

Reconstruction and Formulation of Wiring Authority by The Prosecutor in Corruption Crimes

Zen Hadiano¹, Marwati Riza², Andi Pangerang Moenta³ and Nur Azisa⁴

Abstract

This research aims to determine how wiretapping authority is regulated in Corruption Crimes. This research is normative legal research. Several approaches were carried out in this normative research, including a statutory approach, a conceptual approach, an analytical approach, a case approach, and a comparative approach. Legal materials are processed deductively, concluding a general problem regarding the concrete situation. Furthermore, the existing legal materials are analyzed to see current and future implementation effectiveness issues. The results of this research indicate that the implementation of the regulation of wiretapping authority in Corruption Crimes at the foreign level includes information wiretapping and the requirements for requesting the appointment of a law enforcement leader, the technical mechanism for wiretapping is legally regulated in law, the results of wiretapping must be used professionally, proportionally and relevantly and the existence of an independent Supervisor. Furthermore, for implementation in Indonesia itself, the regulation of wiretapping has yet to create a special law on wiretapping and procedures for internal wiretapping at the Internal Prosecutor's Office.

Keywords: Formulation Reconstruction, Interception, Prosecutor's Office

INTRODUCTION

Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption states that criminal acts of corruption that have occurred so far are not only detrimental to state finances but also constitute a violation of the social and economic rights of society at large so that criminal acts of corruption need to be classified as crimes whose eradication must be carried out *extraordinarily (extra ordinary crime)* (Yustisia, 2010). In criminal acts of corruption, many parties and sectors are involved (Rianti et al., 2022). The corruption that occurs in Indonesia can be seen in various cases of corruption, which are proven to have been carried out by officials or state administrators, BUMN, or private parties who participated in these corruption cases, thereby causing harm to state finances. Corruption not only harms state finances but also constitutes a violation of social and economic rights (Belmento, 2022). The victims of corruption crimes are the people. In a democratic country, the people are stakeholders *in* state sovereignty.

The impact of corruption is very dangerous for the integrity of the state and the nation's dignity. The title of a corrupt state will and must be borne by all country components, including most innocent people. Corruption in Indonesia has been qualified as an extraordinary crime (extraordinary crimes) because the phenomenon of corruption is systemic and widespread and worries society nationally. Perpetrators of corruption tarnish the nation's self-esteem in front of the international public. Corruption is a reality of human behavior that is considered deviant and endangers society and the state (Harahap et al., 2021). The loss of state assets in trillions of rupiah has resulted in many suffering, losing strategic socio-economic rights, experiencing degradation of human dignity, and making their future unclear. The rise of corruption is correlated with the vulnerability of the people's economic resources and people's sovereignty; corruptors steal the rights of the nation's unborn children because their share of supplies and future potential has been illegally reduced.

The actions of corruptors create a social climate *of a predatory society* or people preying on each other because they do not respect the law and lose their collective commitment to building a better future. Such conditions

¹ Doctor of Law, Hasanuddin University. E-mail: zenhadiano6@gmail.com. (Corresponding author)

² Law lecturer, Department of Law, Hasanuddin University Makassar, Indonesia

³ Law lecturer, Department of Law, Hasanuddin University Makassar, Indonesia

⁴ Law lecturer, Department of Law, Hasanuddin University Makassar, Indonesia

will give rise to distrust of state authority. There needs to be firm action from the competent authorities (Mardana et al., 2021). The task of all components of the nation today is to revitalize the protective function of law for victims of corruption crimes, namely poor people who cannot feel capable of demanding their constitutional rights to live a life worthy of humanity. Furthermore, the motives and forms of criminal acts of corruption are increasingly diverse along with the development of the times and technology. They have even penetrated all levels, including within the law enforcement agencies themselves, which should be the leading pillars of law enforcement itself.

