

The Nature of The Role of The Prosecutor's Office in Preventing Corruption in Maluku Province

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Abstract

This study highlights the essential role of grassroots development, especially in villages, in strengthening local economies and fostering national economic growth, in line with Indonesia's third nawacita program which prioritizes regional and village development within the unitary state framework. Law Number 11 of 2021 enhances prosecutorial functions by granting increased autonomy and authority to recover assets from criminal activities, while the management of village funds under the Village Law faces corruption challenges. The Maluku High Prosecutor's Office has implemented preventive measures, such as the CIA system, to address these issues. Using an empirical sociological approach combined with normative research, this study evaluates the office's efforts in combating corruption, highlighting their role in investigations, prosecutions, and oversight, and their commitment to public complaints through initiatives like Jaksa Masuk Desa. The study concludes that factors such as legal knowledge, awareness, community culture, and the substance of the law significantly influence the effectiveness of anti-corruption measures in Maluku. This research aims to offer insights and recommendations for improving the Attorney General's Office's role in preventing corruption in village fund management in Maluku Province.

Keywords: Prosecutor's office, Preventing Corruption, Maluku Province

INTRODUCTION

Indonesia's development starting from the village can strengthen the village economy which in turn will support the national economy. The third nawacita program also emphasizes the importance of development from the periphery by strengthening regions and villages within the framework of the Unitary State of the Republic of Indonesia. Law Number 11 of 2021 amends Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which regulates the prosecutorial functions carried out by the Attorney General's Office, the High Prosecutor's Office, the District Attorney's Office, and the District Attorney's Office Branch. The Attorney General is the highest Public Prosecutor and state attorney in Indonesia. The Attorney General's Office has the authority to recover assets obtained from criminal offenses, to return these assets to the state, victims, or entitled parties. Based on Law No. 6/2014 on Villages, the Village Fund is a budget allocation for villages and customary villages that is transferred through the district/city APBD. These funds are used to finance government, development, and community and societal empowerment. The Village Fund comes from central expenditure and is allocated evenly and equitably. The amount of the Village Fund is 10% of the external funds transferred to the regions, and is allocated based on the number of villages, population, poverty rate, area, and level of geographical difficulty.

The legal basis for the management of village funds includes several regulations, such as Law Number 6 of 2014 concerning villages, Government Regulation Number 11 of 2019 concerning the second amendment to Government Regulation Number 43 of 2014 concerning implementing regulations for Law Number 6 of 2014 concerning villages, Government Regulation Number 8 of 2016 concerning the second amendment to Government Regulation Number 60 of 2014 concerning village funds sourced from the APBN, Minister of Villages Regulation Number 8 of 2022 concerning village fund priorities in 2023, and PMK No. 201/PMK. 07/2022 on village fund management. The principles of village financial management, as stipulated in

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Permendagri No. 20/2018, include transparency, accountability, participation, and budget discipline. Transparent means providing access to information to the public about village finances in an open manner.

To prevent irregularities in the management of village funds, the Maluku High Prosecutor's Office has taken several preventive measures, including:

Issuance of Circular Letter (SE) JAMDATUN NO.03/G.S.2/2020 concerning guidelines for civil legal assistance in the distribution of assistance and management of village funds. This aims to provide direction and guidance to village governments regarding the legal management of village funds.

Providing the necessary legal consultation in both the distribution and use of village funds and socializing the criminal and administrative legal risks that may arise.

This helps village governments to understand the legal consequences of actions taken in relation to village funds.

Encouraging the management and accountability of the use of village funds to be carried out in accordance with applicable laws and regulations.

Thus, the Maluku High Prosecutor's Office oversees that every use of village funds is carried out legally and according to the rules. Prevention of possible errors or irregularities that could lead to legal risks.

This involves proactive measures to identify and address potential legal issues that could arise in the management of village funds. In the field of intelligence, the Maluku High Prosecutor's Office has a "jaga desa" program that aims to provide assistance to village governments in the use of village funds. This assistance covers various stages, starting from planning, budgeting, administration, reporting and monitoring.

