



EXECUTION OF FINAL AND BINDING COURT DECISIONS IN CORRUPTION CRIMES BY PROSECUTORS (A CASE STUDY OF THE SERDANG BEDAGAI DISTRICT PROSECUTOR'S OFFICE)

Dinda Sundari¹, Triono Eddy², Juli Moertiono³

Postgraduate Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Indonesia

*Corresponding Author: dindasundari21@gmail.com

Article Info

Article history:

Received :
Revised :
Accepted :
Available online
<http://jurnal.uinsu.ac.id/index.php/analytica>

E-ISSN: 2541-5263

P-ISSN: 1411-4380



This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license

ABSTRACT

The execution of court decisions in corruption cases falls under the authority of prosecutors as regulated in Article 270 of the Indonesian Criminal Procedure Code (KUHP). Prosecutors act both as public prosecutors and as executors of court rulings that have obtained permanent legal force. This study aims to analyze the authority of prosecutors in executing corruption cases, to identify the challenges encountered, and to formulate effective countermeasures. The research employs an empirical juridical method with a qualitative approach, combining normative analysis and field data to achieve a comprehensive understanding. The findings indicate that prosecutors play a central role in the execution process, including the enforcement of additional criminal sanctions. However, execution is often hindered by regulatory disharmony, the absence of standardized SOPs, limited inter-agency coordination, as well as social and political pressures. Therefore, strengthening prosecutorial professionalism, establishing clear SOPs, enhancing cross-institutional coordination, providing legal protection for prosecutors, and fostering public involvement in oversight are necessary. These efforts are expected to improve the effectiveness of execution, ensure legal certainty, and enhance public trust in the judicial system for corruption cases.

Keywords: Execution, Court Decision, Corruption Crime, Prosecutor

1. INTRODUCTION

Indonesia's national development, grounded in Pancasila, requires the realization of a just and prosperous society. One of the essential prerequisites for the success of development is the enforcement of the rule of law, which serves as the foundation for order, security, peace, and legal certainty for all citizens. The

Prosecutor's Office, as one of the key law enforcement institutions, plays a strategic role in upholding the rule of law, safeguarding public interests, protecting human rights, and combating Corruption, Collusion, and Nepotism (KKN).

The increasingly complex dynamics of society have given rise to new forms of crime, including corruption, which is categorized as an extraordinary crime due to its far-reaching economic, political, legal, and social impacts. Corruption not only causes financial losses to the state but also undermines governance systems, erodes public trust, and hampers national development. The entrenched culture of corruption in Indonesia demonstrates that the success of law enforcement cannot merely be measured by the number of cases brought to trial, but rather by the effectiveness of executing final and binding court decisions.

In addition to corruption, money laundering crimes (TPPU) have also posed significant threats to the stability of the financial system and the national economy. Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering provides the legal basis for law enforcement authorities to act against the concealment of criminal assets. However, its implementation often faces obstacles, including limited evidence, difficulties in tracing cross-border financial flows, weak inter-agency coordination, and a shortage of competent human resources in digital forensics and financial analysis.

In the context of criminal execution, prosecutors play a central role. Pursuant to Article 270 of the Criminal Procedure Code (KUHP), the implementation of final and binding court decisions is the authority of prosecutors, who act both as public prosecutors and as executors of judgments. The duties and powers of prosecutors are further regulated under Law No. 11 of 2021 amending Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, including the additional provisions of Articles 30A, 30B, and 30C, which strengthen the prosecutorial role in eradicating corruption.

Despite this clear authority, the execution of court decisions is frequently hindered by administrative constraints, weak inter-agency coordination, deliberate legal strategies by convicts to evade execution, as well as social and political pressures. These challenges undermine the effectiveness of law enforcement, legal certainty, and public trust in the judicial system. Therefore, efforts are needed to strengthen prosecutorial professionalism, enhance inter-institutional coordination, utilize technology in asset tracing, and reform execution procedures.