Widespread and systematic criminal acts of corruption violate the social and economic rights of the community. Because of this, criminal acts of corruption can no longer be classified as ordinary crimes but have become extraordinary crimes. Likewise, efforts to eradicate it can no longer be carried out normally but require extraordinary methods. Who is intellectual and uses sophisticated methods. Corruption cases must receive serious attention in the framework of *good governance* and *clean government* because a government can fall from these corruption cases. Therefore, government efforts to overcome and eradicate corruption must be carried out in various ways. Efforts taken to eliminate corruption include, among other things, criminal law enforcement. Implementing criminal law politics means holding elections to achieve the best results of criminal legislation in the sense of fulfilling the requirements of justice and effectiveness, or implementing criminal law politics means efforts to realize criminal legislation appropriate to the conditions and situations at a time and for some time. to come (Amari, 2013)

To eradicate corruption crimes in Indonesia, the Indonesian Prosecutor's Office continuously works hard with all available capabilities, both at the central level (Indonesian Attorney General's Office) and at the regional level (High Prosecutor's Office, District Prosecutor's Office and District Attorney Branch). However, on the one hand, the crime of corruption continues to grow, carried out by people who are professional and intellectual and use hidden methods and sophisticated equipment, making it a challenge and obstacle for the Indonesian Prosecutor's Office to eradicate criminal acts of corruption to the root. The roots. Prosecutors are government officials involved in the law enforcement process (Heryanto & Sumardiana, 2024). In this regard, the Prosecutor's Office of the Republic of Indonesia, as a law enforcement institution, has a central position and strategic role in a legal state because the Prosecutor's institution is a filter between the investigation process and the examination process at trial and also as the implementer of court decisions. (Bachri, 2020) , so that its presence in people's lives can enable them to carry out law enforcement duties (Effendy, 2005).

Even though the Indonesian Prosecutor's Office has successfully handled mega corruption cases, there is often less than optimal handling of Corruption Crime cases, which shows several obstacles in handling cases, namely, Not yet clearly visible in the files. In corruption Crime cases, the inner attitude of the perpetrator's evil actions (*mens rea*) of the suspect, The summoning of people who are being questioned/witnesses repeatedly is because it is not yet clear where the corrupted money is flowing and is being enjoyed by anyone; Investigators/Investigators need quite a long time in the case handling process because there is no mapping of the acts of corruption in a case; Weakness of Indonesian Prosecutor's Investigators/Investigators in carrying out Arrest Operations (OTT) in non-corruption cases; There were gaps in the case prosecution file and trial facts so that the judge gave an acquittal to the defendant because there was insufficient evidence or the judge also said it was not a criminal act. The obstacles above certainly impact the inefficient and ineffective process of handling Corruption Crime cases, which affects the Prosecutor's Office itself, and ultimately, the state will also suffer losses.

Less than optimal handling of corruption cases certainly requires an Investigator/Investigator to be more optimal in uncovering these criminal acts. Along with this, in reality, wiretapping is an important and effective part of finding a criminal act. Tapping is the main weapon capable of reaching layers that are not visually visible (Jaya et al., 2021). The Attorney General's Office already has a wiretapping device. Still, it is only used to hunt down fugitives in cases with permanent legal force (*encroach*) at the Attorney General's Office. The wiretapping device is placed at the Adhyaksa Monitoring Center (AMC) at the Deputy Attorney General for Intelligence at the Indonesian Attorney General's Office. Wiretapping (interception) via communication devices can only be carried out based on statutory regulations (Munandar et al., 2023).

Since issuing Prosecutor's Law No. 11 of 2021, the Indonesian Prosecutor's Office has had the authority to conduct wiretapping. With this wiretapping authority, it can optimize the performance of the Prosecutor's Office amidst the increasing number of corruption crimes. However, these provisions are still further regulated based on a special law that regulates wiretapping and organizing a monitoring center in the field of criminal acts, which until now has not yet issued the said Wiretapping Law, so the Prosecutor's Office cannot use its wiretapping authority as mandated in the Prosecutor's Law Number 11 of the year. 2021.

Wiretapping is an important part of uncovering criminal acts. Meanwhile, the Prosecutor's Office investigators cannot conduct wiretapping into incidents of criminal acts of corruption. They cannot carry out sting operations (OTT) as the Corruption Eradication Commission (KPK) often does. With wiretapping authority, resolving corruption cases will be easier, more effective, and more efficient. It is known that the Attorney General's Office already has adequate wiretapping tools. However, this item cannot necessarily be used as a tool to assist in handling cases at every stage because there is no special law that regulates wiretapping, and there are no internal regulations for the Prosecutor's Office in implementing the Special Law on wiretapping in the process of handling criminal acts of corruption.

