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THE ROLE OF THE PROSECUTOR'S OFFICE IN RESOLVING CRIMINAL CORRUPTION CASES

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ABSTRACT

The Prosecutor's Office plays a crucial role in the functioning of the legal system. However, in reality, the Corruption Court is still located in every provincial capital in Indonesia, which often results in high costs for resolving corruption cases which are sometimes disproportionate to the losses they cause to the state. The author of this research focuses on analyzing circular letters belonging to the Deputy Attorney General for Special Crimes by linking the theory of Legal Economic Analysis as a form of consideration and also explaining how the Prosecutional Office applies a restorative justice approach. The research contributes to the topic discussed by evaluating the policy's significance and the prosecutor-office's role in handling corruption cases through the application of restorive justice principles. This study also aims to provide an overview of the challenges and technical legal issues faced by the public prosecutor in carrying out their responsibility to recover funds and/or state assets.

INTRODUCTION

Settling criminal demonstrations of debasement is not quite the same as settling general lawbreaker acts since criminal demonstrations of defilement are extraordinary crook acts whose material and formal arrangements are outside the Lawbreaker Code and Criminal System Code (Hiarej, 2016). The proper arrangements for criminal demonstrations of defilement are managed in Regulation No. 46 of 2009 concerning the Debasement Wrongdoing Court, hereinafter alluded to as the Defilement Court.

This regulation directs all parts of the law enforcement framework connected with criminal demonstrations of defilement. One of these conditions makes sense of the situation with the Defilement Court exhaustively in Article 3, which basically expresses that the Debasement Court is situated in each locale or city capital. However, in reality, the Corruption Court is still located in every provincial capital in Indonesia, which often results in high costs for resolving corruption cases which are sometimes disproportionate to the losses they cause to the state.

The prosecutor's office, one part of the government structure that enforces the law, is tasked with carrying out additional obligations in addition to its main responsibility as a public prosecutor, such as representing the government in civil matters. Regarding the duties and authority of prosecutors in the civil and state administration sector, this is stated in the Republic of Indonesia Law no. 11 of 2021 concerning the Prosecutor's Office, where Article 30 paragraph (2) regulates duties and authorities in the civil and state administrative fields.

Currently, asset recovery, deterrence, and deterrence are the three main areas of concern in anti-corruption initiatives. It suggests that measures to eradicate corruption involve compensating the state for losses resulting from corruption and efforts to deter and deter corrupt officials by making their actions illegal. State compensation is intended to cover state losses resulting from the return of corruption funds to prevent greater losses.

There are several methods used to protect public finances, such as finding and confiscating assets and products suspected of being linked to corrupt activities (Hiarej, 2016).

Regulation Number 3 of 1971 concerning Defilement Wrongdoing Disciplines was altered by Regulation Number 20 of 2001 concerning Corrections to Regulation Number 31 of 1999 concerning Debasement Disciplines, and Regulation Number 30 of 2002 concerning Debasement Disciplines was given. Criminal discipline not entirely set in stone by the Defilement Annihilation Commission. Regulation Number 20 of 2001 directs sanctions for paying fines and getting pay for demonstrations of defilement committed by individuals or organizations. Replacement money payments are made with criminal objectives to maximize the return of stolen public funds.

Because of this, the Examiner's Office as an approved policeman by regulation to destroy criminal demonstrations of defilement gave a strategy as a Round by the Representative Principal legal officer for Extraordinary Violations with Number: B1113/F/Fd.1/05/2010 concerning Needs and Accomplishments in Taking care of Debasement Wrongdoing Cases which contains an appeal regarding the priority of handling cases that fall into the big fish category, there is also an order to seek to recover state losses using a restorative justice approach for criminal acts of corruption with small scale state losses.

Restorative justice itself is an approach that seeks to resolve criminal cases peacefully by empowering parties who are interested in resolving criminal cases. A peaceful resolution can occur if the perpetrator is aware of his awareness and is willing to voluntarily provide compensation to the victim (Waluyo, 2016).

