Number 3 of 1971, is considered ineffective and there is no law that can be used as a reference in confiscating the proceeds of corruption crimes. This causes the verdict to not be legally binding, even though there have been real losses to the state. This legal vacuum means that there is no law regulating the return of assets in cases where there is not enough evidence to show that corruption crimes can be confiscated from corrupt assets from a corruptor. To maximize the return of assets resulting from corruption, namely with an important component of law enforcement. The prison given to the thieves of people's money is not terrible and has a deterrent effect on corruptors.

The prosecutor is a functional official who is legally authorized to replace the prosecutor and carry out the results of legal decisions, other powers granted by law, as stated in Article 1 paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The authority to serve as the State Attorney is one of the forms of authority listed above. The State Prosecutor is authorized to defend the state or represent it in defending the state's right to confiscate property or assets that are the proceeds of corruption<sup>6</sup>. The State Prosecutor's Office has existed since the establishment of

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<sup>2</sup> Iin Indriani, "Pengaruh Perkembangan Pembangunan Nasional Sebagai Aspek Pengubah Hukum Dari Segi Ekonomi," *Jurnal Hukum* 2, no. 1 (2019).

<sup>3</sup> Atang Hermawan Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia," *Jurnal Wawasan Hukum* 30, no. 1 (2014): 26–53.

<sup>4</sup> Muh. Yusuf Mustari, Muh. Akbar, and Moh. Yusuf Hasmin, "Kewenangan Kejaksaan Sebagai Jaksa Pengacara Negaran Dalam Pengambilan Aset Dalam Pengambilan Aset Hasil Korupsi Melalui Instrumen Hukum Perdata," *Jurnal Kolaboratif Sains* 5, no. 5 (2022): 256–64, <https://doi.org/10.56338/jks.v5i5.2417>.

<sup>5</sup> Santoso Listiyono and Dewi Meyrasyawati, "Model Strategi Kebudayaan Dalam Pemberantasan Korupsi Di Indonesia," *Review Politik* 5, no. 2 (2015): 22–45, <http://jurnalpolitik.uinsby.ac.id/index.php/jrp/article/view/58>

<sup>6</sup> Dian Rosita, "The Position of Presecutor As the Executor of State Power in the Field of Presecution in Indonesian State Administration," *Ius Constituendum* 3, no. 1 (2018): 27–47.

the office by Koninklijk Besluit on April 27, 1922. However, the reason for the subsequent abandonment of the function was not clear until 1977<sup>7</sup>.

In addition, the prosecutor is a state official who is legally appointed to investigate and adjudicate cases, and has permanent legal authority, as stated in Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The Director General has the authority to assign additional responsibilities to the Director. An additional form of jurisdiction under discussion is the capacity to serve as the attorney general. The prosecutor is authorized to enforce the state's right to confiscate assets that have been illegally obtained or to protect the state. This is a legislative effort to increase the authority and effectiveness of the Attorney General's Office in order to fulfill its responsibilities and authority in the state legal system based on Pancasila. The Attorney General's Office of the Republic of Indonesia is subject to the regulations of Law Number 16 of 2004 of the Republic of Indonesia, which regulates the roles and responsibilities of the office. This is done to improve the ability of prosecutors to uphold state power and protect the interests of the community through law enforcement. The Indonesian people urgently need the recovery or return of national assets. Undoubtedly, the provision of adequate resources will accelerate the achievement of development goals in all areas that the Republic has engaged in since its founding. However, the state faces many challenges in efforts to confiscate the assets of the defendants in corruption cases. This is due to the limited resources of law enforcement agencies such as the Attorney General's Office. In addition, there is no extradition treaty if the defendant flees his country or dies<sup>8</sup>.