If we look at several previous provisions related to wiretapping (interception): Article 31 of Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions Article 3 next in Law Number 39 of 2008 1999 concerning Human Rights. From these two provisions, interception wiretapping is prohibited but excluded in law enforcement. There are different implementations of wiretapping between the Prosecutor's Office, the Corruption Eradication Committee, and the National Police in the disclosure of corruption crimes. The Corruption Eradication Committee (KPK)'s wiretapping authority is clearly stated in Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission. Article 12, paragraph (1) states, "In carrying out the duties of inquiry and investigation as intended in Article 6 letter e, the Corruption Eradication Commission has the authority to conduct wiretapping. The birth of Law Number 30 of 2002 concerning the Corruption Eradication Commission is the state's response to the spread of corrupt behavior, which can potentially destroy the legal system in Indonesia. (Agustine et al, 2019) .

When compared with other Law Enforcement Officials, the Republic of Indonesia Prosecutor's Office on December 31 2021 had the authority to wiretap marked by the ratification of Law Number 11 of 2001 concerning Amendments to Law Number 16 of 2004 concerning the Republic of Indonesia Prosecutor's Office, namely in article 30C letter i it is stated: " Apart from carrying out the duties and authority as intended in Article 30, Article 30A and Article 30B, the Prosecutor's Office: "carries wiretapping based on special laws that regulate wiretapping and organizes monitoring centers in the field of criminal acts." In this provision, the Prosecutor's Office has the authority to wiretap. Still, it has not been able to carry out this wiretapping authority because there is no specific law that regulates wiretapping, and there are no internal regulations for the Prosecutor's Office to implement the rule for wiretapping.

Considering the above reality, it is necessary to reconstruct and formulate the regulation of wiretapping authority in handling corruption cases for the successful disclosure of corruption cases/cases at the Indonesian Prosecutor's Office to achieve optimization in carrying out their duties. This is intended so that new laws can be firmly created in the future era regarding the Special Law on Wiretapping and implementing regulations for the Internal Prosecutor's Office. In this connection, the researcher attempts to study it as a dissertation, which begins with a research proposal. The research proposal title is "Reconstruction of the Formulation of Wiretapping Authority by the Prosecutor's Office in Corruption Crimes."

METHODOLOGY

The type of research used is normative juridical research. This research examined the synchronization aspect of statutory regulations both horizontally and vertically. It also uses legal principles and in concrete law, which correlate and are related to the research theme raised regarding wiretapping authority in the Prosecutor's Office.

The approaches used in this research are the Statute Approach, the Conceptual *Approach*, Analytical Approach (*analytical approach*), Case Approach (*case approach*), Comparative Approach (*comparative approach*). The legal materials used in this research consist: The primary legal materials used in this research come from statutory regulations as intended in Law Number 12 of 2011 concerning the Establishment of Legislative Regulations as amended by Law Number 15 of 2011 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislative Regulations; Secondary legal materials are legal materials obtained from textbooks, journals, opinions of scholars, which are related to research discussions; Court Decisions and Documents.

To obtain primary legal materials and secondary legal materials, library research will be carried out, which will then be collected based on the formulated problem topics and classified according to sources and hierarchy to be studied comprehensively. Legal materials related to the issues discussed are then explained, systematized, and then analyzed to interpret the applicable law and its effectiveness at the normative and practical levels.

Steps related to processing legal materials that have been collected to answer legal issues formulated in the problem statement. Data analysis organizes and sorts data into patterns, categories, and basic units of description so that themes can be found and working hypotheses can be formulated as the data suggests. The method of processing legal materials is carried out deductively, concluding a general problem regarding the concrete problem. Furthermore, the existing legal materials are analyzed to see current and future implementation effectiveness issues.

