

The Role of the Prosecutor's Office in Enforcing Anti-Corruption Laws within Local Governments: A Socio-Legal Perspective

Cahyo Purnomo¹, Fokky Fuad², Suartini^{3*}

¹Universitas Al Azhar, Indonesia

²Universitas Al Azhar, Indonesia

³Universitas Al Azhar, Indonesia

*Corresponding Author: suartini@uai.ac.id

Article History:

Submitted:

20-10-2024

Received:

24-12-2024

Accepted:

12-01-2025

Keywords:

corruption crimes; law enforcement; prosecutors; local government

Abstract

This study aims to analyze the role of the Prosecutor's Office in enforcing anti-corruption laws within local governments from a socio-legal perspective. The research adopts a normative juridical method using a statutory and conceptual approach. Corruption is classified as an extraordinary crime that must be eradicated within society. In Indonesia, corruption cases are predominantly committed by local government officials. The enforcement of anti-corruption laws in Indonesia is primarily dominated by the Prosecutor's Office. In this context, a socio-legal perspective is required to support the enforcement of anti-corruption laws. Law enforcement actions against corruption at the local government level constitute social actions that inherently involve socio-legal aspects, as they produce both positive and counterproductive social impacts. The role of the Prosecutor's Office in enforcing anti-corruption laws within local governments must account for these social impacts. The findings of this study reveal that law enforcement against corruption generates diverse social outcomes. The positive impacts include increased support from the public, NGOs, and local governments for the law enforcement process. Such support typically arises when law enforcement actions are carried out transparently and in accordance with procedural norms. Conversely, counterproductive impacts include disruptions to local development programs, particularly when human resources in local governments become preoccupied or hindered by legal proceedings. Government officials often hesitate to assume strategic financial positions due to fear of legal repercussions, leading to stagnation in the execution of critical tasks, especially those involving state financial management.

1. Introduction

The crime of corruption, which is an extraordinary crime, has a more complicated complexity than conventional crimes or even other special crimes. Law enforcement of corruption crimes in Indonesia is carried out by various institutions, namely the police, prosecutors, the Corruption Eradication Commission (KPK), and Civil Servant Investigators (PPNS) in accordance with the legal provisions that form the basis of their respective laws. The crime of corruption is one of the crimes that has become the public spotlight. Corruption in Indonesia occurs in all lines and sectors of government, both at the central and local government levels. In the reform era, corruption became the main focus of government bureaucracy reform with the establishment of the KPK. However, at the local government level, the task and authority of law enforcement of corruption is given to the Attorney General's Office, the Police, and Civil Servant Investigators in the area.

Indonesia Corruption Watch (ICW) has released a report on the results of monitoring the Trends in the Prosecution of Corruption Cases in 2022. The report illustrates that in Indonesia, corruption cases are mostly committed by local government employees at 26.15%,

followed by the private sector at 22.85%, and the smallest is law enforcement officials at 0.72%. Corruption in local government is much greater due to the vast territory of Indonesia. ICW has reported that two factors influence a region with the highest corruption rate. The first is that public participation in reporting suspected corruption cases is high. This also includes that the surrounding community also supervises the handling of a corruption case by law enforcement. Second, the activeness of law enforcers in the region itself in prosecuting corruption cases, including information on the handling of cases is relatively easy to obtain¹.

The Attorney General's Office of the Republic of Indonesia is one of the state institutions in law enforcement of corruption crimes mandated in Law of the Republic of Indonesia Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia (hereinafter referred to as Law No. 11/2021). In Article 27 of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (hereinafter referred to as Law No. 16/2004), in matters related to law in the regions, the implementation of tasks is delegated to the district prosecutor's office. Article 30 paragraph (1) letter d of the Prosecutor's Office Law has given the prosecutor's office the authority to investigate certain criminal acts based on the law. Internally, the prosecutor's office has issued Supreme Court Regulation No. PER-039/A/JA/10/2010 (Perjagung No.39/2010) which regulates the authority of the prosecutor's office in the investigation and prosecution of Tipikor cases. As the spearhead in eradicating corruption, the role of the prosecutor's office as one of the instruments of law enforcement for corruption crimes needs to be considered. The ICW report also provides an overview of the performance of law enforcement, especially in the regions. In general, the Attorney General's Office has handled 405 cases with 909 people named as suspects and potential state financial losses amounting to IDR 39.2 trillion, which exceeds the performance of other law enforcement officials such as the Police and the KPK. Law enforcement should ideally be carried out by paying attention to all aspects, not just the legality aspect. Law enforcement must also pay attention to the impact of social aspects so that the objectives of law enforcement can be achieved perfectly. Law enforcement of corruption in local government certainly has a social impact that can be studied with the sociology of law. From the perspective of legal sociology law enforcement of corruption must be studied more deeply so that the role of the prosecutor's office in law enforcement of corruption reaches its goal, not only certainty, and justice in law, but the main thing is to maintain Indonesia's development towards a better direction.