Against this background, this study focuses on "The Execution of Final and Binding Court Decisions in Corruption Crimes by Prosecutors." The research aims to analyze prosecutorial authority, identify the challenges faced, and formulate strategies to address execution issues in order to improve the effectiveness of corruption law enforcement in Indonesia

2. RESEARCH METHOD

This research employs an empirical juridical approach by combining normative legal analysis with field data to assess the authority of prosecutors in executing court decisions in corruption cases. The approach includes the statute approach, the conceptual approach, and the case approach, focusing on legislation, legal doctrines, and executed court rulings. The study is descriptive-analytical in nature, aiming to illustrate the practice of execution, the challenges encountered, and relevant solutions within the criminal justice system.

3. RESULT AND ANALYSIS

Legal Basis and Implementation of Corruption Verdict Execution by Prosecutors

The execution of corruption court decisions at the Serdang Bedagai District Prosecutor's Office is founded on a clear and solid legal basis. The primary foundation lies in Article 270 of the Indonesian Criminal Procedure Code (KUHP), which stipulates that the execution of final and binding court decisions shall be carried out by prosecutors upon receiving a copy of the judgment from the court clerk. This provision provides a normative basis for prosecutors to lawfully and systematically perform their execution functions.

The legal framework is further reinforced by Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, as amended by Law No. 11 of 2021. This statute affirms that prosecutors not only act as public prosecutors but also as executors of court judgments, thereby expanding their responsibilities within the law enforcement process.

In corruption cases, prosecutorial authority is broadened through Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption, particularly Article 18. This provision authorizes prosecutors to execute additional penalties, including the payment of compensation, asset confiscation, and other financial obligations, as part of the effort to recover state losses.

In practice, the Serdang Bedagai District Prosecutor's Office demonstrates that prosecutors execute not only custodial sentences but also actively recover state losses through asset confiscation and auctions. This indicates that the prosecutorial function encompasses both repressive and restorative aspects, ensuring that the legal objective of protecting the public interest is fulfilled.

Nevertheless, despite the existence of sufficient legal and procedural foundations, the implementation of executions often encounters obstacles. Challenges such as uncooperative convicts, assets that are difficult to trace or already transferred, and other external barriers may delay or hinder the execution process. Such conditions necessitate strategic and innovative approaches to ensure that executions do not result in legal uncertainty.

Therefore, although prosecutorial authority is normatively well-established, its practical implementation still requires strengthening. These efforts aim to ensure legal certainty, fairness, and effective deterrence, so that the execution of corruption cases truly fulfills legal objectives and provides optimal protection for the public interest.

Obstacles in the Execution of Corruption Court Decisions

The execution of court decisions in corruption cases faces a range of complex and interrelated obstacles. These challenges affect the effectiveness of execution, even when court rulings have obtained permanent legal force. Such obstacles can generally be classified into juridical, technical-administrative, and non-juridical factors.

Juridical obstacles include regulatory disharmony that creates differing interpretations among law enforcement authorities. In addition, the absence of standardized technical guidelines for executing additional penalties, such as compensation payments and asset confiscation, exacerbates legal uncertainty in execution practices.

Technical-administrative obstacles stem from the limited number and competence of prosecutorial executors. The lack of adequate facilities and supporting infrastructure, as well as slow coordination with other institutions—such as the Police, the Corruption Eradication Commission (KPK), and the Audit Board of Indonesia (BPK)—further delay the execution process. Other issues include the suboptimal asset confiscation system, lengthy bureaucratic procedures in auctioning seized assets, and the absence of a unified system for tracing convicts' assets. These factors often result in slow and ineffective enforcement of additional penalties.

Non-juridical obstacles are psychological, social, and political in nature. They include external pressures, political interference, resistance from the convict's family or networks, and societal stigma, all of which may compromise the independence of prosecutors in carrying out their duties.

