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Integralisation to the Execution of Corruption Cases

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This study aims to explore the authority of criminal executors or corruption case executors that have been enforceable on the Prosecution Office of the Republic of Indonesia by the Act Number 16 of 2004, on the Indonesian Prosecution Office in its Criminal Justice System. However, since the establishment of the Corruption Eradication Commission (KPK) and the Act Number 30 of 2002 which has been altered with Act Number 19 of 2019 on the KPK, it has been endowed with the same executor power towards corruption cases that have been enforceably punished. This has been done beside the power of pre-investigation, investigation and charge. This study is based on court decisions on corruption convictions which are not effective in their execution of corruption cases because of the lack of rules in the Act Number 31 of 1999, as has been amended with the Act Number 20 of 2001 on Eradication of Criminal Acts of Corruption.

Key words: *Authority, Corruption Eradication Commission, Execution, Corruption.*

Introduction

Corruption is an act either deliberate or not that may bring loss to state finance committed by a person, a group or enterprise aiming at enriching itself, or other enterprises causing loss of state finance. Nowadays corruption is one of the crime phenomenon causing state finance loss and it can destroy development. It is still committed even though it is becoming state priority to combat the crime. Corruption is immoral, not ethical and against religion. It is an extraordinary crime besides it abuses the power and also causes the loss of the state's money. Furthermore, from its prevention aspect corruption cannot be suppressed in ordinary ways, but it uses extraordinary methods (Topo Santoso, 2007).

The increase of corruption cases that are not controllable has a bad impact on the national economy and other state's sides; hence it is not an ordinary crime. But it is an ordinary crime requiring a special approach (Basrief Arief, 2006).

Its complexity not only requires ways of proving it, but also it needs institutions in suppressing it and strong legal instruments that have wide and independent powers, criteria power and its independency by the suppressing institutions that exist already, but still need changes (Romli Atmasasmita, 2000).

Corruption encourages the government to enact the Act Number 31, 1999 as complementing the Act Number 3, 1971 then the Act Number 31, 1999 changed with the Act Number 20, 2001 on Corruption Suppression (Later called as the TPK Act), as the implementing law of Article 43 of the TPK Act dated 27 December 2002. Then the Corruption Eradication Commission (later called the KPK) was established based on the Act Number 30, 2002 on KPK, then the Act Number 30, 2002 changed with the Act Number 19, 2019 on KPK. This change aimed to guarantee the certainty of law, avoid multiple interpretations and give protection towards social life and the economy, and bring justice to suppress corruption.

The power owned by the KPK according to Article 6 of the Act Number 30, 2002 as amended by the Act Number 19, 2019 on KPK, its authorities are as follows:

a. Prevention efforts to corruption;
b. Coordination with relevant institutions suppressing corruption and institutions serving the public;
c. Monitoring on government working units;
d. Supervision on institutions having the power to suppress corruption;
e. Pre-investigation, investigation, and charge towards corruption; and
f. The effort to implement the decision of courts and enforceable conviction.

Regarding the criminal aspect, the Prosecution Office of the Republic of Indonesia, Article 30, of Act Number 16, 2004 has duties and powers as follows:
a. Charging criminals;
b. The effort to implement the decision of courts and enforceable conviction;
c. Monitoring probations, supervision convictions, and conditional release;
d. Investigation on certain crime is based on the laws;
e. Complete certain document cases and conduct additional search inthe case tried before the court with coordination from the investigators.

Concerning the KPK and the Prosecution Office of the Republic of Indonesia, it is clear that, each has the power of implementing the decision of courts and enforceable convictions (*inkracht van gewisj*). This condition shows that Indonesia has two institutions to deal with corruption cases that are, the Prosecution Office of the Republic of Indonesia, based on its duties and functions in criminal matters and the KPK in corruption cases. This execution dualism caused by the limit and lack of the acts either in investigation, accusation, and enforcement of corruption.

The powers existences of the KPK to execute corruption has not provided law certainty and separate power in regards to the execution, that is before it is owned by the prosecution office. As the single executor in criminal cases (*executive ambtenaar*), this dualism condition has not been integrated as each institution has its own goals, this system is separated (Budi Winarno, 2002). The term of the fragment is usually taken by one decision by more institutions, which are separated so it needs to be checked carefully, but this condition has caused some consequences.