In this study, the author compares the findings with three prior studies. The first is a study conducted by Dewi Muti'ah, titled "*Peran Kejaksaan Dalam Pencegahan dan Penanganan Perkara Penyelewengan Pengelolaan Dana Desa Untuk Penanganan Pandemi Covid-19*" The results of this are known practices and modes of misappropriation of village funds for handling the Covid-19 pandemic as well as the role of the Attorney General's Office in preventing and handling the problem of misappropriation of village funds by forming a Team of Guards, Government Security and Regional Development (TP4D) to take action prevention and

¹ Muhammad Habibi, "Independensi Kewenangan Komisi Pemberantasan Korupsi Pasca Perubahan Undang-Undang Komisi Pemberantasan Korupsi," *Cepalo* 4, no. 1 (2020): 41-54, <https://doi.org/10.25041/cepalo.v4no1.1962>.

repressive measures in eradicating corruption in misappropriation of village funds². The second study, conducted by I Made Agus Mahendra Iswara, is titled "*Peran Kejaksaan dalam Pemberantasan Tindak Pidana Korupsi Desa Di Indonesia*." The results of this analysis indicate that referring to the Law on Prosecution the Prosecution has a role in combating corruption in the criminal field (in this case village corruption), namely conducting investigations, investigations, prosecutions, and case executions. Besides that, in the case of preventive efforts, intelligent Pidsus, and Special Crimes Section, facilities were formed, for example, the formation of several task forces (task force) with specific tasks in this case related to the prevention of village corruption³. The third study, by Izzudin Arsalan, is titled "*Reposisi Kewenangan Kejaksaan Dalam Melakukan Penegakan Tindak Pidana Korupsi dan Maladministrasi Pemerintahan*." The novelty of this research lies in the deviation from the enforcement of corruption crimes carried out by the prosecutor's office since the birth of the MoU between the Ministry of Home Affairs, the Prosecutor's Office and the Police must be stopped immediately with the prosecutor's step withdrawing from the MoU and in carrying out the task of handling corruption the prosecutor's office runs according to positive legal norms that regulated in Law Number 16 of 2004 concerning the Prosecutor's Office and reinforced in Law Number 8 of 1981, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, Law Number 16 of 2004, Government Regulation Number 27 of 1983, Presidential Regulation of the Republic of Indonesia Number 38 of 2010 and PERJA Number PER. 009/A/JA/2011, PERJA-039/A/JA/2010⁴.

2. Methods

The research method employed in this study is a literature review. The research approach used is normative legal research with a statutory approach. Specifically, the study focuses on the role of the Prosecutor's Office in enforcing anti-corruption laws within local governments in Indonesia⁵. The researcher utilizes theoretical analysis and document review to explore the socio-legal perspective in understanding the interaction between the legal system and social realities, particularly in the context of the relationship between law and society. Data collection involves identifying relevant literature and legal documents. Conceptual analysis evaluates key sociological theories and their applications within the legal context. Interpretation and discussion focus on the implications for legal policymaking. Conclusions and recommendations are drawn based on the analysis, aiming to enhance the inclusivity and responsiveness of the legal framework to social dynamics.

3. Results and Discussion

3.1. Social Impact of Anti-Corruption Law Enforcement in Local Governments

² Abd Wachid Habibullah and Dewi Muti'ah, "Peran Kejaksaan Dalam Pencegahan Dan Penanganan Perkara Penyelewengan Pengelolaan Dana Desa Untuk Penanganan Pandemi Covid-19," *Interdisciplinary Journal on Law, Social Sciences and Humanities* 4, no. 1 (2023): 126, <https://doi.org/10.19184/ij.v4i1.37970>.

³ I Made Agus Mahendra Iswara and dan Ketut Adi Wirawan, "Peran Kejaksaan Dalam Pemberantasan Tindak Pidana Korupsi Desa Di Indonesia," *Jurnal Kertha Wicaksana* 14, no. 1 (2020): 69-76, <https://doi.org/10.22225/kw.14.1.1799.69-76>.

⁴ Izzudin Arsalan et al., "Reposisi Kewenangan Kejaksaan Dalam Melakukan Penegakan Tindak Pidana Korupsi Dan Maladministrasi Pemerintahan," *Jurnal Usm Law Review* 4, no. 2 (2021): 651, <https://doi.org/10.26623/julr.v4i2.4248>.

⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, 2016.

The enforcement of anti-corruption laws within local governments has diverse social impacts, both positive and counterproductive. Law enforcement actions against corruption in local governments can stem from information provided by the media, NGOs, the public, or other government agencies. This reflects a social responsibility, as everyone has the right to report suspected corruption. Public reports related to corruption are governed by Government Regulation No. 43 of 2018 on the Procedures for Community Participation and Awarding in the Prevention and Eradication of Corruption (hereinafter referred to as PP No. 43/2018). The information provided will be verified to determine if it can be acted upon⁶.

Information that is acted upon will likely lead to appreciation from the reporter, such as the public or NGOs if their report is accepted. Additionally, support for law enforcement will be strengthened if the report is processed according to procedures and genuinely concerns a corruption offense. Public support will, in turn, enhance the dignity and reputation of law enforcement agencies. However, if the information provided by the public or NGOs is not acted upon in accordance with procedural norms, the public or NGOs may perceive law enforcement as unresponsive or, worse, believe that law enforcement authorities are complicit in benefiting from the corruption.

