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Law Enforcement towards Arrest by Hand Operation in the Prosecutor's Office of Lampung Province

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Abstract

The purpose of this research is to find out the results of law enforcement activities between the North Lampung District Attorney and the Kepahiang District Attorney and to find out whether the North Lampung District Attorney and the Kepahiang District Prosecutor's Office have fulfilled the principle of legal certainty in the activity of catching the hands of suspected criminal acts committed by non-governmental organizations. This research method uses normative and empirical approaches, namely normative research, which examines laws and theories. The empirical approach is made by looking at the facts and studying the law in the field. The results of the research on arrest activities carried out by the North Lampung District Prosecutor's Office, and the Kepahiang District Prosecutors' Office were carried out based on an order from the respective head of the state prosecutor's office, both the intelligence team and the joint team based on the order of the head of the state prosecutor's office. The difference between the results of law enforcement



on the activities of the Attorney General's Office for Handling the arrest of the hands of the North Lampung Police was because the alleged criminal act was a general crime based on the money handed over to the victim, in contrast to the Kepahiang Prosecutor's Office which stated that the criminal act of corruption was due to the villages' financial (Dana Desa) losses where there are proven state losses. The North Lampung District Prosecutor's Office and the Kepahiang District Prosecutor's Office have legal certainty in the activity of catching hands against non-governmental organizations who are suspected of committing a criminal act. However, the results of these activities are different.

A. Introduction

Arrest by hand operations are operations carried out by law enforcement officials with characteristics, namely right when a target is committing a criminal act, or immediately after a while the criminal act has been committed.¹ The Attorney General's Office of the Republic of Indonesia as law enforcer has main duties and functions in law enforcement, which is related to eradicating corruption.² Seeing the importance of the prosecutor's office's position in enforcing the law specifically to eradicate corruption, it is vital to assess the legal politics of restricting the prosecutor's office. The legal structure consists of the elements of the number and size of the courts, their jurisdiction.³ So in an integrated criminal justice system, the prosecutor's role in the criminal justice system, especially the prosecutor's office.

The procedural law only regulates arrest and red-handed arrest. One of the efforts made by the Corruption Eradication Commission or *Komisi Pemberantasan Korupsi* (KPK) in handling corruption cases is by way of an arrest by hand operation or *Operasi Tangkap Tangan* (OTT). The Attorney General's Office carries out this authority exercise, the High Prosecutor's Office, and the State Prosecutor's Office.⁴ The prosecutor himself is a functional official who is authorized by law to act as a general prosecutor and implementer of court

¹ Fatimah Asyari, "OPERASI TANGKAP TANGAN (OTT) DI PUSAT DAN DAERAH UNTUK MERAH WTP TERKAIT MASALAH PELANGGARAN HUKUM," *LEGALITAS* 2, no. 1 (September 12, 2017): 57–66, <https://brainly.co.id/tugas/7456639>.

² Pandoe Pramoe Kartika, Andrie Dwi Subianto, and I Made Agus Mahendra Iswara, "POLITIK HUKUM KEJAKSAAN REPUBLIK INDONESIA DALAM PEMBERANTASAN KORUPSI PADA ERA PEMERINTAHAN PRESIDEN JOKO WIDODO Oleh : Pandoe Pramoe Kartika Andrie Dwi Subianto I Made Agus Mahendra Iswara Kejaksaan Negeri Gresik," *Jurnal Hukum Saraswati (JHS)*, vol. 1, September 30, 2019, <https://kbbi.web.id/epidemi>.

³ Taufik H . Simatupang, "LEGALITAS SUBJEK HUKUM YAYASAN SEBAGAI BADAN HUKUM (Kedudukan Yayasan Yang Terbentuk Sebelum Akhirnya UU 28 Tahun 2004 Tentang Perubahan UU Nomor 16 Tahun 2001 Tentang Yayasan) THE LEGALITY OF THE INSTITUTION LEGAL SUBJECT AS CORPORATION (The Standing of Foundation Established before the Inception of the Act Number 28 of 2004 on Amendment of the Act Number 16 of 2001 on Foundation)," *Jurnal Ilmiah Kebijakan Hukum*, vol. 7, February 13, 2017, <https://doi.org/10.30641/KEBIJAKAN.2013.V7.1-12>.

⁴ Law No. 16 of 2004 concerning the RI Attorney General's Office.

decisions who have permanent legal force and other powers based on the law contained in Article 1 paragraph 1 of Law no. 16 of 2004 concerning the Republic of Indonesia Attorney General's Office.⁵ The recent increase in arrests by the KPK, known as OTT, has raised various legal issues or not. The catch operation is only to concretize a series of wiretapping actions that have been carried out previously. The preliminary evidence that has been obtained will be sufficient preliminary evidence.

