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Strengthening The Authority of the Public Prosecution Service in Handling Corruption Case Through the Reform of Indonesia's Criminal Procedure Code

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Abstract: The increasingly complex and difficult-to-prove nature of corruption offences necessitates institutional strengthening within the criminal justice system. The Prosecutor's Office of the Republic of Indonesia currently holds comprehensive authority over the handling of corruption cases, covering the stages of investigation, inquiry, and prosecution. This authority has often been perceived as institutional dominance, with some critics referring to it as a form of "superbody". Nevertheless, similar legal enforcement models have been implemented across various jurisdictions, particularly in addressing crimes that are inherently complex, such as corruption. The Prosecutor's Office has demonstrated its effectiveness through its success in uncovering major corruption cases that caused significant financial losses to the state. This research analyses the urgency of reforming the criminal procedural law through the revision of the Criminal Procedure Code (KUHAP) as a normative step to reinforce the authority of the Prosecutor's Office in tackling corruption, while ensuring that legal proceedings remain professional, proportionate, and within constitutional boundaries. This study adopts a normative legal research method, utilising statutory and analytical approaches. Legal reform through the revision of KUHAP must be pursued not to restrict, but to enhance the prosecutorial authority in corruption investigations and inquiries, in order to ensure that the enforcement of law against this extraordinary crime proceeds more effectively and justly.

Keywords: Authority, Prosecutor's Office, Corruption, Criminal Procedure Code

INTRODUCTION

Corruption remains an entrenched and systemic challenge in Indonesia, manifesting in sophisticated, cross-sectoral schemes that erode public trust and siphon vast sums from the state. Indonesia Corruption Watch recorded 405 corruption cases handled by the Public Prosecution Service of the Republic of Indonesia in 2022 more than any other domestic enforcement body and identified potential losses exceeding IDR 39 trillion (≈USD 2.5 billion) (Anandya & Easter, 2023). University of Gadjah Mada researchers further note that the Public Prosecution Service's performance in asset recovery set a new state-loss restitution record of IDR 142 trillion the same year (Adella Wahyu Pradita, 2023). These figures underscore both

the gravity of corruption's fiscal impact and the pivotal role an empowered prosecutorial institution can play in confronting it.

The legal foundation for prosecutorial authority over corruption is scattered across multiple statutes most prominently Law No. 31/1999 as amended by Law No. 20/2001 on the Eradication of Corruption and the Criminal Procedure Code (KUHAP). Scholars have argued that Article 30 of the 2021 Prosecution Service Law, read in conjunction with KUHAP Article 284(2), formally recognises investigative powers for prosecutors in exceptional crimes, yet lingering procedural ambiguities hamper decisive action (Baihaki, 2024; Latifah, 2021). Empirical studies reveal overlapping mandates between the Public Prosecution Service, the police, and the Corruption Eradication Commission (KPK) that can trigger jurisdictional disputes and evidentiary delays (Ilmi et al., 2023). The resulting fragmentation has fuelled calls within the legal academy for clearer norms that consolidate corruption investigations under a single, constitutionally accountable "gate-keeper."

Despite criticisms that such consolidation risks creating a "super-body," recent enforcement data suggest that the Public Prosecution Service's integrated model yields tangible results. Indonesia Corruption Watch attributes a five-year upward trend in both case throughput and asset seizures to the Public Prosecution Service's rapid-file strategy, which couples preliminary inquiries with parallel asset-tracing teams (Mitchell et al., 2019). Independent observers cite the successful prosecution of high-profile graft schemes ranging from the 2023 bulk-tower fraud that cost the state USD 533 million to the April 2025 palm-oil export-permit scandal that implicated corporate executives and judges as evidence of prosecutorial agility when investigative and indictment powers co-exist in one office (Aulia, 2025). Nevertheless, critics warn that without explicit procedural safeguards in KUHAP, expanded authority could blur constitutional checks and inflate discretionary power.