The positive social impacts of anti-corruption law enforcement in local governments can include positive reactions and support from local governments when corruption harms them due to the actions of corrupt officials or private individuals⁷. While the primary goal of law enforcement is to uncover corruption within local governments, it also generates counterproductive social impacts on the performance of local government institutions. These institutions, which are responsible for various government functions, may experience disruption as human resources become focused on the law enforcement process⁸.

The law enforcement process, such as requests for statements or acting as witnesses, can consume time and mental focus for the officials called upon during legal proceedings. Even those who are not directly called upon can be affected, as departments within a local government are interconnected. Whether called or not, employees instinctively develop feelings of fear, anxiety, and caution when involved in the law enforcement process. Eventually, these employees may avoid roles associated with financial management, such as becoming Strategic Financial Officials, Procurement Officials, or Treasurers, due to concerns about legal repercussions. Consequently, the most affected area within the government organization is the financial management function, as corruption is intrinsically tied to state financial resources.

This phenomenon is evident in Indonesia. For example, in Bangka Regency, the Regent complained that civil servants (ASN) in Bangka are afraid to take on the role of the Budget

⁶ Mohd. Yusuf DM et al., "Perspektif Sosiologi Terhadap Efektivitas Penegakan Hukum Di Masyarakat," *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 2 (2023): 1118–22. <https://doi.org/10.31004/jpdk.v5i2.13662>

⁷ Vania Oktaviani Dewi and Irwan Triadi, "Penyelesaian Tindak Pidana Korupsi Oleh Subjek Militer Saat Sedang Menduduki Jabatan Sipil," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 1, no. 4 (2023): 197. <https://doi.org/10.51903/hakim.v1i4.1455>

⁸ Salman Alfarisi and Muhammad Syaiful Hakim, "Hubungan Sosiologi Hukum Dan Masyarakat Sebagai Kontrol Sosial," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 1, no. 2 (2022): 20–28, <https://doi.org/10.52005/rechten.v1i2.37>.

Commitment Official (PPK) for fear of being implicated in corruption (Bangkapos, April 1, 2014). In Cirebon in 2017, no employees were willing to serve as PPK for the renovation of the Bima Main Stadium (Radar Cirebon, August 28, 2017). In Batang Regency, there were obstacles because civil servants were afraid of becoming PPK (Media Nasional, May 7, 2018). Even in East Nusa Tenggara (NTT), a civil servant teacher resigned from the position of Treasurer for the School Operational Assistance Fund due to fears of being suspected of corruption (Mimpi NTT, July 5, 2022). In Banten, 20 officials from the Banten Health Department collectively resigned when one of the PPKs was designated as a suspect (Tangerangonline, May 31, 2021). Similarly, in Muara Enim, 18 PPKs and 23 PLs in the Public Works and Housing Office of Muara Enim Regency resigned from their positions due to fears of being involved in corruption (Tribun Sumsel, February 22, 2022). These reports reflect a widespread social phenomenon among civil servants across Indonesia.

The internal attitude of civil servants, who fear taking up positions related to financial management, represents a specific behavior of avoidance or fleeing from a situation they perceive as threatening to their safety. Within humans, there are two levels of emotion: primary and secondary emotions. Primary emotions are basic emotions that are biologically ingrained from birth, such as happiness, sadness, anger, and fear. Secondary emotions are more complex than primary emotions. Secondary emotions involve self-awareness or self-evaluation, and their development depends on an individual's cognitive growth, such as feelings of shame or jealousy. Therefore, it is clear that the act of avoidance is a manifestation of fear within a person⁹.

The fear experienced by them can be understood as a form of consciousness of law that shows how law can have unintended social effects. This fear reflects how civil servants may feel threatened or burdened by existing legal regulations, which are seen as repressive rather than protective. This may be due to uncertainty in the application of laws that are perceived as more likely to punish or control behavior, rather than protect their rights or interests. This fear, in the context of the sociology of law, can be seen as the result of the tension between laws that are supposed to provide security and justice, but in practice, create discomfort or fear. Overly repressive laws can lead to social alienation, and in the case of civil servants, this can refer to feeling isolated or threatened in the performance of their duties. Therefore, while laws aim to create order, in some cases their insensitive application to social needs can cause unwanted fear and anxiety among the public, including civil servants. This fear is grounded in several factors. First, there is the significant responsibility associated with managing state finances. This responsibility is substantial because every government expenditure must be accounted for, often through inspections and audits by authorized bodies. Second, the risk of being implicated in corruption or other legal issues is much greater for officials handling finances than for those in other roles, should they become entangled in legal problems. Third, there is the issue of legal protection and assistance in case of legal issues, particularly for officials who do not gain personal benefit. Fourth, the penalties faced by these officials include not only the requirement to repay any misappropriated state funds but also criminal sanctions

⁹ Arianus Harefa, "Problematika Penegakan Hukum Pidana Mati Pada Tindak Pidana Korupsi Dalam Perspektif Perlindungan HAM," *Jurnal Panah Keadilan* 1, no. 2 (2022): 99-116. <https://doi.org/10.57094/jpk.v1i2.456>

such as imprisonment and dismissal from office with dishonor (PTDH). Furthermore, if an official is a suspect and subsequently passes away, the state prosecutor can seek civil compensation from the official's heirs for the restitution of state losses. All these factors contribute to civil servants' fear of taking up positions related to financial management¹⁰. The fear felt by ASN in taking strategic positions or engaging in important decision-making can be understood as a social impact rooted in legal uncertainty and inconsistent application of the law. In the context of public administration, basic principles such as efficiency, accountability, and legal certainty are highly dependent on the readiness and courage of ASNs in carrying out their duties. However, when the law is perceived as more repressive than protective, or when the application of regulations is not transparent, ASNs tend to feel threatened and avoid positions that require making important decisions, even though they can do so.