Judges in their decision prefer Article 10 of the Indonesian Penal Code (KUHP) which is divided into two parts, as follows (R. Soesilo, 1980):

a. Main punishments: (1) death penalty; (2) imprisonment; (3) custody; and (4) fine.
b. Additional sentences: (1) rights suspensions; (2) confiscation; and (3) judge decision publication.

Article 10 of KUHP, the enforcement of court decisions (*inkracht van gewisj*) ideally should be committed by one institution only to avoid different implementation of these decision. As an example additional sentences such as confiscation of rights from the corruption wrongdoers or the third party confiscation by third party together are forced to pay replacement money by using Article 19 (1) connected to Article 18 (2), as it has not been ruled in the Act Number 31, 1999 as changed with the Act Number 20, 2001. With corruption suppression and fine payment it is still difficult to acheive as it is not completely mandated in the Act Number 31, 1999 as has been amended with the Act Number 20, 2001 Corruption Suppression.

If the replacement money and fine are not paid by the convicted, the implementation is not effective in receiving the replacement money and fine. Towards the convicted and corporation, and it has been a consideration of the issuance of the General Attorney Directive Number PER-028/A/JA/10/2014 on the Guidance of Handling Corruption cases with the subject is corporation determining the court convicting fine towards corporation but only half of the fine is paid, then the rest is replaced with custody as replacement of fine fairly (General Attorney Directive, 2014). The latest payment is 1 (one) month and can be extended for 1 (one) month. If the convicted do not pay, then the property of the corporation is confiscated for auction

through the state auction office based on the laws General Attorney Directive, 2014). There is also the power of the Prosecution Office to withdraw the company license based on Article 32 of the Act Number 16, 2004 stating that "besides duties and powers in such act, the office might be granted with other powers based on the law". Article 146 (1) of the Act Number 40, 2007 on Limited Enterprise states that the first instance court might withdraw the company license over the application from the Prosecution Office with the reason for violating public interest or acts violating the laws. This can only be found in the Prosecution Office and not owned by the KPK. Attention should be paid to the conviction towards the companies or corporate by withdrawing the licenses of the company against the Act of Corruption Suppression.

As there are still existing dualistic powers between the KPK and the Prosecution Office, hence the enforceable conviction of the corruption has a similar way of conducting the execution under the coordination of the prosecution office. This is to have just results and to avoid different ways of executing main sentences and additional punishments to someone or corporate violating laws that cause public loss.

Research Method

This is a normative legal study that explores the existence of the KPK in conducting the authority of execution of corruption. Data isobtained through library research of the laws that are relevant to the executive power of the KPK. It is limited to the discussion the power of the KPK only, the consequence of providing this power and the dualism of the executive powers based on the Act Number 30, 2002 as has been changed with the law Number 19, 2019 on the KPK and the Ac Number 16, 2004 on the Indonesian Prosecution Office.

Data obtained from library research was done through exploring documents, books, theories, laws, articles and scientific writing that is relevant to this research.

All data was used to answer whether the KPK has been correctly using its executive power in corruption cases and has it been following the existing rules Also considered is what are the rights and obligations endowed with the KPK causing the dualism of the execution of the KPK and the execution power. Data is then analysed qualitatively and descriptively, then analysed by comparing data and laws on the execution by the KPK and the prosecution office in corruption cases

Discussion and Results

The Power of the KPK in Conducting the Execution of Corruption Cases

The Government of the Republic of Indonesia has made efforts to overcome corruption in the country.

According to Sudarto, enforcing criminal law should be supported by strong apparatus and regulations than other law enforcement. The agencies are the police, prosecutors, courts and criminal executions, while the existing regulations are said to be more complete are; the Criminal Procedure Code, the Law on Judicial Power, the Law on the Indonesian National Police and the Prosecution Law (Sudarto, 1986).

The executor of corruption, is working in the system known as the criminal justice system. A criminal justice systemcontains a systemic motion from its supporting sub-systems, namely the police, prosecutors, courts and correctional institutions which as a whole are a unit that tries to transform output from the objectives of criminal justice.