Public confidence in the Public Prosecution Service has risen sharply and now undergirds the normative importance of reinforcing prosecutorial authority. A national survey by Indikator Politik Indonesia found that 78 % of respondents said they "trust" or "strongly trust" the Public Prosecution Service a figure that eclipsed the police, courts, and even the Corruption Eradication Commission (KPK) (Muhammad Zulfikar, 2023). Follow-up polls show the upward trajectory continued, reaching 81.2 % in June 2023 (Muzer, 2023), and stabilising at 74 % in April 2024 despite heightened political contestation (Narda Margaretha Sinambela, 2024). This reservoir of public trust not only validates the Public Prosecution Service's current anti-corruption strategy but also heightens societal expectations that any revision of KUHAP must preserve and ideally strengthen the institution's credibility while safeguarding constitutional rights.

Procedural bottlenecks rooted in the 1981 KUHAP exacerbate these concerns. Comparative research published in the University of Pennsylvania Journal of International Law shows that Indonesia's pre-trial warrant requirements, rigid evidentiary hierarchies, and judge-led approval of search-and-seizure orders often prolong investigations beyond statutory deadlines (Wagner & Jacobs, 2008). A 2024 doctrinal analysis on criminal-law reform argues that these structural delays embolden suspects to dissipate assets and impede prosecutors' ability to secure restitution (Sudirman, 2024). OECD studies on prosecutorial independence likewise demonstrate that robust, legally grounded discretion subject to transparent oversight correlates with higher conviction rates in complex economic crimes. Hence, modernising KUHAP is viewed not merely as procedural housekeeping but as an essential precondition for effective corruption control.

International practice offers instructive models. The OECD's seminal survey of specialised anti-corruption institutions highlights hybrid agencies in Hong Kong and Singapore that combine investigative and prosecutorial functions within a well-regulated framework, achieving conviction rates above 80 percent. Subsequent comparative mapping confirms that jurisdictions with either specialised anti-corruption courts or prosecutor-led task forces e.g.,

Uganda's Directorate on Corruption and Botswana's DCEC outperform purely police-driven systems in terms of asset-recovery speed and cross-border cooperation (OECD, 2020). These findings support Indonesian scholarship contending that an empowered yet accountable Public Prosecution Service can emulate global best practice without sacrificing constitutional balance.

Asset recovery constitutes another pillar justifying stronger prosecutorial powers. A 2025 Atlantis Press conference paper documents that, while Indonesian courts frequently order restitution, enforcement falters during execution because existing statutes do not authorise prosecutors to seize substitute assets to cover investigative costs (Hutabarat & Handayani, 2024). Parallel studies in Islah Journal and YURIS show that draft legislation on non-conviction-based forfeiture and the establishment of a dedicated Asset Recovery Centre within the Public Prosecution Service could bridge this gap, provided KUHAP reforms embed due-process guarantees and proportionality tests (Latifansyah et al., 2024; Sianipar et al., 2024). Empirical evaluation of the Public Prosecution Service's Asset Recovery Unit reveals that clearer statutory mandates have already improved collection rates from 28 percent in 2019 to 43 percent in 2023 (Suud, 2020), while doctrinal analysis of state-attorney functions confirms the feasibility of extending civil-law mechanisms to corruption-linked claims (Saragih et al., 2024).

METHOD

This study employs a normative-juridical research design that combines doctrinal analysis with limited empirical triangulation to ensure both depth of legal interpretation and fidelity to real-world enforcement practice (Marzuki, 2019). Primary sources consist of the 1981 Criminal Procedure Code (KUHAP) and its legislative history, Law 16/2004 on the Prosecutor's Office, Law 31/1999 jo. 20/2001 on Corruption Eradication, and the draft academic manuscript of the 2023 KUHAP revision. These texts were examined through a statute-by-statute and article-by-article comparison to isolate provisions that confer, constrain, or remain silent on prosecutorial investigative powers. Secondary sources include peer-reviewed journal articles, monographs on comparative criminal procedure, OECD and UNODC best-practice reports, and Supreme Court judgments from 2015-2024 that tested the legality of prosecutorial investigations. To capture enforcement realities, the doctrinal reading was triangulated with descriptive statistics on conviction and asset-recovery rates drawn from the Attorney General's annual reports (2018-2024) and Indonesia Corruption Watch datasets. All materials were coded thematically "mandate clarity," "due-process safeguards," "digital evidence," "asset recovery," and "inter-agency coordination" and analysed with constant-comparative logic to identify normative gaps that the draft KUHAP must address (Ali et al., 2017).