One of the biggest impacts of this fear is the hampering of efficiency in government. Efficiency in the context of public administration means quick, appropriate, and optimal decision-making to achieve the goals of good governance. However, when ASNs are afraid to engage in decision-making due to concerns about legal risks, strategic positions can be vacant or filled by incompetent individuals. This not only slows down the decision-making process but also reduces the government's ability to respond to people's needs quickly and effectively. Ultimately, this fear leads to a stagnant bureaucracy, which is far from the desired goal of efficiency.

In addition, ASN fears are also directly related to the principle of accountability. Accountability requires every action taken by public officials to be accountable to the public. When ASNs feel threatened or afraid of being punished for decisions they make, even though they are in accordance with existing regulations, they will tend to avoid taking responsibility or important decisions. This reluctance to take responsibility has the potential to reduce the quality of public administration management. Without clear accountability, the government becomes less transparent, and it is difficult for the public to ensure that decisions taken are truly in their interest. The principle of legal certainty is also compromised in this situation. Legal certainty should guarantee that every individual, including ASN, can act with confidence that their actions will not be arbitrarily blamed or punished. However, the fear felt by ASNs of unclear or unfair legal sanctions indicates uncertainty in the application of the law. ASNs who feel threatened by legal sanctions will hesitate in carrying out their duties, and this creates a climate of uncertainty, which ultimately undermines trust in the legal system and government itself.

This fear inevitably hinders the development of local governments, as human resources in the public sector become unwilling or unable to carry out governmental duties. Ultimately, this situation leads to negative consequences for the public, especially in areas of governance affected by law enforcement. Anti-corruption law enforcement in local governments has social consequences, and such processes should not obstruct the performance of the local

¹⁰ Dominikus Jawa, Parningotan Malau, and Ciptono Ciptono, "Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia Corruption Criminal Law Enforcement Challenges in Indonesia Nilai Indeks Persepsi Korupsi Indonesia Tertinggi Di Asia Tenggara . Ini Berbeda" 7, no. 2 (2024): 6-7, <https://journals.usm.ac.id/index.php/julr/article/view/9507/4423>.
<http://dx.doi.org/10.26623/julr.v7i2.9507>

government institutions that are the subjects of legal action. To reduce negative social impacts, such as the fear felt by ASN in carrying out their duties, there is a need for more forward-looking legal solutions. Fear arising from legal uncertainty or the risk of unclear sanctions can hamper government performance and reduce efficiency and accountability in public administration. Therefore, a more comprehensive vision based on good governance principles is needed to create a safe, efficient, and transparent environment for civil servants.

One step that can be taken is to propose regulations that emphasize shared responsibility in regional financial management. Local budget management is often a vulnerable point for civil servants, as decisions made in budget management can carry legal risks. In this case, regulations that emphasize collective responsibility in local financial management can help reduce employees' fear of making important decisions. With this provision, budget management is no longer an individual burden, but a shared responsibility between the various parties involved. This not only reduces the potential for mistakes or abuse of authority but also increases the sense of security for civil servants to carry out their duties responsibly, without having to worry about severe legal consequences. In addition, it is important to formulate more transparent legal procedures to protect civil servants who act under the regulations. Uncertainty in the application of the law often creates fear among civil servants, especially about sanctions or disciplinary actions that may be disproportionate or unfair. For this reason, clearer and more open procedures should be introduced, ensuring that every step taken by civil servants in carrying out their duties can be accounted for and will not be exposed to legal risks that are not under existing provisions. For example, a system of legal consultation or legal guidance provided by government agencies can help civil servants make decisions that are in line with applicable rules, as well as provide protection if they act in good faith.

3.2. The Prosecutor's Role in Tackling Local Government Corruption: A Socio-Legal Perspective

Sociology comes from the Latin word *socius* which means "friend" and the Greek word *Logos* which means "word" or "talk", so sociology talks about society. The specificity that sociological behavior is human is always seen in relation to social and cultural structures that are owned, shared, and supported together. According to Auguste Comte, sociology is a science that studies humans as creatures who have the instinct to always live together with others. According to Emile Durkheim, sociology is the study of social facts. Social facts are ways of acting, thinking, and feeling that are outside the individual, and have the power to force and control. Max Weber explains that sociology is the study of social action. Social action is an action that is carried out by considering and orienting towards the behavior of others.

Law enforcement of corruption in local governments is often faced with a significant gap between the "law on the books" (legal norms written in laws and regulations) and the "law in action" (the actual application of the law in the field). Although anti-corruption law in Indonesia has been expressly regulated in various regulations, including the updated Law No. 31/1999 on the Eradication of Corruption, as well as various other legal instruments, the reality is that the implementation of this law does not always go as expected. One of the main causes is the discrepancy between written legal norms and the social reality that exists in society, which causes distortions in law enforcement.