THEORETICAL FRAMEWORK

Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia regulates changes and additions to the prosecutorial system. Prosecutors are run independently and have the authority to recover assets from criminal offenses. Meanwhile, the implementation of the Village Law is the basis for managing village funds, posing corruption challenges. The Maluku High Prosecutor's Office implements the CIA system to prevent it. This research will evaluate the efforts of the Maluku High Prosecutor's Office in preventing and handling village fund corruption, while Indonesia's development is recognized to start from the village to support the national economy.

Law No. 28/1999 on Clean and Free State Administration from Corruption, Collusion and Nepotism (KKN), as well as the ratification of the United Nations Convention Against Corruption (UNCAC) in Law No. 7/2006. There are also related regulations such as Law No. 20/2001 on the Eradication of Corruption, which provides authority for the prosecutor's office in handling corruption. These regulations provide a strong legal basis for the prosecutor's office to perform its duties in preventing and handling corruption in village funds. Law No. 6/2014 on Villages is an important legal basis for the management of village funds in Indonesia. This law regulates in detail the management, distribution, and accountability of village funds in a transparent and responsible manner. Through this law, villages are given the authority to regulate and manage government affairs and development in their areas, based on community initiatives, rights of origin, and recognized village customs. In addition, regulations such as Government Regulation No. 11/2019 on the Second Amendment to Government Regulation No. 43/2014 on the Implementation of Law No. 6/2014 on Villages, as well as Regulation of the Minister of Finance of the Republic of Indonesia No. 145/2003 on the Management of Village Funds, provide more detailed guidelines and procedures for the management of village funds.

The Nature of the Prosecutor's Role in the Prevention of Corruption

The legal basis and authority of the AGO to play an active role in preventing and eradicating corruption of village funds is based on several regulations. First, Law Number 11 of 2021 concerning amendments to Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. It explains the duties and authority of the prosecutor's office, including in the criminal field, law enforcement intelligence, and asset

recovery from criminal acts. In addition, there is Law No. 6/2014 on Villages which is the basis for managing village funds, and Government Regulation No. 60/2014 which regulates village funds in detail. The handling of the COVID-19 pandemic is also mentioned in the management of village funds, where there is a budget adjustment to support the handling of the pandemic at the village level. Cooperation between the Attorney General's Office of the Republic of Indonesia and the Ministry of Villages and the Minister of Finance's regulations are also a reference in the management of village funds.

The Attorney General's Office (AGO), as an integral part of law enforcement entities, plays a crucial role in upholding the integrity of village fund management. This responsibility is reinforced by additional legal frameworks, including Law No. 28/1999 concerning Clean and Corruption-Free State Administration (KPKN), and Law No. 7/2006 pertaining to the Ratification of the United Nations Convention Against Corruption, 2003. With this comprehensive legal foundation in place, the AGO possesses a solid footing to oversee, prosecute, and prevent instances of corruption occurring within village fund management. Consequently, the AGO holds both the authority and the obligation to conduct rigorous supervision, investigation, and enforcement actions against those involved in corrupt practices related to village fund administration, with the ultimate goal of fostering transparent, accountable governance at the village level. Ultimately, this ensures that village funds serve as effective and equitable instruments for development within village communities across Indonesia.