Taken together, these obstacles lead to delayed or ineffective execution of court rulings. Such conditions undermine public trust in the legal system and reinforce perceptions that corruption crimes are difficult to eradicate thoroughly. Accordingly, comprehensive strategies are required to strengthen the effectiveness of execution across multiple dimensions.

Strategies for Overcoming Obstacles and Enhancing the Effectiveness of Execution

Code-switching To address the various obstacles in executing court decisions on corruption cases, the Serdang Bedagai District Prosecutor's Office has adopted a series of internal and external strategic measures. Internal efforts are prioritized as they concern the capacity and professionalism of prosecutors as executors of

judgments. Competence enhancement is carried out through formal education, technical training, and the strengthening of moral integrity to ensure that prosecutors can work competently, courageously, and free from external intervention. This approach aims to guarantee that execution is not only procedural but also reflects the principles of justice and legal certainty.

The establishment of clear and measurable Standard Operating Procedures (SOPs) for execution is also crucial. These SOPs serve not only as standardized guidelines for prosecutors in executing custodial and additional penalties but also help reduce multiple interpretations that often arise from regulatory disharmony or varying practices among prosecution units. With detailed SOPs, the execution process can become more systematic, consistent, and transparent, thereby minimizing the risk of procedural errors that could harm the state's interests and erode public trust.

External efforts are equally important in strengthening execution effectiveness. The Serdang Bedagai District Prosecutor's Office enhances coordination with other law enforcement institutions, including the Police, the Corruption Eradication Commission (KPK), the Audit Board of Indonesia (BPK), and relevant financial institutions. Such coordination involves information sharing, synchronization of enforcement measures, and the resolution of technical barriers, particularly in asset tracing, seizure, and auctioning of assets derived from corruption.

The use of information technology has also become a vital strategy in overcoming execution challenges. Digital systems are employed to trace convict assets, monitor auction processes, and ensure transparency at every stage of execution. The application of technology not only accelerates the process but also reduces the risk of asset diversion or loss by convicts, thereby enabling more effective recovery of state financial losses.

Moreover, legal protection for prosecutorial executors is a priority to ensure they can perform their duties without pressure or interference. This includes security guarantees, clear regulatory support, and legal protection mechanisms in the event of intimidation or disruption during execution. With adequate protection, prosecutors can carry out their responsibilities independently, professionally, and with integrity, thereby reinforcing credibility and public trust in the institution.

Public participation also constitutes a strategic element in enhancing execution effectiveness. By involving society in overseeing the execution process, transparency and accountability in law enforcement can be better safeguarded. Active public oversight helps prevent abuse of power, accelerates administrative procedures, and promotes a stronger deterrent effect against corruption offenders.

Through the combination of internal and external measures, the Serdang Bedagai District Prosecutor's Office is expected to significantly enhance the effectiveness of executing corruption court decisions. These strategies not only ensure legal certainty and state loss recovery but also uphold justice and provide

deterrence for offenders. Ultimately, these efforts contribute to building a more transparent, accountable, and credible judicial system while strengthening public trust in law enforcement in Indonesia.

4. CONCLUSION

Based on the foregoing discussion, it can be concluded that the execution of corruption court decisions at the Serdang Bedagai District Prosecutor's Office is supported by a clear and solid legal foundation. However, its implementation continues to face various juridical, technical-administrative, and non-juridical challenges, such as regulatory disharmony, limited human resources and facilities, slow inter-agency coordination, as well as social and political pressures. To address these issues, the Prosecutor's Office has implemented internal strategies—such as enhancing prosecutorial professionalism, strengthening integrity, and developing clear execution SOPs—and external strategies, including inter-agency coordination, the use of information technology for asset tracing, legal protection for prosecutors, and public participation in oversight. The application of these strategies is expected to enhance the effectiveness of execution, ensure legal certainty, deliver justice, recover state losses, and create a deterrent effect for corruption offenders, thereby fulfilling the legal objectives of justice, utility, and certainty.