According to Bardan Nawawi Arief, the concept of judicial power should not only be interpreted narrowly, but in a broad definition, it is the power to enforce the law. This means that judicial authority includes the power to uphold the law in the entire law enforcement process. So in the perspective of the criminal justice system (SPP) the power of the judiciary includes the power of investigation (by investigating institutions), the power of prosecution (by the power of public prosecutors), the power of judging (by judicial bodies), and the power of implementing criminal decisions (executing institutions). This concept is a unified criminal law enforcement system, commonly called the "integrated criminal justice system (Barda Nawawi Arief, 2001).

Initially the promulgation of the Act Number 20, 2001 concerning amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption (Corruption Law), corruption in Indonesia still occurs systematically and extensively so that this not only harms the country's finances but also socio-economic rights of society at large (the Act Number 20, 2001). Indonesia's corruption perception index (CPI) has not shown a significant increase in pursuing the freest countries such as Denmark, New Zealand, Finland, Sweden, Norway, Switzerland or the United States, even some Asian countries such as Hong Kong and Singapore. Subsequently, on December 27, 2002, fulfilling the purpose of Article 43 of the Anti-Corruption Law the Corruption Eradication Commission (KPK) was also formed with Law Number 30 of 2002 concerning the KPK.

The KPK was formed with the consideration that the eradication of corruption carried out by the main sub-systems namely the Police and the Prosecutors' Office could not be carried out

optimally, so it needed to be improved professionally, intensively and continuously. By law, the KPK is given the status of an independent state institution in carrying out its duties and authority and is free from the influence of any power, with membership consisting of elements of government and society elected by the House of Representatives (DPR) based on candidates proposed by the President. As an independent state institution, the KPK is responsible to the public for the implementation of its authority by submitting open and periodic reports to the President, Parliament and the Finance Audit Board (BPK) (Suhadibroto, 2019).

The execution of the corruption case by the Corruption Eradication Commission was initially carried out based on Article 38 paragraph (1) of Law Number 30 of 2002 concerning the Corruption Eradication Commission (Corruption Eradication Commission), namely "all authorities related to the investigation, investigation, and prosecution regulated in Act No. 8. The 1981 Criminal Procedure Code (KUHAP) also applies to investigations and prosecutions of the KPK, "because the KPK Law governing the duties, powers, and obligations of the KPK from Article 6 to Article 15 only regulates the authority relating to investigation and prosecution. This is so that there is no firm regulation in the authority of the execution of cases of corruption, which is still carried out by the KPK by interpreting Article 38 paragraph (1) of Law Number 30 of 2002 concerning the KPK as the legality of the execution of corruption criminal decisions by KPK. By referring and linking it to Article 270 of the Criminal Procedure Code which states " that the implementation of a court decision that has obtained legal force is still carried out by a prosecutor for which the clerk sends a copy of the decision letter to him. This provision relates to prosecutors where Article 1 letter a of the Criminal Procedure Code defines prosecutors as officials who are authorised by law to act as prosecutors general and implement court decisions that have obtained permanent law (*inkracht van gewisj*). Thus interpreted by the KPK so that the execution of court decisions that have been inkracht van gewis tipicor cases continue to be carried out by the KPK prosecutors who handle the cases concerned are also authorised to carry out cases of corruption. Because there is no explicit regulation of the authority to execute corruption cases by the Corruption Eradication Commission in the Law Number 30, 2002 concerning the Corruption Eradication Commission in which the executive authority is the Indonesian Attorney General's Office which is the only implementing agency for criminal decisions (executive ambtenaar). This is so that the executions carried out by the KPK can interpret multiple legalities on the legal basis of its execution by KPK prosecutors that have an impact on justice and legal certainty in terms of output Then Law Number 30 of 2002 was amended by Law Number 19 of 2019 concerning the KPK which explicitly gave the KPK authority according to Article 6 letter f of Law Number 30 Year 2002 as amended by Law Number 19 of 2019 concerning the KPK has to "take action to implement the determination of judges and court decisions that have obtained permanent legal force." Also confirmed in Article 38 of the Law Number 19 of 2019 concerning the KPK determines "all rights Laws relating to investigations, and prosecutions regulated in laws governing criminal procedural law also apply to investigators and public prosecutors at the

Corruption Eradication Commission, unless otherwise stipulated under this Law. This is to support the implementation and improvement of KPK's tasks so as to be effective in eradicating comprehensive corruption without ignoring respect for human rights following statutory provisions.

