

# **The Authority of Prosecutorial Intelligence in Law Enforcement From The Perspective of Legality and Corruption Eradication**

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## **Abstract**

The Attorney General's Office of the Republic of Indonesia holds a strategic position within the Criminal Justice System as a Law Enforcement Agency that not only has the authority to conduct investigations and prosecutions but also to carry out Intelligence functions in law enforcement. This authority is regulated under Article 30C of Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia and strengthened through the Attorney General's Instruction Number 7 of 2023. This study aims to analyze the legality aspects of the Prosecutorial Intelligence Authority from the perspective of the rule of law and assess its effectiveness in eradicating corruption in Indonesia. The research method used is normative legal research by reviewing legislation, legal doctrines, and relevant case studies. The findings show that the Prosecutorial Intelligence function plays an essential role as an early detection mechanism against potential financial irregularities, as evidenced by the exposure of the village fund corruption case in Labuhan Batu Utara District through the Prosecutorial Intelligence activities. However, the implementation of intelligence authority must remain within the principles of legality and due process of law to prevent abuse of power. This study concludes that the existence of Prosecutorial Intelligence is legally valid and effective as an instrument for corruption eradication, although it still faces challenges such as overlapping authority and limited resources. Therefore, regulatory harmonization, internal supervision strengthening, and implementing regulations are needed to clarify the working mechanism and accountability of the Prosecutorial Intelligence Function within the National Legal System.

**Keywords:** Prosecutorial Intelligence, Legality, Corruption Eradication, Rule of Law, Law Enforcement.

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**2nd International Conference on Islamic Community Studies (ICICS)**

**Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era**

## Introduction

Indonesia is a state based on law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms that all aspects of national and state life must be based on law. This principle requires certainty, justice, and expediency in every governmental action. In the context of law enforcement, this principle serves as a foundation ensuring that all law enforcement officers, including prosecutors, act according to the rule of law and within the framework of positive law (Rahardjo, 1980).

Corruption in Indonesia has been categorized as an extraordinary crime due to its extensive impact on state finances, public trust, and the quality of democracy (Atmasasmita, 2020). This crime not only harms the economy but also undermines the nation's moral integrity. Therefore, its eradication must also be extraordinary not only through repressive measures but also through preventive actions based on Legal Intelligence.

The Attorney General's Office plays a strategic role within Indonesia's criminal justice system. Based on Article 30C letter (a) of Law Number 11 of 2021 concerning the Attorney General's Office, prosecutors are granted the authority to conduct intelligence activities for law enforcement purposes. This function is reinforced by the Attorney General's Instruction Number 7 of 2023, which establishes Intelligence activities as a principal instrument supporting the effectiveness of corruption case handling.

In practice, the prosecutorial intelligence function includes data collection, information analysis, and early detection of potential legal violations that may harm state finances. Through these activities, prosecutors can carry out early warning and early detection to prevent corruption before it escalates into major cases marking a paradigm shift from reactive to proactive law enforcement (Siregar, 2022).

A concrete example of this effectiveness is the corruption case involving village funds in Labuhan Batu Utara District in 2023, where the local Prosecutor's Office uncovered irregularities amounting to IDR 2.1 billion. This disclosure originated from field mapping and monitoring conducted by the Intelligence Section of the District Prosecutor's Office. This case illustrates how Intelligence functions can play a vital role in identifying criminal acts before formal investigations begin.

Nevertheless, fundamental issues arise regarding the legality of the Prosecutorial Intelligence Authority, particularly concerning the boundary between administrative powers and those within criminal proceedings. According to Moeljatno, the legality principle is the cornerstone of criminal law, ensuring that no act is punishable except as provided by law (Moeljatno, 2008). Therefore, all law enforcement activities, including Intelligence operations, must have a clear legal basis to avoid infringing upon citizens' constitutional rights.

Sudarto argues that in modern criminal law, any expansion of law enforcement authority must consider human rights protection (Sudarto, 1990). Hence, Intelligence activities must operate under strict legal oversight to prevent abuse of power. Thus, the implementation of Prosecutorial Intelligence must adhere to accountability and transparency principles to remain consistent with due process of law.