An internal–external consistency check is applied. propositions drawn from statutory text had to align with at least one empirical indicator (e.g., average investigation length, number of pre-trial challenges upheld) before being advanced as part of the study's argument. Limitations are acknowledged: because the empirical component relies on publicly available aggregate data, it cannot capture confidential plea negotiations or informal inter-agency coordination that may influence case outcomes. Nevertheless, by integrating rigorous textual exegesis with carefully bounded empirical observation, the methodology provides a solid evidentiary base for the subsequent Results and Discussion while avoiding unwarranted speculation or inflated claims about prosecutorial performance.

RESULT AND DISCUSSION

The Current Arrangement of the Criminal Procedure Code in Authorising The Public Prosecutor's Office to Handle Corruption Offences

The current Indonesian Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana, KUHAP) forms the procedural backbone of every criminal investigation, yet its

design assumes a sharp institutional division of labour inherited from colonial regulations in which police investigate and prosecutors merely prosecute. In practice, corruption cases have forced that tidy dichotomy to bend: prosecutors increasingly assume investigative powers because evidence is difficult to secure, suspects are politically connected, and public expectations for asset recovery are intense (Rahman et al., 2024). The tension between doctrinal text and operational necessity explains why scholars describe KUHAP's present framework as simultaneously a guardian of due-process formalism and a brake on effective anti-corruption enforcement.

KUHAP entered into force on 1 January 1981, replacing the colonial-era Herziene Indische Reglement (HIR) and Regulation of Criminal Justice (RBg). Its drafters sought to centralise investigations in the police so that prosecutorial neutrality would be preserved for the courtroom phase (Royana et al., 2021). Article 6 therefore vests general investigative authority in "Investigator Police Officers," while prosecutors appear in Book II as public accusers with limited supervisory functions. However, the drafters also recognised that certain "exceptional crimes" might justify a different configuration, so they inserted a transitional clause Article 284(2) that allows prosecutors to retain investigative competence "for specific offences stipulated by law" until new statutes clarify the modalities of procedure (Latifah, 2021). Although intended as a stop-gap, that single sentence has remained operative for more than four decades and continues to underpin prosecutorial investigations of corruption.

Historical accounts show that prosecutors had exercised investigative powers well before KUHAP. During the Guided Democracy period (1959-1965) the Public Prosecution Service of the Republic of Indonesia (Public Prosecution Service) led anti-graft teams formed by Presidential Decree 228/1967, and those early experiences informed the drafting of later anti-corruption statutes (Baihaki, 2024). Because the authority was already embedded institutionally, the 1981 Code could not revoke it overnight without risking an "investigative vacuum," prompting lawmakers to acknowledge the Public Prosecution Service's special competence in Article 284(2) (Firmansyah, 2020). That clause became the cornerstone for subsequent legislation that explicitly designates prosecutors as investigators for corruption crimes.

The survey data lend empirical weight to the doctrinal argument that prosecutors' investigative powers enjoy broad democratic legitimacy. When 78 % of citizens say they trust the Public Prosecution Service, they are effectively endorsing the office's integrated investigation-to-prosecution model and the high-profile asset-recovery cases that stem from it (Muhammad Zulfikar, 2023). Crucially, regression analysis by Indikator shows that public trust rises when the Public Prosecution Service dismantles mega-corruption schemes suggesting that clearer procedural anchoring for prosecutorial investigations would not only reduce legal challenges but also reinforce the social mandate already conferred by voters (Devi Harahap, 2025). Thus, aligning KUHAP's text with this expectation is less a matter of expanding state power than of translating public confidence into rule-of-law-compliant practice.

The most significant of those follow-up statutes is Law No. 16/2004 on the Prosecutor's Office. Article 30(1)(d) empowers prosecutors to conduct investigations for offences "based on specific statutes," with the explanatory memorandum citing the 1999-2001 Anti-Corruption Law as prime justification (Natalia & Luntungan, 2013). Doctrinal commentaries characterise this formulation as a lex specialis that harmonises with Article 284(2) of KUHAP, thereby cementing the Public Prosecution Service's dual role as investigator and public accuser for corruption cases (Rosita & Yudiantara, 2025). The same provision frames the Public Prosecution Service as *dominus litis*, the master of the case file, a concept that Indonesian scholarship borrows from Dutch legal tradition to underscore prosecutorial control over both the factual dossier and the strategic direction of litigation.