The AGO, as one of the law enforcement agencies responsible for the investigation and prosecution of corruption cases, has a very important role in this effort. However, social and political constraints often affect the effectiveness of the AGO in carrying out its duties. In many cases, even if there is sufficient evidence to prosecute corruption defendants, social pressure, political intervention, or even internal institutional problems can hinder the legal process. In addition, in some situations, weak oversight and transparency mean that local officials or parties involved in corrupt practices feel safe to commit such acts, as they believe they can avoid punishment or at least slow down the legal process.

This gap is a major problem, given the social impact of corruption crimes that harm society, increase distrust of the legal system, and hamper regional development. Theoretically, the law aims to uphold justice, provide legal certainty, and restore a just state for society. However, in practice, the law often fails to meet society's expectations in this regard, and sometimes even exacerbates existing injustices. Therefore, there needs to be an in-depth reflection on how the law can achieve a balance between legal certainty, justice, and wisdom in the context of law enforcement of corruption in local government. Legal certainty, in this context, leads to consistent and firm action against perpetrators of corruption. However, this certainty must be considered with wisdom and justice, especially in considering social conditions and the impact caused by the legal action. The deterrent effect expected from criminal sanctions against corruption is important, but it also needs to be considered whether the existing law is sufficient to provide justice felt by the community, or whether the punishment given seems unfair or not under the social impact caused by the criminal act. Therefore, there is an urgent need to create a better balance between formal legal aspects and social considerations at every step of law enforcement. In the context of social interaction, problems can occur that make people trapped in a cycle of conflict that is difficult to resolve. This motivates humans both individually and in society by providing alternative law as a set of values and norms that can reconstruct troubling social turmoil. The dynamics of social life are not easily resolved without being based on basic concepts that can be implemented as a basis or social role model. The study of concrete social science then corresponds to the science of law, so that social science is the basic framework for the study of legal sociology¹¹.

Sociology of law is one of the branches of sociology that is still new but still important because it relates to aspects of community life. According to Soerjano Soekanto, legal sociology is a branch of science that analytically and empirically analyzes or studies the mutual relationship between law and other social symptoms. The context of the legal sociology approach sees law as a social building (social institution) that is inseparable from its social building. Law is not understood as texts in written laws or regulations, but as a social reality that occurs in life. Law is understood contextually, not just textually normative¹². Sociology of law in its study seeks to describe legal practices, for example in making legal rules, and why legal practices occur. The sociology of law also tests the empirical validity of a regulation or legal statement to be able to predict a law that is appropriate and or not under a particular

¹¹ Ahmad Khomeini Nasution, "Sosiologi Hukum Sebagai Kontrol Sosial Masyarakat," *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 2 (2023): 1907–12. <https://doi.org/10.31004/jpdk.v5i2.13311>

¹² Salman Alfarisi and Muhammad Syaiful Hakim, "Hubungan Sosiologi Hukum Dan Masyarakat Sebagai Kontrol Sosial." <https://doi.org/10.52005/rechten.v1i2.37>

society. Sociology of law does not evaluate the law, but approaches the law in terms of objectivity alone and provides an explanation of real legal phenomena. The use of law as a tool to change society must inevitably be adjusted to the assumptions of society if a positive result is to be achieved. What should be done, then, is to first examine how people perceive the law. That is, whether at any given moment the focus of society is on the law. Next, it is necessary to highlight which parts of the legal system are most valued by the largest part of society at any given time. This is the minimum that must be done before the law can be applied as a tool to change society.

After the use of law as a means is implemented, it is necessary to examine step by step to what extent the effectiveness of the application of the law is. The intention is to find out the weak points that have to do with the reaction of the community so that adverse things can be overcome immediately. This needs to be done because if the law is not implemented in whole or in part by the citizens affected by the regulation, the authority and authority of lawmakers, law enforcers, and the law itself will be reduced or even completely lost. If this happens, then the purpose of using the law is not achieved.

In the process of law enforcement, Soerjono Soekanto identifies five key factors that influence the enforcement of law: First, the law itself, which is the applicable positive law. The law should ideally not conflict between certainty and justice, so that it is obeyed and accepted by society. Over time, the law has been directed as a means to promote the welfare of society. Second, the law enforcers, act as the machinery of the law. The functioning of the law is highly influenced by the character and mentality of the law enforcers. Law enforcers determine the implementation of the law. The law can be maximally enforced when law enforcers perform their duties to the fullest, under the applicable regulations. If there is a discrepancy between values, norms, and behavioral patterns, law enforcement will not align with the intended goals of the law. Third, the tools and facilities necessary for law enforcement must be adequate. Fourth, society. The law follows the needs and developments of society. Society plays a crucial role in law enforcement. The more aligned the law is with what society perceives, the more successful the law enforcement will be. The greater the public awareness of the law, the more effectively it will be implemented in society. Fifth, culture. Culture in this context is not narrowly defined in terms of customs and traditions. Soerjono Soekanto argues that culture plays a significant role for individuals and society by guiding them on how to act, behave, and determine their stance when interacting with others. The better the culture within society, the more effectively the law will be applied. These five factors are inseparable components in the effort to enforce the law. These factors are closely related to the field of socio-legal studies itself¹³.