Meanwhile, the author of this research focuses on analyzing circular letters belonging to the Deputy Attorney General for Special Crimes by linking the theory of Legal Economic Analysis as a form of consideration and also explaining how the Prosecutor's Office applies a form of restorative justice approach. Several other studies that discuss the application of a restorative justice approach in handling cases of petty corruption crimes by the Prosecutor's Office which focuses on utilizing the Attorney General's opportunity function, and several other studies that clearly state the locations where corruption crimes occur. research location so that the research focuses on the location mentioned and how restorative justice is implemented by the relevant Prosecutor's Office (Christianata, 2020).

Based on the above explanation, the author takes two problem formulations, namely the first is What is the utmost importance of the Prosecutor's Office issuing Circular Letter Number: B-1113/F/Fd.1/05/2010 on Priorities and Achievements in the Handling of Corruption Crime Cases which includes a restorative approach justice against criminal acts of corruption and secondly. Therefore, the research aims to explore the role of the prosecutor's office in resolving criminal corruption cases. The research contributes to the topic discussed by evaluating the policy's significance and the prosecutor's office's role in handling corruption cases using restorative justice principles.

RESEARCH METHOD

This research takes a normative legal approach. This exploration is illustrative logical, specifically research that presents peculiarities or side effects and the genuine circumstance with respect to state lawyers in returning state funds or potentially resources coming about because of criminal demonstrations of corruption or based on civil losses (Soekanto & Mamudji, 2006). This study also aims to provide an overview of the challenges and technical legal issues faced by Public Prosecutors in carrying out their responsibility to recover funds and/or state assets. Secondary data sources are used in this research. The researcher investigates through library research and legislative boundaries as part of the data collection process. Research data will be presented in the form of descriptions, including responses, explanations, and information.

RESULTS AND DISCUSSION

Regulation of Corruption Crimes in Indonesia

Human behavior in social relations that is considered abnormal and poses a threat to the state and society is known as corruption. Therefore, according to the adage "corruptors shout corruptors," society condemns all forms of this behavior, even among corrupt people. His legal thinking thinks that public complaints about corruption take the form of criminal acts in the legal formulation. Corruption is even considered in Indonesian criminal law politics as a criminal behavior that requires special attention and the possibility of severe punishment (Danil, 2012).

Even though in the Criminal Code there is no explicit use of corruption terminology in the formulation of the offense, there are several provisions that can be captured and understood in essence as a formulation of criminal acts of corruption. The provisions for corruption crime in the Criminal Code are regulated separately in several articles in three chapters, namely (Danil, 2012):

a. Chapter VIII concerns crimes against public authorities, namely in Articles 209 and 210 of the Criminal Code.
b. Chapter XXI deals with fraudulent acts, namely in Articles 387 and 388 of the Criminal Code.
c. Chapter XXVIII covers crimes of office, namely in Articles 415, 416, 417, 418, 419, 420, 423, 425, and 435 of the Criminal Code.

Formulations regarding corruption crimes found in the Indonesian Criminal Code (KUHP) can be grouped into four categories of criminal acts (delicts), namely (Danil, 2012):

a. Group of bribery crimes; consisting of Articles 209, 210, 418, and Article 420 of the Indonesian Criminal Code (KUHP).
b. Group of embezzlement crimes; consisting of Articles 415, 416, and Article 417 of the Indonesian Criminal Code (KUHP).
c. Group of extortion crimes; consisting of Articles 423 and Article 425 of the Indonesian Criminal Code (KUHP).
d. Group of crimes related to contracting, suppliers, and partners; consisting of Articles 387, 388, and Article 435 of the Indonesian Criminal Code (KUHP).

To date, there are at least 7 special laws that are still normatively valid and can be used to prevent and eradicate corruption. The law includes (Danil, 2012):

a) Law number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law number 20 of 2001;
b) Law number 30 of 2002 concerning Corruption Eradication Commission;
c) Law number 46 of 2009 concerning Corruption Crime Courts;
d) Law number 28 0f 1999 concerning the Administration of a State that is Clean and Free from Corruption, Collusion, and Nepotism;
e) Law number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering;
f) Law number 13 of 2006 concerning Protection of Witnesses and Victims;
g) Law number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law number 20 of 2001
h) Law number 7 of 2006 concerning the Ratification of the United Nations Conventions Against Corruption, 2003 (United Nations, 2004)

According to Alfitria (2014), two factors typically drive the spread of corruption: first, intrinsic incentives, or the need for fulfillment caused by corruption. Actors in this case feel comfort and pleasure when they succeed in doing it. Ultimately, corruption seeps into culture, habits, and traditional ways of life. Extrinsic, often referred to as external, motivations are the second type that originates from sources other than the perpetrators. These backup

motivations can include money, a desire to obtain specific jobs, or a desire to take shortcuts to develop professionally or improve living standards.