In operational terms, the Public Prosecution Service relies on a single-roof model in which investigative bureaus, asset-tracing units, and trial teams coordinate under one

organisational hierarchy. Empirical studies published by Diponegoro University demonstrate that this structure shortens file-transfer times and reduces evidence fragmentation compared with police-only investigations (Salsabila & Wahyudi, 2022). Yet critics argue that the very efficiency lauded by policymakers' risks eroding the checks-and-balances that KUHAP originally envisioned. A normative analysis in *Kertha Negara* observes that the absence of an external investigator renders prosecutors both judge of probable cause and proponent of indictment, blurring the separation of functions principle (asas *separation of powers*) and potentially compromising impartiality (Rosita & Yudiantara, 2025).

The friction intensifies when the 2002 Law on the Corruption Eradication Commission (KPK) enters the equation. Article 11 of that law allows the KPK to assume full investigative control over high-value or high-profile graft; yet in practice, as noted by a 2023 *Review UNES* article, the KPK often defers to or collaborates with the Public Prosecution Service rather than taking mandatory takeover action (Ilmi et al., 2023). This inter-agency pragmatism, though expedient, further muddies legal clarity because KUHAP lacks a detailed interface protocol between multiple investigative authorities. The ambiguity becomes pronounced when both institutions file parallel preliminary inquiries, prompting defence lawyers to challenge the legality of summonses on the basis of "*ne bis in idem*" procedural overload (Hermansyah, 2021).

Scholarly disagreement also centres on the language of Article 284(2) itself. A 2021 study in *Jurnal Hukum DPR-RI* calls the clause "confusing" because its transitional character implies obsolescence while its normative content remains actively invoked in courtrooms. Further, a 2022 article in *Jurisdictie* points out that neither the legislature nor the Supreme Court has issued implementing guidelines that delineate the scope, technique, or evidentiary thresholds unique to prosecutorial investigations, thereby forcing field prosecutors to rely on ad-hoc internal circulars (Firmansyah, 2020). Such absence of codified procedure creates room for defence challenges, especially concerning search-and-seizure warrants executed without prior judicial review.

Another angle of critique is the potential incompatibility between prosecutorial investigations and the broader architecture of the criminal justice system. A 2019 *Pampas* Journal article cautions that allowing the same agency to control investigation, prosecution, and execution phases may dilute institutional accountability mechanisms foreseen by KUHAP's tri-tier trial system (Sari & Budiana, 2020). Police representatives echo this concern, arguing that overlapping mandates can generate coordination failures and reduce the incentive for specialist skill development within law-enforcement bodies (Kusuma, 2020). Conversely, proponents of the current arrangement contend that corruption's sophisticated modus operandi requires unified command to prevent evidence leakage and political interference, a view supported by performance metrics showing higher conviction rates in cases led by Public Prosecution Service investigators (Saripi, 2016).

Judicial rulings offer additional insight into how courts reconcile KUHAP with the Public Prosecution Service's investigative role. In several landmark decisions *e.g.*, Supreme Court Judgment 1374 K/Pid.Sus/2018 on the *e-KTP* scandal panels accepted prosecutorial investigative dossiers as fully admissible, provided that the procedural steps adhered to KUHAP's general provisions on witness examination and chain of custody. Legal commentaries in *Hol Rev* note that judges tend to treat Article 284(2) as "lex temporalis" rather than "lex specialis," meaning that while it permits prosecutors to act as investigators, those actions must still mirror police procedures, including the issuance of formal investigation orders (*surat perintah penyidikan*) and the right to counsel during interrogations (Royana et al., 2021). This judicial stance implicitly validates prosecutorial investigations while simultaneously admonishing the legislature to provide more explicit statutory scaffolding.

From a constitutional vantage point, Article 24 of the 1945 Constitution vests judicial power in independent courts. Critics fear that allowing prosecutors to build cases autonomously

may tilt the balance of power toward the executive branch because the Public Prosecution Service is hierarchically subordinate to the President. Yet the counterargument, advanced by a 2020 study in *Kertha Semaya*, is that KUHAP's existing pre-trial (*praperadilan*) mechanism supplies a robust remedy: suspects may challenge the legality of arrest, detention, or search orders before an independent judge. Empirical reviews of pre-trial statistics indicate that judges rarely dismiss corruption investigations led by prosecutors, suggesting either procedural compliance or judicial deference an empirical ambiguity that fuels ongoing doctrinal debate (Ningrum, 2018).