### **Research Methods**

This study uses normative or literature research. This is due to the fact that this article will investigate both primary and secondary library resources<sup>9</sup>. The Regulation on Amendments to the Law increases the role and existence of the Prosecutor as the State Representative. In this study, two approaches were used: the legal approach (legislation) and the conceptual (conceptual) approach. The legislative approach was chosen because it examines all laws related to the issue. Meanwhile, the conceptual approach analyzes problems and provides solutions by considering aspects or even norms contained in the Prosecutor's Law. Primary legal materials such as documents or legislation and secondary law books, journals, and others as data sources. This study uses documentation/literature methods to collect data. After that, the raw data will later be obtained into a deductive research result<sup>10</sup>.

### **Results and Discussion**

#### **Position of the Prosecutor as the State's Lawyer**

The Prosecutor's Office continues to develop and change along with the renewal of the government system. As part of the law enforcement system, the Prosecutor's Office must be independent and independent, as mentioned earlier. This means that the prosecutor's institution must stand alone, there is no intervention from outside. Autonomy and independent institutions are intended to ensure that law enforcement can be carried out fairly, openly and without lies to achieve a just law. In safeguarding the

<sup>7</sup> Muhammad Yusuf et al., "Kedudukan Jaksa Sebagai Pengacara Negara Dalam Lingkup Perdata Dan Tata Usaha Negara," *Jurnal Yustika: Media Hukum Dan Keadilan* 21, no. 02 (2019): 12–27, <https://doi.org/10.24123/yustika.v21i02.1500>.

<sup>8</sup> Rafika Aisyah Noor and Otto Yudianto, "Kewenangan Kejaksaan Sebagai Pengacara Negara Dalam Perampasan Terdakwa Korupsi Yang Meninggal Dunia," *INNOVATIVE: Journal Of Social Science Research* 4 (2024): 3661–74.

<sup>9</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat, PT Raja Grafindo Persada*. (Jakarta, 2003).

<sup>10</sup> Bachtiar, *Metode Penelitian Hukum, UNPAM PRESS*, 2018.

law, the prosecutor's office is given the authority to maintain the principle of presumption of innocence and legal equality<sup>11</sup>.

The Prosecutor's Office is an institution tasked with enforcing the law and providing community protection that is responsible for ensuring that the public obeys the law<sup>12</sup>. The functions and authority of the prosecutor are contained in the law. According to Rahardjo, law enforcement is the process of realizing regulations that aim to provide justice, legal stipulation and social benefits. In overcoming the problem of criminal problems and civil problems and state administration, the prosecutor's office is responsible<sup>13</sup>.

Article 30 of the Prosecutor's Law, both in Law 16 of 2004 and Law 11 of 2021, explains the duties and authorities of prosecutors in various issues related to both criminal and civil law. In making a decision, the prosecutor's office is based on the law. In addition, they can complete certain case files to facilitate further investigations before being referred to court, where they collaborate closely with investigators. In the realm of civil and state administration, prosecutors with special powers have the ability to act as representatives of the state both inside and outside. Furthermore, in the realm of public order and tranquility, such as the development and research of criminal law and statistics, supervision of the distribution of printed materials, prevention of abuse or blasphemy, and maintenance of law enforcement policies, public legal awareness is enhanced. In addition, beliefs that can endanger the state and society are monitored<sup>14</sup>.

As a dominus litic and executive authority institution in the realm of criminal law, the prosecutor's office is the only one. While domini litis means specifically the prosecutor's institution that has the authority to select criminal cases that can be forwarded to the Court, depending on the law of proof in accordance with the Criminal Procedure Code, domini litis means the prosecutor's institution that has the authority to apply criminal judgments. In this regard, the Public Prosecutor is an institution in charge of giving demands and appointing judges as described in the Criminal Code (See Article 1 point 6 letter b).

Meanwhile, the state attorney is an institution that has special authority in representing the state in a legal matter. In the case of the return of assets and finances resulting from corruption, the position of the prosecutor is as a plaintiff or defendant against the corruptor. The prosecutor has a lot of responsibilities and authorities ranging from being a public prosecutor, implementing court decisions to acting as a State Attorney. In this case, the representative state prosecutor's office can grant/defend the state's right to repossess corrupted assets. This is not new as it was established by the Koninklijk Besluit dated April 27, 1922 and it is not clear why the function was forgotten until 1977<sup>15</sup>.