In somewhat detailed terms, corruption occurs due to three factors:

a. First, corruption by greed. This corruption occurs in individuals who do not need it, are not economically pressed, and may even be wealthy. High positions, large salaries, luxurious houses, and increasing popularity, but uncontrollable power lead them to engage in corrupt practices.
b. Second, corruption by need. Corruption is committed due to desperation in meeting basic needs.
c. Third, corruption by chance. This corruption is conducted due to significant opportunities for corruption, opportunities for quick wealth through shortcuts, and instant promotion opportunities, usually supported by weak organizational systems, low public accountability, lax community oversight, and weakened law enforcement exacerbated by ineffective legal sanctions.

The modus operandi of corruption is increasingly sophisticated, packaged in such a way that it will not be known that it is not corruption. Some general modus operandi of corruption found in Indonesia are as follows (Rohim, 2008):

1) Giving Bribery: Fraud is defined as any unlawful act committed by people, both inside and outside an organization, to benefit themselves or a group of people at the expense of others. The level of fraud usually falls into the “no fraud ever” category when it comes to organizing, planning, executing, and monitoring. Apart from utilizing BUMN products for private interests, increasing budget submissions is one of the main activities in terms of intensity. Activities that fall into the category of "frequently occurring fraud" include licensing, purchasing products and services, electing regents, maintaining public infrastructure, receiving regional funds, as well as supervising and implementing the regent's responsibilities.
2) Forgery (Fraud): A forgery is an act of imitation carried out to seek profit for one's interests.
3) Blackmail (Extortion): Extortion is the act of forcing someone to pay, give, or receive anything in exchange for a public official acting or not acting in a certain way.
4) Abuse of Position or Authority (Abuse of Discretion): Abuse of position or authority is the act of using the authority one has to carry out actions that favor or show favoritism towards groups or individuals while being discriminatory towards other groups or individuals.
5) Nepotism: While the Purwadarminta dictionary defines nepotism as giving positions only to friends or family, Jhon M. Echols defines it as a term whose aim is to prioritize relatives, especially in giving positions. The word nepotism comes from the Latin nepos which means grandson. When family members, close friends, and political party members show bias towards them, regardless of the circumstances, this is called nepotism. Therefore, nepotism in the traditional sense will not arise if the family meets the standards.

The Urgency of the Prosecutor's Office to Implement a Restorative Justice Approach

In 2006, there was a trying of Article 53 of Regulation Number 30 of 2002 concerning the Defilement Destruction Commission which denoted the start of the development of the Debasement Court in Indonesia. The DPR (Individuals' Consultative Get together) and the public authority at long last given Regulation Number 46 of 2009 concerning the Debasement Criminal Court in 2009, in view of the Sacred Court's choice. Article 3 of Law No. 46 of 2009 states that, like other special courts, the Corruption Court is a special court with

authority and is located in each capital city or regency under the jurisdiction of the district court. Notwithstanding, in Article 35 and the clarification of the Debasement Court Regulation, it is communicated that interestingly, the defilement court was laid out in every commonplace capital locale court.

In the Supreme Court's report in 2010, it was explained that the enactment of this law did not immediately create the number of corruption courts totaling 33 (thirty-three) as mandated in Article 35 Paragraph (1) of the Corruption Court Law, but due to the lack of budget in the Supreme Court, Indonesia finally had only 4 (four) corruption criminal courts located in Bandung, Semarang, Surabaya, and the first one established was in Jakarta.

The criminal justice system consists of various components that work together to carry out the criminal justice process. These components include the police as investigators, the prosecutor's office as public prosecutors, the courts as adjudicating bodies, and correctional institutions that function to socialize convicts. Together and cooperatively, they aim to achieve the main goal of law enforcement, which is to combat crime (Faal, 1991).