From the description above, it is known that the existence of the KPK's execution authority on corruption cases which caused dualism with the authority to execute the corruption case of the prosecutor's office as the only implementing agency for the criminal decision (executive ambtenaar). To rule out the principle of dominus litis (the prosecutor as the case controller), een on deelbaar principle (prosecutor one and inseparable) because that is the Indonesian Attorney General's Office, seen as more powerful in determining the position and role of the prosecutor's office as a state and government institution that exercises power in the prosecution and implementation of criminal decisions in Indonesia. However, there are parts of the execution of the corruption criminal verdict that cannot be carried out by the Corruption Eradication Commission Law, which is related to Article 146 paragraph (1) of Law Number 40 Year 2007 concerning Limited Liability Companies. Thisstates that a District Court can dissolve the company at the request of the prosecutor's office based on the company's reasons violating the public interest or the company commits acts that violate the laws and regulations. Then based on a court decision that has obtained a permanent law (inkracht van gewisj), it is still carried out by the prosecutor after receiving a copy/excerpt of the decision from the clerk. In this case, against the authority of the execution of the judge's decision. This is done in the form of closure or freezing of some or all of the company's activities for a certain period. If only owned by the Republic of Indonesia Attorney's Office, then the implementation of the executionary authority is not owned by the Corruption Eradication Commission so for that there is a need for coordination between the Corruption Eradication Commission and the Attorney General's Office.

The Position of KPK's Authority in the Integrated Criminal Justice System

The seriousness of the problem and threat caused by corruption towards stability, security and values of democracy in society, ethical and just values that are sustainable in enforcing the law. Corruption cases caused huge state money loss which is important to the state's resource causing a threat towards political stability and sustainable development (*United Nations Convention Against Corruption, 2003)*.

According to Romli Atmasasmita, in his paper entitled "Reverse Proof in Corruption Cases" as quoted by Muhammad Yusuf, the spread of corruption in various countries has caught the attention of the international community so that the United Nations Convention Against Transnational Organised Crime or the Transnational Organised Crime Convention in 2000

placed corruption as one of organised and transnational crime with the following considerations (Muhammad Yusuf, 2013).

1. The modus operandi of corruption has been integrated into the bureaucratic system in almost all countries including and not limited to Asian and African countries, and is carried out on a large scale by most high-ranking officials and even a president such as in the Philippines, Nigeria, and several other African countries; a new case involving former Prime Minister Thaksin in Thailand.
2. Corruption is proven to have weakened the government system from within, through dangerous viruses and the cause of the decay process in government performance and weakened democracy.
3. It is very difficult to eradicate corruption in a democratic system that is also corrupt so that it requires extraordinary legal instruments to prevent and eradicate it.
4. Corruption is no longer a domestic problem or a national problem of a country but is already an inter-state problem or relationship between two or more countries so that it requires active cooperation between countries that have an interest or are harmed because of corruption. This is due to the overwhelming evidence that assets resulting from corruption are placed in countries deemed safe by the perpetrators such as the Cayman Islands, Switzerland, Austria, and several countries in Asia and Africa. The sophistication of the modus operandi of corruption and protection of assets resulting from corruption supported by modern information technology has been recognised as very difficult to eradicate corruption in almost all countries, especially in the process of proving it.

An extensive authority as stipulated in the KPK Law is a feature entrusted by the state to the KPK as the spearhead that is seen as effective in driving good governance through prevention and action, so that the formation of the KPK as a trigger mechanism institution. The existence of the KPK here in carrying out its duties creates functional relationships and coordination with existing law enforcement agencies, namely the police and prosecutors, as determined in Article 6 of Law Number 30 of 2002 as amended by Law Number 19 of 2019 concerning the KPK.

Based on the author's review, by granting the authority to investigate, prosecute and execute court decisions that have obtained permanent law (inkracht van gewisj), by combining a wide range of functions in one institution, namely the KPK, the KPK can carry out part of the authority of the police, prosecutors in the field of investigation. The investigation, prosecution, and enforcement of court decisions have to be the last conviction meaning it is enforceable.