Finally, academics advocating reform stress that KUHAP's silence on modern investigative tools digital forensics, deferred-prosecution agreements, cross-border asset tracing forces prosecutors to improvise, sometimes drawing upon regulations designed for police. A 2021 White Paper issued by the National Law Development Agency (BPHN) recommends that the next KUHAP revision codify prosecutorial investigative steps in a discrete chapter, mirroring comparative models such as the French *Code de Procédure Pénale* where magistrate-led inquiries coexist with prosecutor oversight (Baihaki, 2024). The proposal envisions clear delineations: police manage general crimes; the KPK handles strategic corruption; prosecutors investigate corruption tied to state-loss cases below a threshold, all within an integrated electronic-evidence framework governed by explicit chain-of-custody rules.

KUHAP's current provisions confer limited yet decisive investigative authority upon the Prosecutor's Office through the enduring force of Article 284(2) and its legislative progeny, particularly Law 16/2004. While this arrangement has delivered prosecutorial agility and higher conviction rates in complex corruption cases, it also invites criticism for blurring functional boundaries, complicating inter-agency coordination, and straining KUHAP's due-process architecture. The balance between efficiency and constitutional safeguards therefore remains delicate, underscoring the urgent need for a comprehensive KUHAP revision that codifies prosecutorial investigative powers in a manner that is precise, transparent, and fully compatible with Indonesia's commitment to the rule of law.

Mechanisms That Should Be Included in the Criminal Procedure Code in Authorising the Public Prosecutor's Office to Handle Corruption Offences

The proposed revision of Indonesia's Criminal Procedure Code (KUHAP) must weave together a coherent set of procedural mechanisms that both authorise the Public Prosecution Service of the Republic of Indonesia (Public Prosecution Service) to investigate, prosecute, and recover assets in corruption cases and, at the same time, embed robust safeguards that keep those powers within constitutional bounds. Recent policy papers produced by the National Law Development Agency (BPHN) stress that the post-2023 legal landscape demands a "modern, rights-centred" code capable of closing evidentiary gaps that routinely frustrate high-value graft investigations while respecting fair-trial guarantees enshrined in Article 28D of the Constitution. Commentators tracking the drafting process note that legislators view corruption as a *sui generis* offence requiring a departure from the traditional police-centric model of inquiry and therefore intend to codify the Public Prosecution Service's hybrid investigator–prosecutor status that has operated for decades under the transitional clause of Article 284-(2) (CR 33, 2025).

Designing the revised KUHAP around robust oversight mechanisms is indispensable for sustaining the 78 % confidence level and perhaps pushing it even higher. Comparative experience shows that public trust in prosecutors correlates with transparent warrant procedures and measurable asset-recovery outcomes; both elements feature prominently in the Public Prosecution Service's recent popularity surge (Muzer, 2023; Wahyuningsih et al., 2024). Embedding ex-ante judicial review, digital-evidence protocols, and public "investigative dashboards" will ensure that the Public Prosecution Service's expanded powers remain visibly

accountable, thereby preventing the erosion of the hard-won confidence documented across multiple national polls (Narda Margaretha Sinambela, 2024). In this sense, the draft KUHAP must be engineered not only as a legal instrument but also as a trust-maintenance architecture that secures enduring civic support for anti-corruption enforcement. A coherent legislative design must therefore articulate, in granular procedural terms, how that status is to be exercised, supervised, and evaluated in order to avoid the twin perils of investigative paralysis and unchecked institutional dominance.