The Public Prosecutor's Office, one of the law enforcement agencies authorized to prosecute, also functions as a filter and controller of cases (dominus litis) in the criminal justice system because it is the only body authorized to decide whether a case should be brought to court based on sufficient evidence. In Indonesia, the Prosecutor's Office plays a crucial role in the functioning of the legal system. As the only body authorized to enforce criminal court decisions or the executive arm, the Prosecutor's Office holds the title of dominus litis (the prosecutor who determines the proceedings) (Sari & Budiana, 2020).

Precisely a year after the Defilement Court was laid out in Indonesia, in 2010, the Representative Principal legal officer for Unique Violations gave Round Letter Number: B1113/F/Fd.1/05/2010, in regards to Needs and Accomplishments in Taking care of Debasement Wrongdoing Cases which contains needs in dealing with hotshot and as yet going-on cases and focusing on a feeling of equity, particularly for individuals who know about returning state misfortunes (helpful equity), particularly about cases of criminal acts of corruption which have relatively small financial losses, consideration needs to be given not to follow up, except those that are still-going-on.

Because the Prosecutor's Office has limited resources, including money, manpower, investigative equipment, and time, the circular letter from the Special Crimes Deputy Attorney General is a kind of discretion on their part. As a result, the costs incurred for law enforcement purposes in corruption cases are very large. Even though state losses due to corruption cases are not too large, handling them requires more time and costs.

The legal action taken by the Deputy Attorney General for Special Crimes is Full Enforcement because, in this law enforcement, the law enforcers enforce the law to the fullest, but because there are limitations such as time, personnel, funds, and other facilities, they are required to exercise discretion. The actions of the Deputy Attorney General for Special Crimes cannot be separated from the legal basis, namely those contained in Article 35 letter (a) of the Attorney General's Law which explains the duties and authorities of the Attorney General, one of which is to determine and control policies for law enforcement and justice in scope of duties and authority of the Prosecutor's Office.

In the circular, it is explained regarding the priority handling of cases where the District Attorney's Office and the High Prosecutor's Office are expected to prioritize cases that are categorized as big fish and still ongoing. The Deputy Attorney General for Special Crimes provides parameters regarding cases categorized as big fish in his Circular Number: B845/F/Fjp/05/2018 concerning Technical Guidelines for the Handling of Quality Special Criminal Cases, which has the function, among others, to determine whether a case can be categorized as a big fish case if it meets one or more criteria so that the case is deemed to require special attention. The parameters issued in the circular are as follows: a. The criminal

act was committed by a state official, as defined by Law No. 28 of 1999, "Clean and Free from Corruption Government Administration; b. involving perpetrators from one or more other Ministries/Agencies together with perpetrators in the Legislative and/or Judicial Bodies and/or other High State Institutions, both at the Central and Regional levels, with private perpetrators; c. violations of one or more laws and regulations in different regulatory fields; d. evidence presented using conventional means in addition to digital evidence and/or financial evidence and/or scientific evidence; e. criminal acts committed during disasters; or f. causing state financial losses exceeding Rp. 10 billion for corruption offenses violating Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999, and for offenses other than Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 with an object worth 1 billion or more.

In addition to addressing the priority handling of cases, the circular also explains the actions of the Prosecutor's Office in enforcing the law to emphasize a sense of justice, especially for individuals who voluntarily return state losses (restorative justice), particularly in cases where the amount of state loss is small, and consideration is given to not pursuing further action.

The purpose of restorative justice is to address the harm caused by criminal activities. All parties involved must participate in a collaborative process to achieve this, as stated by Makarao. Marian Liebmann further elaborates that restorative justice is a legal system that seeks to prevent more crimes or violations while restoring the well-being of perpetrators, victims, and the communities affected by the crime (Liebmann, 2007).

As stated in the circular, this restorative justice approach is only applied to corruption offenses with small state misfortunes assuming the culprits of these defilement offenses intentionally return the state misfortunes brought about by the debasement. Little state misfortunes, as made sense of in a review led by R. Onggala Siahaan in 2014 named "Goal of Defilement Offenses with Little Monetary State Misfortunes," are characterized as going from Rp. 50,000,000 (Fifty Million Rupiah) to beneath Rp. 300,000,000 (300,000,000 Rupiah). It is also necessary to consider the forms of corruption offenses committed, as explained by Marsita and Humana in their research in 2015.