RESULTS AND DISCUSSION

Analysis of Several Authorities to Investigate Corruption Crimes in Several Countries

No	Country	Tapping Rules Toolkit	Applied to Law Enforcement in Criminal Offenses
1.	America	Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and Title 18 (<i>the Pen/ Trap Statute</i>) in 18 USC 3121-3127 (Law level rules)	<ul style="list-style-type: none"> • Crime: Murder, kidnapping, robbery, torture, bribery, child abuse, narcotics, crimes against national security • All crimes that can be sentenced to death or imprisonment for more than 1 (one) year
2.	Australia	<ul style="list-style-type: none"> • The Telephonic Communications (Interception) Act 1960 (The 1960 Act) • The Telecommunications (Interception) Act 1979 Australia • RIPA (<i>Regulation of Investigatory Power Act</i>) 2000. (Constitution) 	<ul style="list-style-type: none"> • Class 1 felonies include murder, terrorism, kidnapping, and narcotics • Class 2 crimes include causing loss of life, serious injury, drug trafficking, serious fraud, bribery and corruption
3.	English	the 1985 Act, RIPA 2000 (Law level regulations)	<ul style="list-style-type: none"> • Drug crime • Prevention, detection of serious crimes
4.	French	<i>la Loi du 10 Juillet 1991</i> which was later amended with <i>la Loi du March 9 2004</i> and <i>la Loi de Lutte Anti Terrorism Law</i>	<ul style="list-style-type: none"> • Murder, armed robbery, terrorism • State security and corruption
5.	Dutch	Dutch Telecommunications Act of 1998 and the law providing for special coercive measures in 2000	<ul style="list-style-type: none"> • Murder, kidnapping, large-scale drug trafficking, torture • Corruption crime
6.	Malaysia	Laws Of Malaysia Act 694 Malaysian Anti-Corruption Commission Act 2009 (Act)	Corruption crime

The table above shows that wiretapping regulations are stated in law or at the level of law in several countries, namely America, Australia, England, France, the Netherlands, and Malaysia. Then, in several countries, namely Australia, England, France, the Netherlands, and Malaysia, wiretapping in law enforcement is used to handle corruption cases. Meanwhile, in America, wiretapping is carried out in criminal cases of murder, kidnapping, robbery, torture, bribery, child abuse, narcotics, crimes against national security, and all crimes that can be sentenced to death or imprisonment for more than 1 (one) year. It does not mention criminal acts of corruption. Still, of course, if a criminal act of corruption in America carries the threat of the death penalty or imprisonment for more than 1 year, then wiretapping is also applied. The regulation of wiretapping authority in Corruption Crimes at the foreign level includes wiretapping of information and its requirements, Technical Mechanism for Legal Interception of Information; Tapping Results and Tapping Supervisors.

Analysis of Several Authorities to Investigate Corruption Crimes in Indonesia

With the rise of corruption in Indonesia, officials who are the focus of the Corruption Eradication Commission, the police and prosecutors in this case are trying to eradicate corruption through various means and efforts (Pratama, 2022). Article 31 Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) has regulated the definition of wiretapping and the parties authorized to carry it out, however the testing mechanism for this coercive effort is still unclear. Then Article 83 paragraph (1-4) of the Criminal Procedure Code places restrictions on the authority of investigators to wiretap, including the requirement to obtain permission from the court. However, the varying authority for wiretapping can lead to differences in treatment in the legal process, which is contrary to the principle of equality before the law guaranteed in the 1945 Constitution Article 27 paragraph (1) "All citizens have the same position in law and government and are obliged to uphold the law and government. that with no exceptions." Apart from that, wiretapping provisions in laws such as the Telecommunications Law and the ITE Law also regulate the prohibition of wiretapping carried out without permission or outside the framework of law enforcement. The Prosecutor's Office, the Corruption Eradication Commission (KPK) and other law enforcement institutions have the authority to conduct wiretapping, this action must be based on a request in the context of law enforcement and is determined based on the law. Therefore, clearer regulations and strict monitoring mechanisms are needed to uphold the principle of due process of law and protect individual rights in the context of wiretapping actions.

If we pay attention to the legality regulations regarding interception or wiretapping in the 14 (fourteen) laws, 1 (one) Government Regulation, 1 (one) Ministerial Regulation and 1 (one) Chief of Police Regulation above, according to the researcher, it fulfills the principle of legality, but specifically for Criminal procedural law (formal law) is still not in accordance with the principles of criminal procedural law, namely regulated by law. This is in accordance with the order in Article 28 Paragraph (2) of the 1945 Constitution which emphasizes that there are restrictions on human rights, such as wiretapping must be regulated by law to avoid abuse of authority. Apart from being regulated in the 1945 Constitution, regulations in the form of laws are also mandated by the Constitutional Court in consideration of three Constitutional Court decisions, namely decision Number Decision Number 006/PUU-I/2003, dated March 29 2004, Decision Number 012-016-019/ PUU-IV/2006 dated December 18 2006 and decision Number 5/PUU-VIII/2010 dated February 24 2011. The three considerations of the Constitutional Court's decision essentially state that wiretapping and recording conversations is a limitation and reduction of human rights. These restrictions can only be implemented by law, as determined by Article 281 Paragraph (2) of the 1945 Constitution.