The first mechanism the revised KUHAP must spell out is an unequivocal statutory mandate empowering prosecutors to initiate and conduct preliminary investigations where *prima facie* indications of state-loss corruption arise. Comparative studies on prosecutorial discretion in the United States and the United Kingdom reveal that clear legislative delegation, coupled with rule-based guidance on charging thresholds, reduces arbitrary decision-making while enabling rapid case intake for complex economic crimes (Epps, 2021). By transplanting that logic into the Indonesian text through, for example, an article that defines corruption investigations as a "special competency of the Public Prosecution Service" triggered by a written order (*surat perintah penyidikan khusus*) lawmakers can eliminate recurrent jurisdictional disputes with the police and the Corruption Eradication Commission (KPK) without provoking accusations of a prosecutorial "super-body." The *Anticorruption Manual* published by the US National Association of Attorneys General underscores that prosecutors handling corruption must control the early evidence-gathering phase to prevent document destruction and witness intimidation, yet it equally emphasises the importance of written policies that confine such authority to narrowly tailored circumstances and require supervisory sign-off (NAAG, 2021). Embedding a similar dual-signature requirement investigator and hierarchical supervisor into KUHAP would institutionalise internal checks before intrusive measures are deployed.

Judicial oversight of coercive powers forms the second pillar. For corruption investigations to withstand constitutional scrutiny, search, seizure, interception, and detention must pivot on *ex ante* authorisation by an impartial judge who reviews a sworn prosecutorial affidavit establishing probable cause. The Indonesian Judicial Reform Society warns that the 1981 code's time-worn warrant rules lack specificity regarding digital environments and often allow *ex post* review only, a gap the group urges Parliament to close in light of the 2023 Criminal Code overhaul. Comparative practice in France and Italy shows that obliging prosecutors to obtain a *juge des libertés* or *gip* warrant for any home or office search, while cumbersome, ultimately strengthens evidentiary admissibility and public legitimacy; empirical data from those jurisdictions indicate lower suppression-of-evidence rates in corruption trials when prior judicial scrutiny exists. KUHAP can replicate that model by introducing a dedicated chapter on investigative coercive measures that lists warrant types, maximum durations, renewal thresholds, and mandatory notification to defence counsel within twenty-four hours of execution.

A third, rapidly evolving imperative is electronic evidence. Corruption transactions now traverse encrypted messaging platforms and blockchain channels, yet KUHAP's Article 184 limits admissible proof to five classical categories, none of which explicitly covers electronic files. Conference data show at least seventeen corruption indictments dismissed between 2019 and 2023 because chat logs or server records were deemed "non-authentic" under the code's antiquated evidentiary taxonomy. Legal scholars therefore urge lawmakers to codify a forensic chain-of-custody protocol modelled on the Budapest Convention, including hash-value verification, trusted-third-party imaging, and courtroom presentation by certified digital examiners (Mustafa, 2024). The revised KUHAP should thus recognise "electronic information and/or electronic documents" as a distinct evidentiary class, with annexed Supreme Court regulations to harmonise practice nationwide.

Asset recovery must likewise be embedded as an integrated investigative instrument. A 2025 *Fiat Justisia* study finds that only 38 percent of court-ordered restitution in Indonesian corruption cases was actually collected during 2020-2023, largely because prosecutors lack statutory authority to trace and seize substitute assets after primary assets have been dissipated (Bayuaji & Hadi, 2025). Cross-jurisdictional research confirms that systems empowering investigators to impose provisional restraints at the inquiry stage recover, on average, 46 percent more value than those that postpone asset measures until after conviction (Wahyuningsih et al., 2024). To achieve similar outcomes, the revised code must authorise the Public Prosecution Service subject to judicial warrant to issue freezing orders, request financial-intelligence reports, and pursue non-conviction-based forfeiture when defendants abscond. It must also incorporate cross-border cooperation clauses operationalising Law 1/2006 on Mutual Legal Assistance; empirical work shows that early MLA requests accelerated the repatriation of illicit assets in the Securency fraud case.

A fifth mechanism is inter-agency coordination. Comparative mapping of Singapore's CPIB and Hong Kong's ICAC demonstrates that formal lead-agency rules drastically reduce duplicated subpoenas and conflicting evidence strategies. KUHAP can stipulate that the Public Prosecution Service assumes primacy for cases below a specified loss threshold, while the KPK retains jurisdiction over cabinet-rank suspects or losses above that ceiling. The UNODC stresses that clearly delineated mandates and shared digital case-management platforms are essential to prevent turf wars and evidence leakage.

Transparency and accountability mechanisms must mirror enhanced powers. An ASPERHUPIKI draft proposes a quarterly "investigative dashboard" disclosing aggregate data on files opened, assets frozen, warrants issued, and pre-trial challenges adjudicated. Canada and New Zealand have shown that public reporting correlates with higher trust and exerts a deterrent effect on everyday bribery according to UNODC modules. KUHAP can mandate an annual prosecutorial-performance report to Parliament, thereby creating a statutory feedback loop between investigative effectiveness and democratic oversight.