It is believed that the costs of handling corruption cases will increase significantly if corruption case trials have to be carried out in provincial capitals, especially if the corruption case only causes small state losses and is carried out in remote areas. As one of the law enforcement agencies that has the authority to carry out investigations, inquiries, prosecutions, and executions of criminal acts of corruption, the Prosecutor's Office has allocated funds of approximately IDR 200,000,000,- (Two Hundred Million Rupiah) to complete one (one) case from the investigation stage to the execution stage (Habib, 2020) and it will become a new problem if the state losses incurred as a result of a criminal corruption case are not greater than the costs of handling the case, causing the state to experience excessive budget expenditure again, especially if you look at the location of the court, it is often far from the location where the case occurred, which results in more court costs being incurred which are disproportionate to the state losses caused by these small-scale corruption cases.

One of the legal approaches that has developed in the United States brought by Richard A. Posner, namely Economic Analysis of Law, can be a bright spot for why the Prosecutor's Office, as one of the law enforcement officers who is given the authority to take action against cases of criminal acts of corruption, issues letters Circular Number: B1113/F/Fd.1/05/2010, which in one of its clauses emphasizes the consideration that the Prosecutor's Office should not follow up on criminal acts of corruption if there is a return of state losses (restorative justice) carried out by the alleged perpetrator of a small-scale criminal act of corruption. The theory of economic analysis of law according to H.L.A Hart

(Toegarisman, 2016) is an approach that was inspired by the flow of utilitarianism using Jeremy Bentham's felicific calculus as a starting point. This approach is a legal approach that focuses on the efficiency of legal handling seen from an economic aspect and is centered on cost-benefit analysis which applies the Kaldor-Hicks concept, a concept that according to Bill Jordan (Toegarisman, 2016) is related to social values and welfare, which then includes these methods in public policy decisions. The Kaldor Hicks concept is often used for public policy decision-making, input before making a decision, evaluation, and as a decision-making rule. This benefit-cost analysis can be a benchmark if a decision is taken by looking at the costs that might be incurred or be a consequence of making the decision (Toegarisman, 2016). Apart from looking at the costs that might be incurred, by using a cost-benefit analysis, you can also see the benefits that will occur. Then these two things can be compared, whether the costs incurred are greater or the profits that will be obtained.

If we look back at the situation when the law first gave a mandate related to the establishment of Corruption Courts, which at that time were not all located in the provincial capital, whereas by the mandate of Article 5 of Regulation Number 46 of 2009 concerning Debasement Courts which expressed that Defilement Courts were is the one in particular who has the power to analyze and choose instances of criminal demonstrations of defilement and in a few instances of criminal demonstrations of defilement which cause small-scale state losses, then looking at the cost-benefit analysis approach explained above from the Economic Analysis approach to Posner's Law, the author considers that there will be more There are many losses to the state if law enforcers try to resolve these cases using the existing criminal justice system. Because in the judicial process of corruption cases, many other processes must be gone through, such as investigations, investigations, and prosecutions until finally they enter the realm of court. State institutions that are given the authority to prosecute corruption cases, such as the National Police, Prosecutor's Office, Corruption Eradication Committee, and the Courts, must provide a budget for handling corruption cases by their authority. However, it will be a problem with the efficiency parameters in the cost-benefit analysis if the costs of handling corruption cases are much greater than the state losses arising from the corruption crime.

According to Agus Russianto in his book Crime & Criminal Accountability: A Critical Review Through Consistency between Principles, Theory, and Application (Suhariyanto, 2016), one of the goals of eradicating criminal acts of corruption in Indonesia is actually to compensate for state losses. Apart from encouraging law enforcement and providing a sense of justice to the community. It is because the Corruption Eradication Law protects state finances as a legitimate interest. Moreover, if we use common sense in the problems above, then the legal policy in the Deputy Attorney General's Circular for Special Crimes regarding priorities for handling corruption cases - which also mentions the return of state losses (restorative justice) for corruption where the state losses are small - is actually in line with efficiency approach to economic legal analysis. This is because corruption cases with relatively small losses to the state still need to be resolved through the law enforcement system in Indonesia. In addition, corruption cases are often located quite far from existing corruption courts (Toegarisman, 2016).