Andi Hamzah emphasized that Legal Intelligence is a supporting component of the law enforcement system and should not replace formal criminal procedure (Hamzah, 2009). Therefore, Prosecutorial Intelligence should focus on gathering and analyzing information to strengthen legal evidence, not as an independent repressive mechanism. This aligns with Barda Nawawi Arief's view, emphasizing the importance of an integrated criminal justice system to ensure each law enforcement institution exercises its authority within limits (Arief, 2017).

From an administrative law perspective, the Attorney General's Instruction Number 7 of 2023 serves as an internal regulation aimed at enhancing prosecutorial effectiveness. However, from constitutional and criminal law viewpoints, it is necessary to assess whether such authority expansion aligns with legality and the rule of law (Rahmayanti, 2022). Without clear statutory

regulation, Intelligence activities risk exceeding the constitutional mandate of the Prosecutor's Office.

Based on these considerations, it is essential to conduct an in-depth analysis of how the legality of Prosecutorial Intelligence can be justified and to what extent it effectively supports anti-corruption efforts in Indonesia (Saragih, 2023). This study is expected to provide academic contributions to strengthening the national law enforcement system and preventing misuse of authority in the future

## Research Problems

1. How is the legality of the prosecutorial intelligence authority in law enforcement as regulated under the Attorney General's Instruction Number 7 of 2023?
2. How effective is the prosecutorial intelligence authority in eradicating corruption in Indonesia?

## Research Methodology

This study uses a normative legal research approach by examining legislation, legal doctrines, and relevant court decisions. The approaches used include:

1. Statute Approach: reviewing the 1945 Constitution, the Law on the Attorney General's Office, the Criminal Procedure Code, and the Attorney General's Instruction Number 7 of 2023.
2. Conceptual Approach: applying the theory of legality (Moeljatno), the Theory of Law Enforcement (Satjipto Rahardjo), and the concept of corruption eradication as an extraordinary crime.
3. Case Approach: analyzing prosecutorial intelligence practices in uncovering regional corruption cases.

## Discussion

### 4.1 The Legality of Prosecutorial Intelligence Authority

The prosecutorial intelligence authority has a firm legal foundation under Article 30C (a) of Law Number 11 of 2021 concerning the Attorney General's Office. This provision authorizes the Prosecutor's Office to conduct law enforcement Intelligence. The Attorney General's Instruction Number 7 of 2023 clarifies the operational scope, emphasizing data collection, information processing, and the presentation of strategic legal intelligence for early detection of potential violations.

Although normatively grounded, the implementation of this authority must be analyzed within the legality principle a fundamental doctrine in criminal law. Moeljatno explains that legality encompasses *nullum crimen sine lege*, *nulla poena sine lege*, and *lex certa*, meaning no act or punishment may exist without clear and certain legal provisions (Moeljatno, 2008). Therefore, Intelligence activities cannot justify actions beyond the Criminal Procedure Code.

According to Romli Atmasasmita, Law Enforcement Intelligence must be a *subsidiary function* a complementary support to strengthen investigation and prosecution, not an independent repressive tool (Atmasasmita, 2020). Thus, prosecutorial intelligence must remain under legal supervision and consistent with due process of law. This ensures that Intelligence operations do not overlap with the authority of other agencies such as the Corruption Eradication Commission (KPK) or the Indonesian National Police.

Barda Nawawi Arief further stresses that criminal law functions not only repressively but also as a safeguard for human rights through legal certainty (Arief, 2017). Therefore, while prosecutors possess Intelligence functions, they must apply them proportionally to avoid abuse of power.

#### 4.2 Prosecutorial Intelligence in the Perspective of the Rule of Law

The rule of law places legal norms as a control mechanism over government actions. Satjipto Rahardjo asserts that law must not be understood merely as text but as a tool to achieve substantive justice (Rahardjo, 1980). Accordingly, the Prosecutorial Intelligence function is justified as long as it supports substantive justice, not mere administrative formality.