The sociology of law in law enforcement of corruption can be applied in researching and helping to find the most effective solution in law enforcement of corruption. In the case of corruption, this is needed to prevent corruption and ways to overcome it by paying attention to all social aspects of the law enforcement stage. Sociology of law can be used to empirically analyze law enforcement carried out as well as the reactions and social impacts that occur both

¹³ Nawang Sari et al., "Peran Sosiologi Terhadap Permasalahan Perilaku Korupsi Berdasarkan Studi Kasus (Putusan No15/Pid.Sus-TPK/2019/PN Bdg).," *Edu Sociata (Jurnal Pendidikan Sosiologi)* 6, no. 1 (2023): 172-80, <https://doi.org/10.33627/es.v6i1.1152>.

social impacts that have positive and counterpositive aspects. The sociology of law can have a role in maximizing these positive aspects, minimizing and avoiding aspects that are contrapositive. The function of law in law enforcement of corruption crimes is currently focused on returning state finances and punishing those who do it. In the current development, law enforcement of corruption offenses pays less attention to the function of law as social engineering. Law enforcement does not only enforce one aspect but weakens other aspects. The ideal law enforcement process must pay attention to all aspects including the social impact that will occur. Likewise, the law enforcement process for corruption must also pay attention to the function of law as social engineering as a basis for creating local governments that are free from corruption and have optimal performance¹⁴.

Law enforcement of corruption is an action that does not escape the point of view of legal sociology because each of these actions will produce social reactions. Social action according to Weber is when the action is carried out by considering the behavior of others, and is oriented towards the behavior of others. Sociology aims to understand why social action has certain directions and consequences. Social action is far-reaching, based on the subjective meaning given by individuals. The action considers the behavior of others and is therefore oriented in appearance. In this connection, law enforcement action is a form of social action because it relates to other people. This social reaction or impact is the result of social interaction. Humans, although generally born alone, have the instinct to always live with others. In the relationship between humans and other humans, what is important is the reaction that arises as a result of these relationships. It is this reaction that causes a person's actions to become more extensive. In relation to law enforcement actions for corruption in local government, the reactions and social impacts that occur are the result of actions in the form of law enforcement. Law enforcement of corruption can result in social impacts that have positive and counterpositive aspects. This depends on the social facts that occur.

In the discussion above, the social impact that has a positive aspect is the emergence of community / NGO support and the local government itself towards law enforcement if it is carried out according to procedures. However, if it is not done procedurally, it will reduce the image and dignity of law enforcers. The social impact that has a contrapositive aspect is the occurrence of performance obstacles in local governments because human resources or local government employees must focus on law enforcement of corruption crimes it can hamper government programs and even development cannot be carried out if employees affected by law enforcement resign from their positions. The existence of this social phenomenon is not only the responsibility of the local government but also a shared responsibility in law enforcement¹⁵. From the point of view of the sociology of law, the law enforcement action of corruption in local government is not only a textual and procedural approach but can be seen as a real social context in society. Law enforcement actions of corruption crimes are inseparable from the actions taken by law enforcers but have a relationship and interaction with the social

¹⁴ Elvira Damayanti et al., "Urgensi Pembentukan Peraturan Daerah Terhadap Pembelian Alat Kontrasepsi Jenis Kondom Di Samarinda Seberang Perspektif Maqashid Syariah," *Journal of Chemical Information and Modeling* 7, no. 02 (2019): 259–80, <https://doi.org/10.54298/tarunalaw.v2i02.199>.

¹⁵ Lembaga Penelitian et al., "Hukum Dan Masyarakat: Peran Sosiologi Hukum Dalam Memahami Interaksi Sistem Hukum Dengan Realitas Sosial," *Ensiklopedia of Journal* 6, no. 3 (2024): 10–12, <http://jurnal.ensiklopediaku.org>. <https://doi.org/10.33559/eoj.v6i3.2255>

impacts that occur. The Attorney General's Office has an important role in enforcing criminal law in Indonesia in accordance with Law No. 16 / 2004. Article 30 Paragraph 1 letter d of Law No. 16 / 2004 states that the prosecutor can conduct investigations, investigations, and prosecutions for certain criminal acts based on the law. This is also in line with Article 284 Paragraph 2 of the Criminal Procedure Code that the prosecutor can conduct investigations according to the special provisions of the criminal procedure that have been determined. In terms of law enforcement for corruption crimes, the role of the prosecutor's office has been mandated in Law No. 11/2021. In addition to the authority in the enforcement of general criminal law procedures, the law enforcement of corruption is clarified and expanded in the Law¹⁶.