The AGO's role extends beyond mere oversight and enforcement; it encompasses the broader objective of fostering sustainable development and equitable resource allocation within Indonesian villages. By leveraging the legal frameworks provided by Law No. 28/1999 and Law No. 7/2006, the AGO can actively combat corruption and ensure that village funds are utilized efficiently and transparently. This entails not only investigating and prosecuting instances of corruption but also implementing preventive measures and promoting good governance practices within village administrations. Through these concerted efforts, the AGO contributes significantly to building trust and confidence among villagers, thereby enhancing public welfare and socio-economic development at the grassroots level. Furthermore, by upholding the principles of integrity and accountability in village fund management, the AGO plays a pivotal role in advancing Indonesia's broader objectives of inclusive and sustainable development across its diverse communities. In combating corruption in the management of village funds, it is very important to foster public trust and confidence in government institutions. The Attorney General's Office requires a proactive attitude and upholds the principles of transparency, accountability, and integrity. The AGO not only protects the interests of village communities, but also promotes efficient and fair allocation of resources for community development. In addition, by collaborating with other law enforcement agencies and relevant stakeholders, such as local governments and civil society organisations, the AGO can enhance collective efforts to address systemic problems and strengthen anti-corruption measures at the grassroots level. Through these collaborative efforts, the AGO demonstrates its commitment to upholding the rule of law and promoting sustainable development, which can ultimately contribute to the realisation of Indonesia's socio-economic and welfare goals.

In addition, the AGO's concerted efforts in combating corruption in village fund management are in its commitment to promoting good governance practices and ensuring the effective utilisation of public resources for the benefit of local communities. By conducting thorough investigations, prosecuting perpetrators, and implementing preventive measures, the AGO plays an important role in preventing corrupt practices and promoting a culture of integrity in village governments. In addition, through capacity building initiatives and awareness raising campaigns, the AGO empowers stakeholders at the grassroots level to actively participate in oversight mechanisms and hold accountable those responsible for mismanagement or misappropriation of village funds. By strengthening the legal framework and reinforcing institutional mechanisms for accountability, the AGO contributes to building resilient and inclusive societies where development efforts are guided by the principles of transparency, honesty, and social justice.

Based on the results of the author's interview with informants at the Maluku High Prosecutor's Office stated that:

"The Maluku High Prosecutor's Office carries out the prevention of corruption crimes using the Corruption Impact Assessment (CIA) method, namely through a letter from the Head of the Maluku High Prosecutor's Office to the Governor of Maluku Province by submitting the handling of corruption crimes that have occurred in the Maluku region and have been handled by the Maluku High Prosecutor's Office so that such or similar corruption crimes do not recur in the future".

"The eradication of corruption through the prevention mechanism carried out by the Maluku High Prosecutor's Office as described above, is expected to be able to overcome the problems found in the distribution and management of village funds, so that the village funds disbursed can be right on target and felt by all levels of society".

"As a result of the efforts made by the Maluku High Prosecutor's Office in preventing criminal acts of corruption, especially in the management and distribution of village funds, reports of public complaints about misuse of village funds in the 2022 period decreased when compared to reports of public complaints that occurred in 2021".

Implementation of the Prosecutor's Office Role in Preventing Corruption in Village Fund Management in Maluku Province

The Maluku High Prosecutor's Office demonstrates its commitment to preventing corruption by implementing various prevention programmes that focus on supervision, mentoring, supervision, cooperation, and community participation. These programmes are implemented through concrete steps as follows: Government and Development Safeguard and Security Team (TP4P and TP4D): The establishment of TP4P and TP4D aims to safeguard development programmes and supervise the absorption of government budgets. The team consists of members who focus on preventing corruption offences. Supervision of State and Non-Governmental Organisations: The Maluku High Prosecutor's Office provides support and supervision to state, government and non-government institutions to prevent corruption, by providing legal briefings and assistance.

Cooperation and Coordination: The Maluku High Prosecutor's Office conducts cooperation and coordination with various parties, including law enforcement agencies and local governments, to close corruption loopholes that exist in government and non-government institutions. Prosecutor's Programme in Villages, Schools, and Islamic Boarding Schools: This programme aims to provide legal understanding to the community, especially the younger generation, through counselling activities in villages, schools and Islamic boarding schools. It is intended to prevent corruption by shaping characters who obey the law. Acceptance of Public Complaints: The Maluku High Prosecutor's Office opens space for the public to report suspected corruption offences. After receiving the report, the AGO will follow up with surveillance and investigation, and facilitate the recovery of related assets. These programmes reflect the strong commitment of the Maluku High Prosecutor's Office in the fight against corruption. By involving various parties and taking concrete steps in prevention, it is expected to create a clean environment from corruption in Maluku Province.