In practice, prosecutorial intelligence often intersects with checks and balances, especially in coordinating with other law enforcement agencies. Yasmira Mandasari Saragih highlights the importance of proportional authority division between the Prosecutor's Office, KPK, and Police to prevent overlap (Saragih, 2023). Cross-agency collaboration is essential to ensure Intelligence activities do not generate conflicts that impede corruption eradication.

Andi Hamzah also emphasizes the necessity for explicit legal bases for every Intelligence activity. Without clear implementing regulations, such activities risk contradicting *lex certa* (Hamzah, 2009). Thus, a Government Regulation derived from Article 30C of the Prosecutor's Law is vital to provide strong legitimacy and ensure accountability.

#### 4.3 The Effectiveness of Prosecutorial Intelligence in Corruption Eradication

Prosecutorial Intelligence has proven to significantly contribute to corruption prevention and eradication. Based on the 2023 Annual Report of the Attorney General's Office, 172 corruption cases were uncovered through Intelligence operations nationwide. One notable case involved fictitious grant funds in East Java Province, mapped by prosecutorial Intelligence through financial transaction monitoring.

According to Muhammad Azhali Siregar, Legal Intelligence fosters a paradigm shift from *reactive justice* to *preventive justice*. Intelligence thus serves not only as an evidentiary tool but also as a preventive instrument. Similarly, Suci Ramadani asserts that Intelligence-based approaches allow prosecutors to prevent corruption by analyzing public budget risks and detecting administrative irregularities.

However, the effectiveness of Intelligence also depends on human resource quality and data analysis capability. Barda Nawawi Arief emphasizes that Legal Intelligence can only function effectively when supported by personnel skilled in investigation, information technology, and public policy analysis (Siregar, 2022). Therefore, modernizing Legal Intelligence through training and digital data systems is crucial for improving accuracy and early detection capacity.

#### 4.4 Challenges and Efforts to Strengthen Prosecutorial Intelligence

Despite the strengthening effects of the Attorney General's Instruction Number 7 of 2023, several challenges remain. First, overlapping authority between the Prosecutor's Office, KPK, and Police (Rahmayanti, 2022). Second, limited budgets and uneven technological infrastructure. Third, potential abuse of power if Intelligence operations lack transparency.

To address these issues, three strategic measures are recommended:

1. Regulatory harmonization among the Prosecutor's Office, KPK, and Police;
2. Capacity building through continuous training for Intelligence personnel;
3. Digital-based internal supervision systems.

Romli Atmasasmita emphasizes that robust internal oversight is crucial for lawful Intelligence operations (Atmasasmita, 2020).

Additionally, developing an *integrated intelligence system* for cross-agency coordination aligns with Yasmira Mandasari Saragih's *criminal justice synergy* model integrating Intelligence functions into a unified national law enforcement information system (Saragih, 2023).

#### 4.5 Implications for Law Enforcement and Corruption Prevention

Prosecutorial Intelligence activities produce two major implications. First, for law enforcement, they accelerate investigations and improve prosecution effectiveness through more accurate and comprehensive data. Second, for corruption prevention, they create systemic deterrence by limiting opportunities for wrongdoing during budget planning stages (Ramadani, 2023).

Thus, Prosecutorial Intelligence is not only legally valid but also strategically vital for promoting transparent and accountable governance. However, to ensure alignment with the rule of law, clearer government regulations and public accountability mechanisms are required (Hamzah, 2009).

#### Conclusion

Based on the above discussion, it can be concluded that the prosecutorial intelligence authority in law enforcement is legally grounded under Article 30C of Law Number 11 of 2021 concerning the Attorney General's Office and reinforced by the Attorney General's Instruction Number 7 of 2023. The Prosecutorial Intelligence function serves as an early warning and early detection mechanism for potential corruption at all governmental levels.

Nevertheless, its implementation must adhere to the principles of legality and the rule of law to prevent abuse of power and human rights violations. Prosecutorial Intelligence has shown significant effectiveness in combating corruption through proactive monitoring and data analysis. However, challenges persist such as overlapping jurisdiction with KPK and Police, limited human resources, and weak inter-agency coordination.

Hence, institutional strengthening, personnel capacity development, and specific implementing regulations are required to ensure accountability and legal compliance in Intelligence operations.

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