According to Efendi, the Prosecutor's Office as the State Attorney is regulated in the law as follows:<sup>16</sup>

- Article 18 paragraph (1): The Attorney General is the highest Public Prosecutor and State Attorney.

<sup>11</sup> Ismail Ghonu, "Independensi Kejaksaan Dalam Sistem Peradilan Pidana Di Indonesia," *Justitia et Pax* 31, no. 2 (2017), <https://doi.org/10.24002/jep.v31i2.1342>.

<sup>12</sup> Ook Mufrohim and Ratna Herawati, "Independensi Lembaga Kejaksaan Sebagai Legal Structure Didalam Sistem Peradilan Pidana (Criminal Justice System) Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 373–86, <https://doi.org/10.14710/jphi.v2i3.373-386>.

<sup>13</sup> Satjipto Rahardjo, *Masalah Penegakan Hukum*, Sinar Baru (Bandung, 1987).

<sup>14</sup> Wahyu Donri Tinambunan and Galih Raka Siwi, "Dinamika Kedudukan Hukum Jaksa Sebagai Pengacara Negara Pasca Undang-Undang Kejaksaan," *Ajudikasi: Jurnal Ilmu Hukum* 6, no. 2 (2022): 125–42, <https://doi.org/10.30656/ajudikasi.v6i2.4586>.

<sup>15</sup> Tinambunan and Siwi, "Dinamika Kedudukan Hukum Jaksa Sebagai Pengacara Negara Pasca Undang-Undang Kejaksaan."

<sup>16</sup> Effendy (2005)

- Article 18 paragraph (2): The Attorney General, by special powers or by virtue of his position, acts as the State Attorney in civil, state administration, and constitutional matters, both inside and outside the court, on behalf of the state, government, or the public interest.
- Article 30 paragraph (2): The Prosecutor's Office, with special powers, may act in or out of court on behalf of the state or government in the field of civil and state administration.
- Article 35 point d: The Prosecutor's Office may file an appeal for the benefit of law to the Supreme Court in criminal, civil, and state administrative cases.

The prosecutor's law explains and affirms the various roles and responsibilities of prosecutors, including supervising parole decisions and acting as the state's representative in the context of civil lawsuits, as well as when the public or legal institutions apply to judges to assess the validity or validity of administrative actions imposed by government officials<sup>17</sup>. In cases of issues related to civil law and state administration, the prosecutor can act as a plaintiff or defendant in court and defend the state BUMD<sup>18</sup>. However, Article 30 paragraph 2 of the Law on the Prosecutor's Office stipulates that the prosecutor in his duties must have a power of attorney.

From 1992 to the 2021 Prosecutor's Law, prosecutors were given the authority to sue civilly, including dissolving a PT that violated Article 146 paragraph 1 letter a of the PT Law. This civil lawsuit is filed to protect the interests of the people and save state wealth from losses as a result of criminal acts or civil disputes. However, the granting of the authority of the prosecutor to prosecute in civil affairs is considered less active in its activities because of the mandatory power of attorney. The role of ulama in crime is different from the role of ulama in civil affairs which in criminal cases is more arterial and badikive when prosecuting suspects. However, the authority of the prosecutor in the civil field is still needed in enforcing the law, maintaining order and legal provisions that protect all circles, both the government, the state and the community, and executing court decisions.