The expansion of the prosecutor's role in the enforcement of anti-corruption laws is outlined in Article 30B of Law No. 11/2021, which regulates the prosecutor's role in the intelligence sector. First, prosecutors are authorized to carry out investigation, security, and mobilization functions for law enforcement. Second, they are tasked with creating conditions that support and secure the implementation of development. Third, prosecutors are responsible for preventing corruption, collusion, and nepotism. In carrying out these duties and powers, the Prosecutor's Office builds cooperative relationships and communication with other law enforcement agencies, institutions from foreign countries, and international organizations. This is stated in Article 33 of Law No. 11/2021. Therefore, in the enforcement of anti-corruption laws, cooperation between the Prosecutor's Office and other institutions is necessary to maximize the prosecutor's role in law enforcement. At the local government level, the enforcement of anti-corruption laws can be carried out in collaboration with the community, NGOs, local government agencies such as the Regional Inspectorate, and other relevant institutions¹⁷.

The enforcement of anti-corruption laws by the Prosecutor's Office must certainly take into account the social impacts that may arise from the law enforcement process. Although there is no explicit normative obligation for the Prosecutor's Office to consider the social impacts of anti-corruption law enforcement, this is implicitly stated in Article 30B of Law No. 11/2021, which grants the authority to create conditions that support and secure the implementation of development. To create conditions that support and secure development, law enforcement efforts must consider all aspects, including sociological aspects, to ensure optimal enforcement. Cooperation between the Prosecutor's Office and other institutions in the enforcement of anti-corruption laws at the regional level can help mitigate counterproductive social impacts, such as delays in regional development caused indirectly by ongoing anti-corruption enforcement processes. For example, cooperation with the Regional Inspectorate and other agencies affected by the enforcement of anti-corruption laws in overseeing and providing legal assistance during regional development activities is crucial to ensure that development can proceed effectively.

¹⁶ Teuku Isra Muntahar, Madiasa Ablisar, and Chairul Bariah, "Perampasan Aset Korupsi Tanpa Pidana Dalam Perspektif Hak Asasi Manusia," *Iuris Studia: Jurnal Kajian Hukum* 2 (2021): 49-63, <https://doi.org/10.55357/is.v2i1.77>.

¹⁷ Salman Alfarisi and Muhammad Syaiful Hakim, "Hubungan Sosiologi Hukum Dan Masyarakat Sebagai Kontrol Sosial." <https://doi.org/10.52005/rechten.v1i2.37>

Analysis of law enforcement of corruption crimes in local government from a socio-legal perspective shows a gap between the law written in the book and its application in the field. Although the law has regulated law enforcement procedures, there is often a mismatch between the established legal rules and the existing social reality. This is reflected in the challenges faced by law enforcement, especially the Attorney General's Office, in carrying out its role. In this context, the law does not only function as a normative device that must be obeyed but must also be seen as part of a larger social system. Therefore, the success of law enforcement is not only determined by how strictly the law is implemented but also by how much the law can be accepted and understood by the community. Law enforcement that ignores the social impacts, such as disruptions to regional development or social tensions due to inappropriate legal processes, can worsen the situation and even weaken the image of the law itself.

Criticism of this gap leads to the need for a more holistic approach in law enforcement, which does not only focus on procedural and normative aspects but also takes into account existing social factors. This is in line with the principles of the sociology of law that emphasize the importance of understanding the social context in the application of law. In corruption cases, law enforcement must be more sensitive to existing social dynamics, so that it is not only oriented towards punishment but also towards recovery and rebuilding efforts. Therefore, there needs to be structural reforms in the legal system and law enforcement that are more responsive to the social conditions of society, so that law enforcement is not only achieved in terms of legal formalism but also has a positive impact on society as a whole.

Recommendations that can be made based on these socio-legal findings are the need for changes in the anti-corruption law enforcement approach that focuses more on the balance between legal certainty, justice, and wisdom. The current law needs to be evaluated to ensure that it not only provides a deterrent effect against perpetrators of corruption but also fulfills a sense of justice in society, without ignoring the social impact caused by the law enforcement process itself. For this reason, the AGO and other law enforcement agencies need to work together with various parties, including the community, NGOs, and related agencies, to create a social climate that supports effective and equitable law enforcement.

4. Conclusions

Corruption is classified as an extraordinary crime that must be eradicated within society. In Indonesia, corruption cases are predominantly committed by local government officials. The enforcement of anti-corruption laws in Indonesia is primarily dominated by the Prosecutor's Office. In this context, a socio-legal perspective is necessary to support anti-corruption law enforcement. The enforcement of anti-corruption laws at the local level is a form of social action that inherently involves the role of socio-legal studies due to its social impact, which has both positive and counterproductive aspects. The positive social impact includes support from the public, NGOs, or the local government itself in the law enforcement process. The counterproductive social impact, however, involves the hindrance of local development programs, as employees affected by the enforcement focus their attention on the legal processes. The role of the Prosecutor's Office in enforcing anti-corruption laws in local governments must take these social impacts into account. Implicitly, this relates to the

Prosecutor's Office's role in creating conditions that support and secure the implementation of local development, as mandated by Law No. 11/2021.