According to Mardjono Reksodiputro, more emphasis is given to understanding of the criminal justice system as a crime control system, which is a crime control system carried out by institutions consisting of the police, prosecutors, courts and prison inmates, which aims to (Marjono Reksodiputro, 1993);

a. Prevents people from becoming victims of crime;
b. Resolving cases of crimes that occur so that the community is satisfied that justice has been upheld and the guilty convicted; and
c. Make sure that those who have committed a crime do not repeat the crime.

To achieve these objectives the four components of the Criminal Justice System (SPP) are expected to work together and form an integrated criminal justice system. If the integration cannot be carried out, three losses are expected, i.e. (Marjono Reksodiputro, 1993):

a. Difficulties in assessing the success or failure of each agency, in connection with their shared duties;
b. Difficulties in solving their main problems in each agency (as a sub-system of criminal justice), and;
c. Because the responsibilities of each agency system are often less clearly divided, each agency does not pay much attention to the overall effectiveness of the criminal justice system.

For this reason, according to Muladi, the notion of a criminal justice system must be seen in the context of the physical system. This is a set of elements that work in an integrated manner to achieve a goal and an abstract system that is in the form of ideas which are orderly arrangements that depend on each other. Besides, synchronisation in SPP is also needed covering three things, i.e. (Muladi, 1986):

a. Structural synchronisation demands structural and harmony in the administration of criminal justice mechanisms within the framework of relations between law enforcement agencies.
b. Substantial synchronisation requires substantial synchronisation and harmony both vertically and horizontally concerning positive laws in force.
c. Cultural synchronisation implies an attempt to always be in unison in living out the views, attitudes, and philosophies that thoroughly underlie the running of the criminal justice system.

The Corruption Execution System refers to the understanding of the scheme or pattern of execution arrangements between the Prosecutor's Office and the Corruption Eradication Commission, where two lines of execution or implementation of court decisions have obtained permanent law (inkracht van gewisj). Within the KPK there is a dualism of authority to execute the Corruption Criminal Decision so to be able to achieve the goal of law enforcement. This must be carried out in an integrated and comprehensive manner and carried out by each of these agencies (the Prosecutor's Office and the Corruption Eradication Commission) as check and balance.

Corruption Execution Models

The execution power of corruption is under two executing bodies which its legal foundation. The execution of corruption, which is integrated, becomes important to be realised. It results from dualism from the practical side which seems like the proof of seriousness by the government in overcoming the corruption, but it is not easy to be implemented. According to Muladi, the application stage of criminal law enforcement is a complex process, because it involves of many parties (police, prosecutors, courts, correctional institutions, and legal advisors), each of whom has different views in achieving common goals (Muladi, 1995).

Synchronisation of statutory regulation to the higher statutory provisions is very necessary for the creation of this substantial integration. According to Hans Kelsen as quoted by A. Hamid S. Attamimi (A. Hamid S. Attamimi, 1990). In the study of state legal norms, these norms are in the top-down arrangement as follows:

1. Fundamental norms of the state;
2. Ground norms;
3. Laws;
4. Directives.

In the provisions governing the authority of the KPK in Article 38 of Law Number 30 of 2002 as amended by Law Number 19 of 2019 concerning the KPK "all authorities relating to investigations, investigations, and prosecutions stipulated in the laws governing Criminal procedural law also applies to investigators, investigators, and public prosecutors at the Corruption Eradication Commission, unless otherwise stipulated under this Law". This provision enforces the legal principle of lex specialis derogate legi generalis, because the other unspecified provisions in the law are specific (UUTPK and UUKPK) but use the provisions in the general law (KUHAP), for that matter in the case specified other by UUTPK and UUKPK, therefore the same is regulated in Act Number 8 of 1981 concerning KUHAP does not apply but if it is not specified otherwise the provisions stipulated in the KUHAP, exceptions to certain provisions through the use of legal principles or lex specialis derogate legi generalis (Theodora Yuni Shahputri, 2019).

In the statutory provisions governing execution, it can be spelled out that the 1945 Constitution (the 1945 Constitution) is the source of all law in Indonesia. The Constitution must be the soul of every law that is born with basic principles and the obligation to uphold human dignity is a spirit which must exist in every statutory regulation in Indonesia. General principles relating to the protection of human rights as contained in the body of the 1945 Constitution are basic provisions that animate the provisions of the Criminal Procedure Code and other laws.