By seeing that there is corruption with a small scale of loss and when compared with the amount of costs that need to be incurred in resolving cases of criminal acts of corruption then it is linked to the legal theory introduced by Posner, namely regarding Economic Analysis of Law, then if we look at the meaning of restorative justice itself, So it is possible that in practice the resolution of corruption cases with small losses to state finances can be resolved using a restorative justice approach as contained in the Circular Letter of the Deputy Attorney General for Special Crimes.

Moreover, while examining the utilization of a helpful equity approach as a work to determine instances of non-defilement with little state monetary misfortunes, the supportive equity approach that is thought of as generally reasonable to be applied in taking care of debasement violations with little state monetary misfortunes is the casual intercession approach. This restorative justice approach model is a restorative justice approach model that is taken in a concrete form, namely penal mediation. Informal mediation is a model of penal mediation carried out by criminal justice system officials in their normal duties. This approach model is often used by prosecutors by inviting the parties concerned to carry out an informal settlement that aims to stop the prosecution if an agreement has been reached (Liebmann, 2007).

The Role of the Prosecutor's Office in Resolving Corruption Crimes with a Restorative Justice Approach

The resolution of criminal cases is typically carried out by the public prosecutor using formal mechanisms, namely through the court, which often does not satisfy both parties and even leads to the accumulation of cases that linger in resolution. Some proposed solutions include resolving criminal cases through non-formal mechanisms such as mediation, which prioritizes the principle of consultation. Mediation is considered more beneficial for both parties and is more oriented towards substantive justice aimed at avoiding retaliatory consequences between perpetrators and victims.

Based on the results of case studies analyzed by the Special Crime Prosecutor's Office in Blitar, it is stated that the prosecution in implementing a restorative justice approach in handling small-scale corruption cases in Indonesia can only be applied during the investigation stage. Investigation is the initial stage after a report or complaint is received, which involves a series of investigative actions to find and identify an event or incident suspected of being a criminal act to determine whether or not an investigation can be conducted as regulated in the Criminal Procedure Code (KUHAP).

Because of reports or protests from general society in regards to signs of debasement in the organization of local government, the Examiner's Office goes into a participation concurrence with the Public authority's Inward Administrative Contraption (APIP) and the Police. This participation understanding is driven by the rising attention to the general population to report instances of maladministration and defilement to APIP and the Police, requiring improved coordination, collaboration, and division of jobs among APIP and the Police in circling back to reports/objections from general society containing managerial and criminal infringement. Laws like the Administrative Governance Law, Presidential Instruction Number 1 of 2016, and Article 385 of the Regional Government Law also require the police and APIP to work together.

In light of Article 7 of the Participation Arrangement between the Service of Home Issues, the Examiner's Office, and the Police in regards to the Coordination of the Public authority Interior Administrative Device (APIP) with Policing (APH) in Taking care of Reports or Protests from General society Demonstrating Debasement in the Organization of Local Government, in the wake of getting reports or grumblings from general society in regards to signs of defilement in the organization of territorial government, the Examiner's Office, Police, and APIP, as specified in their understanding, frame the systems for researching or directing examinations connected with reports or grievances from the general population. On the off chance that there is a report or grievance from general society, APIP, the Investigator's Office, and the Police circle back to the report or grumbling as per their separate specialists. Following that, APIP conducts an investigation to determine whether the report constitutes a criminal or administrative offense.

If APIP, during the investigation, finds indications of corruption, it will submit the report or complaint to the Prosecutor's Office or the Police for further investigation. The Prosecutor's Office or the Police also handle reports or complaints from the public, and if administrative errors are found, they will be referred back to APIP. Regarding administrative errors, there are several criteria:

a. There is no monetary misfortune to the state/neighborhood government included;
b. On the off chance that there is a monetary misfortune to the state/neighborhood government and it has been handled through pay cases or depository guarantees no later than 60 days after the APIP or BPK assessment report is gotten by the authority, or has been followed up and pronounced finished by APIP or BPK;
c. The activity falls inside carefulness as long as the reason and conditions for the utilization of tact are satisfied; or
d. The action is in line with the principles of good governance. Lastly, regarding coordination, coordination between APIP, the Prosecutor's Office, and the Police does not apply if caught red-handed.