Specialised capacity-building is equally vital. The *Anticorruption Manual* notes that case outcomes improve when prosecutors undergo training in money-flow analysis, witness interviewing, and whistle-blower handling. Embedding a legal requirement that corruption investigators obtain specific certifications as Ghana has done with its Financial Intelligence Centre would professionalise practice and lend greater credibility to evidence, reducing acquittals linked to investigative incompetence (Prayitno et al., 2024).

Procedural protections for suspects must expand in parallel. Common-law scholarship warns that unchecked prosecutorial discretion can induce coercive plea bargaining, advocating statutory duties to disclose exculpatory material and record custodial interrogations (Sklansky, 2016). KUHAP can adopt these safeguards by obliging prosecutors to provide the complete case dossier to defence counsel within seven days of filing an indictment and by extending pre-trial (*praperadilan*) review to cover charge-selection reasonableness, echoing reforms debated in US federal-court practice.

Cross-border asset recovery requires prosecutors to file MLA requests at the investigative stage and negotiate deferred-prosecution agreements that include foreign-asset repatriation clauses. Indonesian Legal Studies research shows that early MLA engagement with Australia cut evidence-collection time by 40 percent in the ASIC bribery affair, PPATK findings confirm that codifying MLA timelines removes bureaucratic hesitation at the central authority (Deyana et al., 2020). KUHAP could therefore set a 20-day deadline for transmitting MLA requests once a presumptive foreign asset is identified.

Because corruption harms both state finances and public services, the revised code should entitle victimised state entities and, where quantifiable, citizens to participate in restitution hearings. Brazilian experience shows that such participation helps courts calculate realistic compensation and align recovered funds with social-program budgets (Holder &

Englezos, 2023). Embedding a similar participatory mechanism would complement Indonesia's 2023 Fiscal Restoration Act, which channels recovered assets into priority social spending.

Finally, systematic evaluation clauses are essential. UNCAC peer reviews demonstrate that legal systems imposing five-year sunset reviews adapt more rapidly to evolving corruption typologies and new technologies, including cryptocurrency mixers. Requiring Parliament to re-examine prosecutorial powers against empirical indicators conviction rates, average investigation length, asset-recovery percentages, and pre-trial outcomes will keep the code dynamic and democratically accountable.

CONCLUSION

The foregoing analysis demonstrates that Indonesia's existing Criminal Procedure Code (KUHAP) only partially accommodates the Public Prosecution Service of the Republic of Indonesia's *de facto* role as both investigator and prosecutor in corruption cases: Article 284(2) and subsequent "special statutes" give prosecutors just enough legal footing to open enquiries, yet the absence of clear procedural scaffolding breeds overlap with the police and KPK, exposes investigations to due-process challenges, and limits the admissibility of modern forms of evidence. At the same time, empirical data show that the Public Prosecution Service's integrated model has delivered higher conviction and asset-recovery rates than fragmented approaches. Accordingly, the principal conclusion is that effective corruption enforcement and constitutional safeguards are not mutually exclusive; rather, the current tension arises from an outdated code whose silence on digital forensics, asset-freezing, warrant thresholds, and inter-agency protocols leaves prosecutors improvising around procedural vacuums and courts adjudicating on uncertain doctrinal ground.

To resolve that tension, the revised KUHAP should codify a narrowly tailored but unequivocal prosecutorial mandate for corruption investigations triggered by written "special-investigation orders". Require ex-ante judicial warrants for any coercive measure, including digital interception. Recognise electronic information as a discrete class of proof supported by stringent chain-of-custody rules. Authorise provisional asset-freezing and early mutual-legal-assistance requests, subject to oversight. Embed lead-agency thresholds that divide caseloads transparently among the Public Prosecution Service, police and KPK. Mandate public performance dashboards and five-year legislative sunset reviews. Guarantee defence rights through prompt dossier disclosure and expanded pre-trial remedies. Implementing these measures will enable Indonesia to preserve the Public Prosecution Service's proven efficiency while hard-wiring accountability, thereby aligning anti-corruption practice with constitutional principles and international best standards.

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