Marjono Reksodiputro states that the legal concept of appropriation of assets according to Indonesian (and Dutch) criminal law is: an additional crime that can be imposed by the judge together with the principal crime (in the Netherlands can also be dropped separately by the judge) (Marjono Reksodiputro, 2009). This criminal charge becomes the direction of a limited solution in the effort to recover the assets of corruptors by confiscating the assets of the perpetrators who do not want to pay replacement money (Indriyanto Seno Adji, 2009).

Payment of replacement money is the same as property obtained from criminal acts of corruption. If the convicted person does not pay the replacement money any later than one month after the decision has obtained permanent legal force, then the property can be confiscated by the prosecutor and auctioned off to cover the substitute money. In case the convict does not have sufficient assets to pay the replacement money, then the convictionwill be imprisonment whose duration does not exceed the maximum threat of their criminal offense under the provisions in this law, the duration of the offense has been determined in the court decision.

The process of returning assets based on a conventional approach to criminal law is one form of punishment, especially towards the development of criminal acts related to finance or which aims to obtain material benefits. Immanuel Kant states that punishment is a 'categorical imperative', that is, an absolute demand for the conviction of a person for committing a crime, whereas Hegel considers that punishment is the right of the perpetrators of crimes for acts committed based on their own volition (H.M. Hamdan, 2012). Criminal punishment in corruption is payment of substitute money constitutes an additional crime in UUPTPK regulated in Article 18 paragraph 1 point three "payment of replacement money as much as is equal to assets obtained from corruption" (Shartika , 2009).

The authority to implement court decisions that have obtained permanent legal force (inkracht van gewisj) Corruption cases have been given to the Prosecutor's Office and the Corruption Eradication Commission (KPK), this condition shows that in Indonesia specifically in cases of corruption, the authority of execution is given to two different institutions with the same authority as the standard. Different ways such as the KPK have a large authority influencing the structure of the state administration with the dualism of the authority of the execution of the criminal sentencing of the Indonesian Prosecutor's Office and the KPK. Corruption or third parties without prior confiscation, and the determination of suspects and also third parties are subject to forced efforts to pay the substitute money, payment of fines that are still experiencing difficulties due to incomplete regulation stipulated in the Law 31, 1999 as amended by Law Number 20, 2001 concerning Eradication of Corruption. If the fine is not paid by the convicted person which results in an ineffective application of criminal fines against the convicted and corporation as well as the existence of the Prosecutor's authority to conduct the dissolution of Limited Liability Companies (PT) as regulated in Article 32 of the Law Number 16, 2004 states

that "in addition to these duties and authorities in this Act, the Attorney General can be assigned other duties and authorities based on the Law." It is emphasised in Article 146 paragraph (1) of the Law Number 40, 2007 concerning Limited Liability Companies which states that the District Court could dissolve a limited liability company at the request of the Prosecutor's Office based on the reason the company violated public interests or acts that violated the laws and regulations, the attorney's authority was only owned and not owned by the KPK.

In regard to the conviction of a corporation in terms of corruption cases, the Indonesia Corruption Watch (ICW) in 2018 the criminal agencies has been able to execute 8 (eight) companies, 3 (three) done by KPK and 5 (five) companies are executed by the Prosecution Office of the Republic of Indonesia.

From January to December 2017, the Indonesian Attorney General's Office carried out 1,573 convicted criminal offenses and the rescue of state finances was 1,040,370,304,794.71 (one trillion and forty billion and three hundred seventy million and three hundred four thousand seven hundred and nine forty-four point seventy-one cent) (The Prosecution Office Report, 2017).

The prosecution of corruption cases by the Prosecutors Office in 2018 was 163 cases, the number of suspects 337 with the total state refunds by the prosecutor amounting to Rp.1, 160,690,494,392,25.25, (One trillion one hundred sixty billion six hundred Ninety million four hundred Ninety-four thousand three hundred twenty-two point twenty-five rupiah cents), as non-tax state revenue (known as PNBP).

The execution of 2018 on a court verdict and permanent legal force for corruptors is not a sign of the end of the KPK's duties. Besides execution, the KPK must track down the assets of corruptors who are hiding. All assets must be used again for the greatest prosperity of the people in the form of Asset Recovery consisting of a fine of Rp. 9.21 Billion. Substitute Money of Rp. 109.20 billion, for Rp. 370.83 billion with the total refund of the State through Non-Tax State Revenues (PNBP) of Rp. 489.25 billion. The KPK also granted several booty worth's of a total of Rp. 96.9 billion, including 9 parcels of land worth Rp. 61 billion, 10 four-wheeled vehicles donated to the Ministry or Agency (The Prosecution Office Report, 2019).