### **Recovery of State Wealth from Corruption Crimes through the Use of Civil Law**

The jurisdiction of the Prosecutor's Office in the realm of huku is regulated in Article 30 paragraph 2 and Article 35 of the Prosecutor's Law. To overcome the shortcomings in asset forfeiture through criminal channels, civil channels can be an alternative. The recovery of assets resulting from corruption through civil law mechanisms is regulated in Articles 32, 33, and 34 of Law No. 31 of 1999 concerning the Eradication of Corruption. The following is the explanation:

1. Article 32: If the investigator determines that there is insufficient evidence for one or more elements of the crime of corruption even though it has been proven that there is a state loss, the investigator must immediately submit the investigation case file to the District Attorney's Office or the relevant agency to file a civil lawsuit.
2. Article 33: In the event that a suspect dies during the investigation process, if the state suffers financial losses, the investigator is required to immediately submit the investigation case file to the State Prosecutor's Office or related institutions to initiate civil litigation against the heirs. Article 33 provides a legal basis for the confiscation of assets obtained by corruption through civil and civil law.
3. Article 34: In the event that the suspect dies during the court examination, the public prosecutor is obliged to immediately provide a copy of the minutes of the examination to the aggrieved agency or the State Attorney to initiate civil legal proceedings against the suspect's successor.

<sup>17</sup> RM. Surachman and Hamzah Andi, *Jaksa Di Berbagai Negara, Peranan Dan Kedudukannya*, Sinar Grafika (Jakarta, 1995).

<sup>18</sup> Ainul Amaliyah and Istiqamah Istiqamah, "Eksistensi Jaksa Sebagai Pengacara Negara Dalam Penyelesaian Sengketa Perdata," *Alauddin Law Development Journal* 3, no. 2 (2021): 357–65, <https://doi.org/10.24252/aldev.v3i2.15248>.

4. Article 38 C of Law No. 20 of 2001: The State may file a civil lawsuit against the convict and/or his heirs if it is known that the property of the convict who is suspected or should be suspected of originating from a criminal act of corruption has not been confiscated for the state as referred to in Article 38 B paragraph 2 after the court decision has obtained permanent legal force.

The implementation of restitution through civil instruments is also subject to more applicable material and formal civil laws, even in relation to corruption crimes. In the judicial procedure, it is regulated by a formal proof mechanism that is more difficult than criminal procedures, which adheres to the principle of reversal of the burden of proof, where the defendant is required to prove that the property is the largest property. The lawsuit filed through the civil court is also one of the steps to provide justice and return state losses due to unlawful acts and sue the heirs of the perpetrators because there is no profit they are allowed to obtain from the proceeds of crime.

Therefore, the direction of criminal law goes hand in hand with a combination of civil law to maximize the recovery of state assets. If the criminal law is impossible to apply for some reason, for example due to weak evidence, the death of the defendant, an acquittal, or the concealment of assets, then the civil law is pursued through Articles 34 and 33 and Articles 32 and 38C of the Law on the Eradication of Corruption. These articles apply to civil lawsuits when there is a real state loss, especially when they try to prove definitions 2 and 3 of the Anti-Corruption Law. A civil lawsuit is carried out if there is an unlawful act that harms the state.

### **Maximizing the Ability of State Attorneys to Recover Assets Resulting from Corruption**

The civil and administrative case process managed by the public prosecutor as a legal representative follows the established protocol for resolving civil and administrative conflicts. Prosecutors representing the state in civil cases must comply with standard procedures for civil proceedings. It is recognized that litigation and non-litigation methods can be used to resolve civil matters. Models such as mediation, negotiation, conciliation, and arbitration can be used to resolve issues in a non-litigation manner. The mediation model is the most commonly used. In this case, the Prosecutor as the state attorney acts on behalf of the state through a special power of attorney given to him. Once the non-litigation conflict resolution is completed, the two parties reach an agreement, which is then recorded in a peace deed. If there is no agreement between the two parties, they can seek to resolve the dispute through the judicial process.

The functions of the Prosecutor's Office in the civil and state administration fields are carried out to maintain the law, maintain state wealth, maintain government authority, and protect the public interest. The author can elaborate on this as follows:

#### **1. Legal Certainty**

Based on this context, it refers to the prosecutor's office in the civil and administrative realms that has the capacity to carry out provisions that have been passed legally or the results of decisions of legal institutions that are definitive and binding. Protect to achieve legal objectives, including upholding order and justice, safeguarding national and governmental interests, and guaranteeing civil rights of citizens. Article 30 paragraph 2 of the Prosecutor's Law stipulates that prosecutors can act inside and outside the court with special power of attorney. This article confirms that, without a special power of attorney, prosecutors are limited in their ability to carry out their responsibilities.