5. References

- Arsalan, Izzudin, Muhammad Junaidi, Sukimin Sukimin, and Kukuh Sudarmanto. "Reposisi Kewenangan Kejaksaan Dalam Melakukan Penegakan Tindak Pidana Korupsi Dan Maladministrasi Pemerintahan." *Jurnal Usm Law Review* 4, no. 2 (2021): 651. <https://doi.org/10.26623/julr.v4i2.4248>.
- Damayanti, Elvira, M. Thufail Akmal, Mujamil, M. Ilham Ainurrofiq, Frida Amalia, Hervina Hervina, Dewi Maryah, et al. "Urgensi Pembentukan Peraturan Daerah Terhadap Pembelian Alat Kontrasepsi Jenis Kondom Di Samarinda Seberang Perspektif Maqashid Syariah." *Journal of Chemical Information and Modeling* 7, no. 02 (2019): 259-80. <https://doi.org/10.54298/tarunalaw.v2i02.199>.
- Dewi, Vania Oktaviani, and Irwan Triadi. "Penyelesaian Tindak Pidana Korupsi Oleh Subjek Militer Saat Sedang Menduduki Jabatan Sipil." *Hakim: Jurnal Ilmu Hukum Dan Sosial* 1, no. 4 (2023): 197.
- DM, Mohd. Yusuf, Tunggul Sihotang, Gabriel Francius Silaen, Nurul Anissa, and Geofani Milthree Saragih. "Perspektif Sosiologi Terhadap Efektivitas Penegakan Hukum Di Masyarakat." *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 2 (2023): 1118-22.
- Habibi, Muhammad. "Independensi Kewenangan Komisi Pemberantasan Korupsi Pasca Perubahan Undang-Undang Komisi Pemberantasan Korupsi." *Cepalo* 4, no. 1 (2020): 41-54. <https://doi.org/10.25041/cepalo.v4no1.1962>.
- Habibullah, Abd Wachid, and Dewi Muti'ah. "Peran Kejaksaan Dalam Pencegahan Dan Penanganan Perkara Penyelewengan Pengelolaan Dana Desa Untuk Penanganan Pandemi Covid-19." *Interdisciplinary Journal on Law, Social Sciences and Humanities* 4, no. 1 (2023): 126. <https://doi.org/10.19184/idj.v4i1.37970>.
- Harefa, Arianus. "Problematika Penegakan Hukum Pidana Mati Pada Tindak Pidana Korupsi Dalam Perspektif Perlindungan HAM." *Jurnal Panah Keadilan* 1, no. 2 (2022): 99-116.
- Jawa, Dominikus, Parningotan Malau, and Ciptono Ciptono. "Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia Corruption Criminal Law Enforcement Challenges in Indonesia Nilai Indeks Persepsi Korupsi Indonesia Tertinggi Di Asia Tenggara . Ini Berbeda" 7, no. 2 (2024): 6-7. <https://journals.usm.ac.id/index.php/julr/article/view/9507/4423>.
- Made Agus Mahendra Iswara, I, and dan Ketut Adi Wirawan. "Peran Kejaksaan Dalam Pemberantasan Tindak Pidana Korupsi Desa Di Indonesia." *Jurnal Kertha Wicaksana* 14, no. 1 (2020): 69-76. <https://doi.org/10.22225/kw.14.1.1799.69-76>.
- Marlina, Heni. "Perlindungan Hukum Terhadap Pejabat Pembuat Komitmen (Ppk) Dalam Kontrak Pengadaan Barang / Jasa Pemerintah Pendahuluan." *Jurnal Hukum Doctrinal* V, No. 2, no. Pejabat Pembuat Komitmen (2020): 192-202.
- Muntahar, Teuku Isra, Madiasa Ablisar, and Chairul Bariah. "Perampasan Aset Korupsi Tanpa Pidana Dalam Perspektif Hak Asasi Manusia." *Iuris Studia: Jurnal Kajian Hukum* 2 (2021): 49-63. <https://doi.org/10.55357/is.v2i1.77>.
- Nasution, Ahmad Khomeini. "SOSIOLOGI HUKUM SEBAGAI KONTROL SOSIAL MASYARAKAT." *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 2 (2023): 1907-12.
- Penelitian, Lembaga, Penerbitan Hasil, Penelitian Ensiklopedia, and Laurensius Arliman. "Hukum Dan Masyarakat: Peran Sosiologi Hukum Dalam Memahami Interaksi Sistem Hukum Dengan Realitas Sosial." *Ensiklopedia of Journal* 6, no. 3 (2024): 10-12. <http://jurnal.ensiklopediaku.org>.
- Peter Mahmud Marzuki. *Penelitian Hukum*, 2016.
- Salman Alfarisi, and Muhammad Syaiful Hakim. "Hubungan Sosiologi Hukum Dan

- Masyarakat Sebagai Kontrol Sosial." *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 1, no. 2 (2022): 20–28. <https://doi.org/10.52005/rechten.v1i2.37>.
- Sari, Nawang, Annisa Fitriani, Muhammad Zidan, Azmelia Putri Balqis, Bunga Farah Fauziah, Rahma Amanda, Muhammad Agus Hardiansyah, and Nurul Hayat. "Peran Sosiologi Terhadap Permasalahan Perilaku Korupsi Berdasarkan Studi Kasus (Putusan No15/Pid.Sus-TPK/2019/PN Bdg)." *Edu Sociata (Jurnal Pendidikan Sosiologi)* 6, no. 1 (2023): 172–80. <https://doi.org/10.33627/es.v6i1.1152>.