Campaign and Socialisation: In addition to concrete programs such as Prosecutors Entering Villages, Schools, and Pesantren, the Maluku High Prosecutor's Office also conducts extensive campaigns and socialisation to the community. The aim of these campaigns is to increase legal and anti-corruption awareness at all levels of society. Education and Training: The Maluku High Prosecutor's Office organises education and training programmes for employees, especially those directly involved in the management of public funds. The training aims to improve understanding of good financial governance and anti-corruption principles. Use of Information Technology: The Maluku High Prosecutor's Office also utilises information technology in the management and reporting of corruption prevention activities. An integrated information system can assist in monitoring and evaluating the effectiveness of prevention programmes that have been implemented. Collaboration with Mass Media: Cooperation with the mass media is one of the strategies to increase visibility and public awareness of corruption prevention efforts undertaken by the Maluku High Prosecutor's Office. Through coverage and publications, information about the importance of eradicating corruption can be widely disseminated. Evaluation and Continuous Improvement: The Maluku High Prosecutor's Office continuously evaluates the effectiveness of the prevention programmes that have been implemented. Based on

the evaluation results, improvements and adjustments are made so that the programmes can have a more significant impact in preventing corruption.

Through this series of programmes, the Maluku High Prosecutor's Office not only acts as a law enforcer, but also as an agent of social change committed to creating an environment that is free from corruption. By involving various parties and adopting a holistic approach, it is hoped that these corruption prevention efforts can create a more just, integrity and developed society in Maluku Province.

Factors affecting the role of the Public Prosecutor's Office in preventing corruption in the management of village funds in Maluku Province

Law enforcement officers must adapt to the times and technology in order to reduce the development of crime. They also need to take the positive law seriously to avoid diverse interpretations in handling fraud cases.

Legal Knowledge

Legal knowledge includes an understanding of legal concepts, such as commands, prohibitions, rules, norms, standards and conventions. It includes an understanding of the behaviour regulated or prohibited by the law, both written and unwritten. Legal knowledge is a person's awareness of the behaviours governed by the law, including written laws and norms that apply in society. It includes behaviours that are permitted and those that are prohibited by law.

People's legal knowledge is their ability to understand and follow the various legal rules that apply in their country. It includes understanding, knowledge and adherence to the law in order to provide benefits to society. Respondents' responses on the effect of Legal Knowledge on Factors affecting the Role of the Public Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province can be seen in the following table.

Table 1 The Effect of Legal Knowledge Factor on the Role of the Prosecutor's Office in the Prevention of Corruption in Village Fund Management in Maluku Province

Statement	Amount	Percentage
Affect	16	64
Less Influential	5	20
Not Influential	4	16
Number of Respondents	25	100

Source: Primary data processed results Year 2024

Based on table 3 above, it can be seen that out of 25 respondents 64% of respondents who answered influenced, 20% of respondents who answered less influenced and 16% who answered did not affect the question whether the Legal Knowledge Factor Affects the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province And based on the Respondents' answers above, it is relatively influential.

Legal Awareness Factor

Legal awareness can be defined as the awareness of a person or group of people to the rules or laws that apply. Legal awareness is needed by a society. This is so that order, peace, tranquillity and justice can be realised in the relationships between people.

From a social and cultural point of view, Indonesia is a pluralistic society with many ethnic groups with a variety of different cultures. A law enforcer must be familiar with social stratification or layers of society that exist in an environment along with the existing order of status / position and role. Every social stratification must have its basis. Another thing that needs to be known and understood is about social institutions that live, and are highly valued by the largest part of existing citizens.