In Indonesian legislation, the legitimate purpose of wiretapping is intended in the respective laws; for example, wiretapping is carried out to reveal criminal acts of corruption, human trafficking, psychotropic substances, narcotics, terrorism, and information and technology crimes. However, the following articles do not regulate the procedure regarding its implementation which must be carried out carefully, must assess strong grounds and the method of implementation must be in accordance with the law, and must be based on the reality of facts that the action needs to be taken, the presence of officials who carry out this authority and the official who gives the authorization and assess whether or not such action is necessary.

Furthermore, in Law no. 11 of 2021 concerning Amendments to Law no. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia provides further regulations regarding wiretapping authority, but there are no further regulations governing the implementation procedures, so that in implementing this authority cannot be exercised by Prosecutor's Office investigators in uncovering criminal corruption cases. There is not a single law regulating the authority for interception actions for criminal acts of corruption, especially for the Prosecutor's Office, which regulates the procedures for its implementation.

The procedures for implementing wiretapping are spread across several regulations, such as Minister of Communication and Information Regulation No: 11/PERM.KOMINFO/02/2006 dated February 22 2006 concerning Technical Interception of Information. For other criminal acts such as human trafficking and psychotropic substances, the procedures for implementation use internal SOPs, namely National Police Chief Regulation No. 5 of 2010 concerning Procedures for Wiretapping at the National Police Monitoring Center.

For the regulation of criminal acts of terrorism and narcotics, it is better to have articles that regulate who can submit a request, who is the authorizer and the duration of the wiretapping, but the law does not yet regulate the accuracy, reasons for the request and the facts and reasons that the interception was carried out. so the perju is authorized.

The variety of authorizations for wiretapping actions causes differences in the treatment of the legal process, and this is a violation of the principle of equality before the law, which is regulated in the 1945 Constitution Article 27 paragraph (1), which reads: all citizens have the same position in the law and government and are obliged to uphold the law and that government with no. In contrast to the legislation in the countries compared above, because its implementation has adapted to the Universal Declaration of Human Rights (UDHR) and Civil and Political Rights (ICCPR) conventions, the principles of legitimate aims, necessity and proportionality are like an inseparable regulatory package so that In the law that regulates the material law of wiretapping actions, the procedural law for its implementation or formal law is also regulated.

The legislation regulating acts of wiretapping in Indonesia has not yet fully implemented the principle of a fair legal process (due process) because there is nothing that regulates the testing system for coercive efforts carried out by investigators so that they are carried out in accordance with the constitutional corridors, both for wiretapping actions that have not been regulated in the Criminal Procedure Code and for efforts coercion as regulated in the Criminal Procedure Code, namely search and confiscation. Legally, wiretapping, as stated in Article 31 of Law no. 19 of 2016 concerning Amendments to Law no. 11 of 2008, are activities to listen to, record, deflect, change, inhibit, and/or record the transmission of Electronic Information and/or Electronic Documents that are not public in nature, whether using communication cable networks or wireless networks, such as electromagnetic radiation or radio frequency.

Those who have the right to conduct wiretapping are law enforcers for the purposes of resolving legal cases. "Except for interceptions as referred to in paragraphs (1) and (2), interceptions are carried out in the context of law enforcement at the request of the police, prosecutor's office and/or other law enforcement institutions determined by law," reads Article 31 Paragraph 3 . However, investigators cannot do that. KUHAP Article 83 paragraphs (1-4) regulates restrictions on the authority of investigators to wiretap. The article states that wiretapping can be carried out as long as it has permission from the court. Article 83, paragraph (3), regulates that wiretapping can only be carried out by investigators on written orders from the local investigator's superior after obtaining a permit from the preliminary examining judge.