With respect to the execution of corruption court decisions at the Serdang Bedagai District Prosecutor's Office, it is recommended that the Prosecutor's Office strengthen its commitment and consistency in exercising execution authority, both in relation to custodial sentences and additional penalties such as compensation payments and asset confiscation. It is also necessary to update regulations to ensure greater harmony and avoid overlapping provisions. Furthermore, improving the quality of prosecutorial human resources through education, training, and adequate supporting facilities is essential, along with strengthening coordination with other law enforcement bodies and financial institutions to accelerate asset tracing, seizure, and auctioning, while streamlining bureaucratic procedures for greater efficiency. In addition, the Prosecutor's Office should establish clear and standardized SOPs, provide legal protection to prosecutors to ensure independent work free from intervention, optimize the use of information technology in asset tracing, and expand public involvement in oversight to enhance transparency, accountability, and restore public trust in the institution.

References

Abdulkadir, Muhammad, *Hukum dan Penelitian Hukum*, Bandung, Citra Aditya Bakti, 2004.

- Abuda, S., Rekonstruksi Pengaturan Pertanggung Jawaban Notaris Atas Akta Yang Dibuatnya Berbasis Kepastian Hukum Yang Berkeadilan, Disertasi Doktorat, Universitas Islam Sultan Agung, 2023.
- Alatas, Syed Hussein, Korupsi Sifat Sebab dan Fungsi, Jakarta, LP3ES, 1987.
- Andi, Hamzah, Hukum Acara Pidana Indonesia, Jakarta, Sinar Grafika, 2014.
- Arikunto, Suharsimi, Prosedur Penelitian: Suatu Pendekatan Praktik, Jakarta, PT. Rineka Cipta, 2013.
- Atmasasmita, Romli, Reformasi Hukum dan Penegakan Hukum, Jakarta, Gramedia, 2011.
- Badaru, B. & Baharuddin, H., Implementasi Pidana Tambahan Pada Tindak Pidana Korupsi: Studi Kejaksaan Negeri Malili, *Journal of Lex Generalis*, 2020.
- Bambang, Purnomo, Potensi Kejahatan Korupsi di Indonesia, Jogjakarta, Bina Aksara, 1983.
- Abdi, Bayu & R. Juli Moertiono. 2023. Analisis Hukum Terhadap Akses Ilegal Website Pemerintah Untuk Digunakan Sebagai Website Perjudian (Studi Putusan Nomor 1308/Pid.Sus/2021/PN Jkt Utr). *Jurnal Pencerah Bangsa* 2 (2), hlm. 99-103.
- Adji, Indriyanto, Seno Korupsi dan Hukum Pidana, Jakarta, Kantor Pengacara dan Konsultasi Hukum "Prof. Oemar Seno Adji & Rekan", 2002,.
- Akbar, M. 2022. Analisis Psikologis dalam Penegakan Hukum Korupsi di Indonesia. *Jurnal Psikologi dan Hukum* 13 (2), 45-60.
- Andri, M., N. D. Errika & T. Susilowati. 2025. Peran Jaksa dalam Perkara Tindak Pidana Korupsi Berdasarkan Undang-Undang Pemberantasan Tindak Pidana Korupsi. *Justicia Journal* 4 (1), 45-60.
- Arifin Said Ritonga, Triono Eddy & Adi Mansar. 2023. Konsepsi Peraturan Tindak Pidana Korupsi sebagai Predicate Crime pada Tindak Pidana Pencucian Uang. *Jurnal Hukum (Universitas Muhammadiyah Sumatera Utara)*, 101-105.
- Aslani, F. 2019. Peran Masyarakat dalam Pengawasan Proses Eksekusi Hukum Tindak Pidana Korupsi. *Jurnal Hukum dan Masyarakat* 10 (3), 201-212.