By knowing and understanding these things, it can make it easier for law enforcers to identify the values and norms or rules that apply in the environment. In general, society in Indonesia is divided into two, namely the upper class (rich people) and the lower class (poor people). Law enforcement between the two is also very different in its resolution. This is because the mindset and knowledge are clearly different. If people are lower class, the desire or obedience to a law by someone is very unlikely or unwilling to comply with the law that has been regulated. This is due to the lack of knowledge and education they have is very limited, and can not know that there are sanctions that will bind if violated (blue collar crime). Meanwhile, upper-class people tend to follow the existing laws or rules, because they have more knowledge about the law and know the sanctions. This tends to be more orderly. In this upper class, if a crime occurs, it can be said to be white collar crime (for the sake of interest). The society in Indonesia is getting older, the number of poor people is increasing. So when viewed from the community factor, the problem of crime or law enforcement is in this layer. Each social stratification has its own basics, so that it can be done in various ways, including providing legal knowledge to people who may not really understand the law so that it makes it easier for them to identify the values and norms that apply in their environment.

The responses of respondents regarding the effect of Legal Awareness on the Factors affecting the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province, can be seen in the following table:

Statement	Amount	Percentage
Affect	16	64
Less Influential	5	20
Not Influential	4	16
Number of Respondents	25	100

Source: Primary data processed results Year 2024

Based on table 4 above, it can be seen that out of 25 respondents 64% of respondents who answered influenced, 20% of respondents who answered less influenced and 16% who answered did not affect the question whether the Legal Awareness Factor Affects the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province And based on the Respondents' answers above, it is relatively influential.

Societal Cultural Factors

Legal culture is a concept that describes the relationship between social behavior and law in a society. It includes the role and rules of law in society, as well as general responses to legal phenomena. Culture, according to Soerjono Soekanto, regulates human and societal behavior with values that underlie the applicable law, determining what is considered good and bad.

Cultural factors highlight the system of values in society, with a compromising culture often influencing compliance with rules. Legal culture includes the underlying values of law, such as conservatism and innovation, which play a role in the development of law. Law enforcement, in a cultural context, can be traced to the past, especially in the context of the royal period.

Respondents' responses regarding the influence of Legal Culture on the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province, are contained in the attached table.

Table 3 The Influence of Legal Culture Factors on the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds. Village Funds in Maluku Province

Statement	Amount	Percentage
Affect	20	80
Less Influential	4	16

Not Influential	1	4
Number of Respondents	25	100

Source: Primary data processed results Year 2024

Based on table 3 above, it can be seen from 25 respondents, 80% of respondents who answered influenced, 16% of respondents who answered less influenced and 4% who answered did not influence the question of whether the Legal Culture Factor Affects the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province And based on the Respondents' answers above, namely relatively influential.

Cultural factors are also allegedly the cause of weak law enforcement against the Prevention of Corruption in the Management of Village Funds in Maluku Province. It can be understood that culture is a way of life that develops, and is shared by groups of people, and is passed down from generation to generation. Culture is also an inseparable part of humans so that most humans are more likely to consider it as a genetic inheritance. When people try to communicate with people of different cultures, and better adapt to the differences, it proves that culture can be learned. However, culture does not always provide positive behavior for humans but culture can also cause negative behavior in humans.

Therefore, the existing rules or legal norms should be able to direct the community to the rules in living in society and the state properly. Laws in the form of legislation or regulations are generally designed based on certain assumptions. However, the circumstances or culture that exist in society do not always match the estimates, so that circumstances can arise that are not expected at all. The current law is not necessarily able to answer the problems of the changing and developing culture of society today or in the future, so it is necessary to change or make new laws to answer these problems. Widodo said that “crime is closely related to the development of society. Crime is also part of the culture itself”. This means that the higher the culture and the more modern a nation is, the more modern the crime is in its form, nature and method of implementation.

Legal Substance Factor

Legal substance is the rules used by actors and law enforcers when performing legal acts and legal relations. The substance of the law is found or can be found in formal legal sources.

Legal substance is the rules, legal norms, and legal principles, both written and unwritten. These legal rules and norms are applied according to patterns of human behavior in a society within the legal system.

The substance of law concerns legal products produced by people in the legal system. The products that have been issued mean the rules that have been compiled in a law.