The authority for wiretapping should be clearly regulated, including a strict monitoring mechanism. The regulations are clearly not solely for the sake of protecting someone's privacy; more than that, they are to uphold due process of law, which is the constitutional guarantee that every citizen has the right to protection against arbitrary government actions. Eavesdropping, according to the Big Indonesian Dictionary, is listening to, recording information or secrets, other people's conversations on purpose without the person's knowledge. Meanwhile, the meaning of recording is transferring sounds, images, writing onto cassette tapes, discs, and so on. Referring to the definition above, we can see that tapping is broader than the meaning of recording. One way of tapping is by recording but secretly (without the knowledge of the person being tapped). Meanwhile, when recording, the person or object being recorded may know that they are being recorded.

Based on laws and regulations in Indonesia, the provisions relating to wiretapping activities according to the Telecommunications Law. Tapping is an act that is prohibited by Article 40 of Law Number 36 of 1999 concerning Telecommunications (Telecommunications Law) which reads: Every person is prohibited from carrying out wiretapping activities on information transmitted via the network. telecommunications in any form. What is meant by wiretapping is the activity of installing additional tools or equipment on a telecommunications network for the purpose of obtaining information in an unauthorized manner. Basically, information owned by a person is a personal right that must be protected, so wiretapping must be prohibited. Anyone who violates it will be punished with a maximum imprisonment of 15 (fifteen) years.

According to the ITE Law. More specifically, wiretapping is regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions ("UU

19/2016”) and is referred to as interception. Interception or wiretapping according to the ITE Law is an activity to listen to, record, divert, change, inhibit and/or record the transmission of Electronic Information and/or Electronic Documents that are not public in nature, whether using communication cable networks or wireless networks, such as electromagnetic radiation or radio. frequency.

Answering the question of wiretapping or interception is included as a prohibited act, which is regulated in Chapter VII of the ITE Law and its amendments, if it is carried out not by the authorized party in the context of law enforcement, as regulated in Article 31 of Law 19/2016 ITE: (1) Every person intentionally and without right or against the law interception or tapping of Electronic Information and/or Electronic Documents in a Computer and/or certain Electronic System belonging to another person. (2) Any Person intentionally and without right or against the law intercepts the transmission of Electronic Information and/or Electronic Documents that are not of a public nature from, to, and within a Computer and/or a particular Electronic System belonging to another Person, whether not causing any changes or causing changes, deletions and/or termination of Electronic Information and/or Electronic Documents that are being transmitted. (3) The provisions as intended in paragraph (1) and paragraph (2) do not apply to interception or wiretapping carried out in the context of law enforcement at the request of the police, prosecutor's office or other institutions whose authority is determined by law. (4) Further provisions regarding interception procedures, as intended in paragraph (3), are regulated by law.

Every person who meets the elements as intended in Article 31 paragraph (1) or paragraph (2) of the ITE Law above shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of a maximum of Rp. 800 million. The exception to the prohibition on wiretapping or interception is interception carried out in the context of law enforcement at the request of the police, prosecutor's office or other institutions whose authority is determined by law. One of the law enforcement institutions authorized by law to carry out wiretapping is the Corruption Eradication Commission (KPK). The Corruption Eradication Commission (KPK) has the authority to conduct wiretapping and record conversations in carrying out its duties of investigation, investigation and prosecution. The provisions of Article 31 of the ITE Law have the following purposes: (a) First, law enforcers have the authority to carry out wiretapping carried out in the context of law enforcement. (b) Second, wiretapping must be carried out based on a request in the context of law enforcement. (c) Third, the authority to wiretap and request wiretapping in the context of law enforcement must be determined based on law.