## 2. Saving the Nation's Wealth

The use of civil instruments to protect state assets, especially in situations of corruption, allows the Attorney General's Office to use them for asset protection without the need for a special power of attorney. This is based on Articles 1, 2, and 3 paragraph 2, which stipulate that officials who are required to represent the state in legal matters in accordance with general government regulations are exempt from the use of special power of attorney.

## 3. Maintaining Government Authority

Contemporary civilization is increasingly advanced in terms of development and legal awareness of society. Individuals can now file lawsuits against the government, especially when state administrative decisions can be filed with state administrative courts. In a civil lawsuit, matters that are considered detrimental to the community can also be sued in the district court by the district court. According to Article 30 paragraph 2 of the Prosecutor's Law, the prosecutor's office only functions passively to enforce government power. The Prosecutor's Office has the privilege to act both inside and outside the court on behalf of the state in civil and administrative cases.

## 4. Community Protection

In accordance with Article 30 paragraph two of the Prosecutor's Law, the Prosecutor's Office is tasked and authorized to carry out steps outside or within the court to replace positions in the legal context. Based on its position and special authority, the Prosecutor's Office can safeguard the interests of the community. Therefore, the Prosecutor's Office can be asked by the public to protect their interests. However, in this situation, it is impossible for every member of the community to give a power of attorney, especially to the Prosecutor's Office. A class action, also referred to as a "class action", is a legal proceeding in which one or more individuals representing a class file a lawsuit on their own behalf and simultaneously represent a broader group of individuals who have a common legal or factual basis with the representative of the class and the individuals concerned.

The principle of restitution of assets, or restitution of assets, is combined with the principle of remediation of civil lawsuits, according to the Anti-Corruption Convention. The Anti-Corruption Convention allows "demands" for expropriation as an alternative instrument of civil litigation. When the corrupted assets cannot be returned through expropriation, forfeiture is the basis for the return of assets, whereas a civil lawsuit is only an add-on or alternative option. This condition especially occurs when money is laundered (corrupted) in other countries. According to Article 53 of the Anti-Corruption Convention; Multijurisdictional Litigation, asset restitution can be done through a civil lawsuit. The principle of "repetition of assets through civil litigation" stipulated by the UNCAC mentioned above cannot be separated from the concept of "multi-jurisdictional litigation", or "cross-jurisdictional litigation".

Countries that are victims of corruption can file civil lawsuits against other countries that are UNCAC participants where money laundering or misuse of state wealth is placed. As mentioned above, Article 53 of the UNCAC states this. This principle mandates that States Parties must facilitate or incorporate into their national laws provisions that allow other States Parties to take legal action for criminal remedies, including freezing, confiscation, and confiscation of income derived from corruption or assets resulting from money laundering in other States. According to Articles 54 to 55 of the UNCAC Rules, forfeiture means the revocation of wealth for good.

The Prosecutor's Office consists of four subsystems: The Intelligence Subsystem, the Special Crimes Subsystem, the Civil and State Administration Subsystem, and the Development Subsystem.

These subsystems are responsible for saving state assets that have been corrupted. In this paper, we will limit our analysis to the Civil and State Administration subsystems. In accordance with Article 30 paragraph 2 of Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the Prosecutor's Office has the authority to act on behalf of the state and government both inside and outside the court. Based on the Attorney General's Regulation No. 009/A/JA/01/2011 concerning the Organization and Work Procedures of the Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as Perja No. 009/A/JA/01/2011, the Prosecutor's Office is in charge of civil and state administration.

Although this is not always the case, Articles 2 and 3 of the Law on the Eradication of Corruption (UUPTPK) explicitly define or include "financial or economic losses of the state" as one of the components of corruption crimes. This implies that the main component of corruption crimes is not always in the form of financial losses or the country's economy. In other words, corruption crimes are not always motivated by financial or economic losses of the country.