The cooperation agreement is also a continuation of the memorandum of understanding between the Prosecutor's Office, the Police, and APIP signed earlier on November 30, 2017, with numbers: 700/8929/SJ for the Ministry of Home Affairs, Number KEP-694/A/JA/11/2017 for the Attorney General's Office of the Republic of Indonesia, and Number B/108/XI/2017 for the Indonesian National Police.

Regarding the follow-up to the memorandum of understanding, the Prosecutor's Office subsequently issued Circular Letter Number: B-260/F/Fd.1/02/2018 dated February 12, 2018, which contains guidelines for Improving Performance and Quality in Handling Cases. This circular letter includes criteria for sufficient preliminary evidence and the relationship between APIP and APH in implementing actions to combat corruption. The circular letter indirectly addresses the restorative justice approach by emphasizing the priority handling of large-scale or "big fish" cases and focusing on case recovery. Case recovery aims to return state losses, which is one of the goals of combating corruption, namely to restore or return state finances that were previously in the hands of those who should not have ownership of that property. Furthermore, the Circular Letter also includes considerations for the return of state financial losses at the investigation level based on the benefits of the handling process and the smoothness of national development (Kartika et al., 2019).

After the issuance of Roundabout Letter Jampidsus Number: B-260/F/Fd.1/02/2018, the Examiner's Office then gave Roundabout Letter Number: B-765/F/Fd.1/04/2018 dated April 20, 2018, in regards to Specialized Rules for Taking care of Defilement Cases at the Examination Stage. This round basically makes sense of the examination stage directed by the Investigator's Office not only as the beginning of searching for preliminary evidence or identifying corrupt acts in violation of the law but also the investigation can determine how much state misfortunes. The reason for this Round Letter is that in the wake of deciding how much state monetary misfortunes led by the Examiner's Office alone or as a team with the Inside Government Administrative Contraption (APIP), BPK, BPBKP, or Public Bookkeepers, consequently, this turns into the premise on the off chance that there is helpful activity from the gatherings associated with their endeavors to return state misfortunes, then further thought can be made in regards to the continuation of the lawful cycle (Habib, 2020).

It contacts a little on the presence of Article 4 of Regulation No. 31 of 1999 concerning Debasement Violations which makes sense of the arrival of state misfortunes doesn't take out discipline. As made sense of over, the utilization of supportive equity by the Examiner's Office in limited scope debasement violations is just applied at the examination level. In the meaning of examination itself, there is an accentuation that should be focused on the demonstration of "looking for and finding" an "occasion" that is thought of or thought to be a

criminal act (Harahap, 2009). For this situation, one might say that the examination interaction is as yet a course of seeing if the occurrence is a lawbreaker act or not by gathering introductory proof so it can continue to the examination stage. According to Article 1 point 2 of the Criminal Procedure Code, an investigation is a series of investigator's actions to search for and collect evidence that will shed light on the criminal act that occurred and to find the suspect. This means that if there is a return of state losses for criminal acts of corruption with small state losses at the investigation stage, it does not violate the provisions of Article 4 of Law No. 31 of 1999 concerning Corruption Crimes. This is because at the investigation stage, even though there have been reports or complaints related to criminal Thus, in view of the arrangements of this article, the writer feels that an activity is known as a crook act assuming it has entered the examination stage on the grounds that at this stage an activity will be made sense of all the more plainly.

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CONCLUSION

Debasement issues have been a significant issue in Indonesia for millennia, affecting all levels of society. The public authority has issued Official Guidance Number 5 of 2004 to combat debasement at the local level. The Investigator's Office collaborates with the Public Authority Inward Administrative Contraption (APIP) to investigate state monetary misfortunes due to complaints or public reports. A helpful equity approach is used to deal with limited scope defilement cases. The Prosecutor's Office may request APIP to investigate corruption cases and issue a statement stating that investigations are stopped due to returned state losses. This restorative justice approach aims to resolve corruption cases through the application of restorative justice, ensuring that financial losses are small or not classified as major offenses.

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