The formulation of Article 31 of the ITE Law regarding the prohibition of wiretapping or interception above, is clear that other than those authorized to enforce the law, wiretapping is prohibited. If the wiretapping is carried out in violation of the law, it certainly cannot be used as evidence in a trial. Looking at the description above, even though the ITE Law already regulates wiretapping, the law still does not fully regulate it because it still states "the authority for wiretapping and requests for wiretapping in the context of law enforcement must be determined based on law, so the regulation of wiretapping should immediately be made into law." Special Law, which is used as the basis for authorized parties to conduct wiretapping. Likewise, the Prosecutor's Office, after the Wiretapping Law was established, of course needs to have an Internal Wiretapping Procedure which further regulates the internal wiretapping mechanism within the Prosecutor's Office. Law of the Republic of Indonesia Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia Article 30C "In addition to carrying out the duties and authority as intended in Article 30, Article 30A, and Article 30B the Prosecutor's Office: letter i carries out wiretapping based on A special law that regulates wiretapping and organizes monitoring centers in the field of criminal acts." Revisions must be immediately made and regulations regarding wiretapping procedures within the Internal Prosecutor's Office be made so that the authority to wiretapping can be implemented by the Prosecutor's Office.

CONCLUSION

The implementation of the regulation of wiretapping authority in Corruption Crimes at the foreign level includes information wiretapping and the requirements for requesting the appointment of a law enforcement leader, the technical mechanism for wiretapping is legally regulated in law, the results of wiretapping must be

used professionally, proportionally and relevantly and there is an independent supervisor. . Furthermore, for implementation in Indonesia itself, the regulation of wiretapping has not yet created a special law on wiretapping and procedures for internal wiretapping at the Internal Prosecutor's Office.

REFERENCES

- Agustine, OV, Sinaga, EMC, & Yulistiyap, R. (2019). Legal Politics Strengthening the Authority of the Corruption Eradication Commission in the State Administration System. *Constitution* , 16 (2), 314–338.
- Amari, M. (2013). *Politics of Law Enforcement in Corruption Crimes*. Jakarta: Publishing Solutions .
- Bachri, S. (2020). The authority of the prosecutor's office regarding criminal acts of corruption resulting in state financial losses. *Expose: Journal of Legal and Educational Research* , 19 (1), 1026–1039. <https://doi.org/10.30863/ekspose.v1i1.878>
- Belmento. (2022). Strengthening the Authority of the Prosecutor's Office in Carrying Out Investigations on Corruption Crimes According to Law Number 16 of 2004 concerning the Prosecutor's Office. *Lex Librum: Journal of Legal Studies* , 8 (2), 239–250.
- Effendy, M. (2005). *Indonesian Prosecutor's Office: position and function from a legal perspective* . Jakarta: Gramedia Pustaka Utama.
- Harahap, MDI, Lubis, MY, & Purba, N. (2021). The role of Prosecutor's Intelligence in disclosing Corruption Crime Cases. *Metadata Scientific Journal* , 3 (3), 1124.
- Heryanto, DM, & Sumardiana, B. (2024). Implementation of Wiretapping Authority by Prosecutors in Corruption Crimes in Central Java. *Annual Review of Legal Studies* , 1 (2), 265.
- Jaya, K., Syukri Akub, M., & Halim, H. (2021). Corruption Eradication Authority: Rules and Facts of the Supervisory Board in Strengthening Commission Performance. *Al-Qadau Journal: Islamic Family Justice and Law* , 8 (1), 18–28. <https://doi.org/10.24252/al-qadau.v8i1.18282>
- Mardana, ATA, Bachri, S., & Azisa, N. (2021). Coordination of Pns Customs and Excise and Police Investigators in Investigating Criminal Acts in the Customs Sector. *HERMENEUTICS: Journal of Legal Studies* , 5 (1). <https://doi.org/10.33603/hermeneutika.v5i1.4893>
- Munandar, A., Nawi, S., & Razak, A. (2023). Analysis of Wiretapping by the Prosecutor's Office in Law Enforcement for Corruption Crimes. *Innovative: Journal Of Social Science Research Volume* , 3 (2), 8774–8789.
- Pratama, KY (2022). Law Enforcement Against Arrest Operations in Corruption Cases. *Justice Journal: Journal of Law, Legislation and Social Institutions* , 7 (1), 232. <https://doi.org/10.22373/justisia.v7i1.12009>
- Rianti, E., Muchtar, S., & Azisa, N. (2022). Enforcement of Corruption Criminal Law in Resolving Banking Crimes Relating to Business, Attitudes and/or Actions of Banks as State-Owned Enterprises. *Journal of Law and Notary Affairs* , 6 (2), 793–814.
- Yustisia, TRP (2010). *Agrarian Law Compilation Legislation Compilation Series* . Yogyakarta: Yustisia Library .