The inclusion of provisions for filing a lawsuit in the Law on the Eradication of Corruption indicates that there is an effort to restore wealth that has been corrupted. Nevertheless, these efforts require complex efforts and are subject to strict standards. The lawsuit filed under Article 32 Paragraph 2 of the Law on the Eradication of Corruption, among others, is faced with challenges due to the formal requirements on which the lawsuit is based. What is meant by formal requirements is the need for evidence in the form of a criminal verdict. If the formal requirements are not met, the lawsuit can be declared inadmissible. The use of a formal or material approach by the panel of judges by considering the living and developing reality in society in assessing a lawsuit based on Article 32 paragraph (2) of the Law on the Eradication of Corruption is very influential.

If there is not enough evidence to prove that there is an indication of a corruption case in the middle of the investigation or the defendant dies during the investigation at the court hearing, and the proceeds of corruption have not been confiscated, then a civil lawsuit for the return of state financial losses can be filed in accordance with Article 32, Article 33, Article 34, and Article 38C of the Law on the Eradication of Corruption. These four things can be used to limit civil lawsuits related to corruption crimes. On the other hand, in a civil lawsuit, it is impossible to return state money that has actually been lost if the following four conditions are not met.

Civil proceedings are allowed in accordance with Article 31 of the Law on Corruption Eradication. Investigators are required to immediately submit the case file of the results of the investigation to the State Prosecutor's Office for a civil lawsuit or to an agency if the investigator determines that there is no strong evidence for the corruption problem even though the State's financial losses have actually occurred. This will allow the state to recoup losses without the need to initiate legal proceedings.

If the corruption case does not have strong evidence but there is an actual state loss, the defendant is acquitted, or the suspect or defendant dies, a civil lawsuit can be filed to recover the state financial losses caused by the corruption crime. Asset recovery is a comprehensive asset management that is a consequence of criminal activities at every stage of the law enforcement process. This method is carried out so that the asset price is guaranteed and will be fully returned in its entirety without being reduced.

Asset recovery is the systematic management of assets derived from criminal activities, which is carried out carefully at every phase of law enforcement, with the aim of maintaining the value of the asset and returning it to the aggrieved party and strengthening its full restitution. Value recovery includes preventive efforts to prevent the depreciation of the value of the asset. The restitution of misused state



assets is essential for the progress of developing countries, as it not only restores public resources but also seeks to strengthen the rule of law, ensuring that no one is beyond legal accountability.

The recovery of State financial compensation fundamentally and technically depends on the judge's decision. Especially, when the country's financial recovery is taken is seen as an urgent issue. The guarantee of success is significantly dependent on the seizure or seizure of the assets of the defendant or the convicted individual, or at the very least, the recognition of the assets as belonging to the convicted individual subject to prosecution, regardless of restitution claims or civil actions aimed at recovering the state's financial losses. Regulation of the Attorney General of the Republic of Indonesia (PERJA) Number: PER025/A/JA/11/2015 outlines the guidelines for the implementation of Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions, and Legal Services in the Civil and State Administration Sector, which includes the stages of preparation and implementation.

### **Conclusion**

The public prosecutor in Indonesia is authorized to file a civil lawsuit for the purpose of investigating claims based on the following regulations: Regulation of the Attorney General of the Republic of Indonesia (PERJA) Number: PER-025/A/JA/11/2015, which discusses the Guidelines for the Implementation of Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions, and Legal Services in the Civil and State Administration Fields. Losses can still be recovered even when the state becomes a victim of corruption.

State lawyers are more likely to use civil law in recovering assets from corruption. This is due to the fact that, in this procedure, the state prosecutor can initiate a civil case to reclaim assets, regardless of the absence of evidence of a criminal offense, the death of the defendant, or the acquittal of the defendant. As a result, when the state suffers from corruption violations, the damage can still be repaired.

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