To carry out creating an integrally execution system that must be substantively begun with the reform of the laws and regulations that govern it. The provisions concerning the executing agency are separate from the KPK law and the Attorney General's Office R.I. must be made as one unit or one formulation as an integral legislative policy., In this way at least it can provide benefits to the state, namely the existence of state revenue that can be used as material to recover the consequences of corruption. The legal objective in the form of legal certainty of

the implementation of replacement money, fines are more certain and measurable.

Conclusion and Recommendations

The existence of the KPK is integral in the execution of corruption cases from pre-investigation, investigation, charging and execution based on the Corruption Suppression Act and the KPK Act. In practice, the KPK always coordinates with the police and the prosecution office.

The consequence of endowing the KPK with the power to enforce the conviction of the court in the corruption cases may cause an overlapping of authority between the KPK and the Prosecution Office. Such dualism caused by the promulgation of the KPK Act with a huge power in the state organisation needs to avoid the principle of dominus litis (the prosecution as a case monitor), the principle of een on deelbaar (the prosecution is single body and unseparated) and ensure it is only the body executing the conviction.

In terms of the power dualism to enforce the conviction of the court in corruption cases it may refer to the state power in executing the conviction in the criminal justice system as stipulated in KUHAP, which is integrated. This dualism can be overcome between KPK and the Prosecution Office, apart from that, the absolute power to execute should be under the Prosecution Office thus, it needs to be coordinated.
Therefore, if there is a judge's decision in the form of a criminal punishment for the confiscation of assets resulting from a corruption crime against a corruptor or a third party without being preceded by confiscation, and the determination of the suspect and also a third party is subject to forced efforts to pay the substitute money, payment of fines that are still experiencing difficulties because it is not fully regulated in the Law 31, 1999 as amended by the Law Number 20, 2001 concerning Eradication of Corruption if the convicted fines do not result in the ineffective application of criminal fines against convicted persons and corporations as well as the existence of the Prosecutor's authority to take actions the dissolution of a Limited Liability Company (known as P.T.) as regulated in Article 32 of the Prosecutor's Act Number 16, 2004 states "in addition to these duties and authorities in this Act, the Prosecutor's Office may be delegated with other duties and authorities based on the Act." Article (1) of the Law Number 40, 2007 concerning Limited Liability Companies states that the District Court can dissolve a limited liability company at the request of the Prosecutor's Office based on the reason the company violates public interests or acts that violate the laws and regulations. As an effort to optimise the eradication of corruption in Indonesia this is done through coordination in the integrated criminal justice system. This is so that it is well integrated and regulates the mechanisms of mutual control and checks and balances. For that to be achieved for the maximum output of corruption cases, the mindset, understanding, cooperation, openness, and mutual respect both substantially, structurally and culturally among fellow law enforcement

officers as executors of court decisions that have obtained permanent legal force (inkracht van gewisj) namely the KPK and the Prosecutors' Office of the Republic of Indonesia, to prevent overlapping and dualism in the implementation of corruption convictions in Indonesia which can disregard the principle of dominus litis (the prosecutor as the case controller), the principle of een on deelbaar (prosecutor one and inseparable) and the prosecutor is also the only executive decision enforcement agency (ambtenaar executive). So that with the emergence of the integrity of the implementation of court decisions with the Indonesia Attorney's Office, as the coordinator of implementing criminal court convictions.

Therefore, it is recommended that KPK should revise corruption laws with the system that implements the conviction either substantial, structural and cultural by developing its institution which too strong with the Office in a conducive way then the power will be independent.

It should be an independent body that executes the conviction in the form of coordinating between the KPK and the Prosecution Office, as the coordinator as a single body doing the execution hence its existence with its huge power will be syncronising and harmony.
Also, it should be the increase of balance cooperation between the KPK and the Prosecution Office, that is substantial, structural and cultural that can be implemented, planned and measurable to strengthen its power in executing the enforceable sentencing by the KPK and the Office in the form of directive or government regulation.

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