Regulations have a role to direct society towards order, peace and justice. In the substance of the law there is an explanation of rights and obligations, rules of behavior, sanctions for violations, and various laws and other provisions that regulate relationships in society. The existence of legal substance is the basis for the application of law enforcement. Legal substance along with legal structure and culture are important elements in law enforcement. If one of the three elements of the law does not function properly, there will be disrupted legal performance. Not infrequently if legal performance is disrupted, it can result in the emergence of new legal problems.

This element is part of various law enforcement factors that cannot be ignored. Therefore, the substance of law has an important role in ensuring justice and order in social life in a country. Because in the substance of law there are limits that regulate interactions between individuals and institutions in the rule of law.

The responses of respondents regarding the influence of Legal Culture on the Factors affecting the Role of the Prosecutor's Office in Preventing Corruption in the Management of Village Funds in Maluku Province, can be seen in the following table:

Statement	Amount	Percentage
Affect	18	72
Less Influential	5	20

Not Influential	2	8
Number of Respondents	25	100

Source: Primary data processed results Year 2024

Based on data from Table 4, of the 25 respondents, 72% considered that legal substance factors influenced the role of the Public Prosecutor's Office in preventing corruption in the management of village funds in Maluku Province, while 20% felt that they had less influence, and 8% stated that these factors did not significantly influence. From these responses, it can be concluded that legal substance factors are relatively influential. The investigation process begins after an investigation is conducted by an investigator into a criminal case. Investigation, according to Article 1 point (5) of Law Number 8 of 1981 on Criminal Procedure (KUHAP), is a series of actions to find events suspected of being criminal offenses. Meanwhile, investigation, as explained in Article 1 point (2), is a series of actions by investigators to seek evidence and find suspects. However, what if the investigation is stopped after evidence has been collected and a suspect has been identified? The law authorizes investigators to stop an investigation that has already begun. Termination of investigation, or often called "seponering", is the investigator's authority in handling cases that are deemed unnecessary to continue to the next stage of law enforcement.

The law has specified the reasons that investigators can use as a basis for terminating an investigation. The mention or delineation of these reasons is important in order to avoid negative tendencies on the part of the investigating officer. With this outline, the law expects that in using the authority to stop the investigation, the investigator examines it against the reasons that have been determined. It is not arbitrary without reasons that cannot be accounted for according to the law, and at the same time it will also provide a reference basis for parties who object to the legality of the termination of investigation according to the law. The Criminal Procedure Code (KUHAP) mentions limited reasons used by investigators to terminate investigations, which are regulated in Article 109 paragraph (2) which reads as follows: "In the event that the investigator stops the investigation because there is insufficient evidence or the event does not constitute a criminal offense or the investigation is stopped for the sake of law, the investigator shall notify the public prosecutor, the suspect or his family".

Based on the provisions of Article 109 paragraph (2) of KUHAP above, there are several circumstances in which an investigation into a criminal case can be stopped. These circumstances are:

- There is not enough evidence;
- The incident turns out not to be a criminal offense; and
- The case is closed by law.

CONCLUSION

The role of the Prosecutor's Office in the Prevention of Corruption in Maluku Province involves a series of actions based on a scientific approach to enforcing legal norms, with reference to Law No. 11 of 2021 Amendment to Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. This includes investigation, prosecution, and execution of court decisions, as well as the implementation of functions and duties as a State Prosecutor. In addition, the Prosecutor's Office also plays a role in forming the Government and Development Guard and Security Team (TP4P) at both the central and regional levels, providing supervision, support, cooperation, and coordination with various state, government, non-government, and other institutions. Programs such as Prosecutors Entering Villages (JMD), Prosecutors Entering Schools (JMS), and Prosecutors Entering Pesantren (JMP) are also implemented as part of efforts to eradicate corruption. In addition, the AGO receives complaints from the public as an active commitment in suppressing the growth of corruption. Factors such as legal knowledge, legal awareness, community culture, and legal substance also influence the role of the Prosecutor's Office in preventing corruption in Maluku Province.

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