The prosecutor's Office's authority is not only in the field of prosecution and investigation of certain crimes and the powers that exist in Article 30 of Law no. 16 of 2004 concerning the Indonesian Attorney General's Office.⁶, however, there are other powers granted by law based on Article 32 of Law no. 16 of 2004 concerning the RI Attorney General's Office. Another authority of the RI Prosecutor's Office in intelligence is in Law no. 17 of 2011 concerning State Intelligence which states that the intelligence of the Attorney General's Office is one of the state intelligence providers and is law enforcement intelligence.⁷ Law enforcement is an effort to create order, security, and order in society. Eradicating corruption is currently still the focus of the government and a national strategy in this era. To eradicate corruption requires an integral and systemic corruption eradication strategy.⁸ Corruption eradication is carried out by the Corruption Eradication Commission (KPK), where one of the efforts made in handling corruption cases is through OTT.⁹ Corruption eradication is carried out by the Corruption Eradication Commission (KPK), where one of the efforts made in handling corruption cases is through OTT.¹⁰ Corruption eradication is carried out by the Corruption Eradication Commission (KPK), where one of the efforts made in handling corruption cases is through OTT.¹¹ The background of the development of the OTT results from the failure to realize the national goal of a prosperous and socially just society through the form of the rule of law with recognition of human rights.¹² In the human rights dimension, the formation of any laws that regulate hand-catching operations.

⁵ Marselly Sealtiel & Hery Firmansyah, "ANALISIS YURIDIS PELAKSANAAN KEWENANGAN JAKSA SEBAGAI PENUNTUT UMUM DAN PENYIDIK DALAM PENANGANAN TINDAK PIDANA KORUPSI BERDASARKAN UNDANG-UNDANG NOMOR 16 TAHUN 2004 TENTANG KEJAKSAAN REPUBLIK INDONESIA," *Jurnal Hukum Adigama* 3, no. 2 (January 12, 2021): 311–30, <https://journal.untar.ac.id/index.php/adigama/article/view/10570>.

⁶ Nani Widya Sari, "KEWENANGAN KEJAKSAAN DALAM PENEGAKAN HUKUM TINDAK PIDANA KORUPSI DIHUBUNGKAN DENGAN UNDANG-UNDANG NOMOR 16 TAHUN 2004 TENTANG KEJAKSAAN REPUBLIK INDONESIA," *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan*, vol. 4, February 23, 2017, <https://doi.org/10.32493/SKD.V4I2.Y2017.1068>.

⁷ Law No. 17 of 2011 on State Intelligence.

⁸ Fenty U Puluhulawa and Lusiana M Tijow, "MENGAGAS PENGUATAN KEJAKSAAN REPUBLIK INDONESIA DALAM PENGAMANAN DAN PENGAWALAN PEMBANGUNAN UNTUK MENCEGAH TINDAK PIDANA KORUPSI Inaugurating The Strengthening Of The Witness Of The Republic Of Indonesia In Security And Supervision Of Development To Prevent Criminal Action," *Borneo Law Review*, vol. 4, December 7, 2020, <https://tirto.id/pembubaran-tp4-kejaksanaan-menolak-evaluasi->.

⁹ Oleh : Aneesha and Nadia Safira, "PERTANGGUNG JAWABAN PIDANA PELAKU YANG TERJARING OPERASI TANGKAP TANGAN DALAM TINDAK PIDANA KORUPSI," *Dinamika: Jurnal Ilmiah Ilmu Hukum*, vol. 25, March 2, 2019, <http://harianhaluan.com/news/detail/61394/i>.

¹⁰ Muhammad Taufiqurrahman, "PERAN JAKSA AGUNG REPUBLIK INDONESIA TERHADAP PEMBENTUKAN DAN PELAKSANAAN TUGAS TIM PENGAWALAN, PEMERINTAH DAN PEMBAGUNAN DAERAH," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 1, no. 2 (July 9, 2019): 127, <https://doi.org/10.46930/jurnalrectum.v1i2.226>.

¹¹ Diliya Mariam Rinjani, "EFEKTIVITAS PENEGAKAN HUKUM TERHADAP TINDAK PIDANA KORUPSI SECARA MASSAL ANGGOTA LEGISLATIF DAERAH," *Wacana Paramarta: Jurnal Ilmu Hukum* 19, no. 2 (October 31, 2020): 69–78, <https://doi.org/10.32816/paramarta.v19i2.87>.

¹² Afif Naufal Faris and Rehnalemken Ginting, "LEGALITAS DAN EFEKTIVITAS OPERASI TANGKAP TANGAN PASCA BERLAKUNYA UNDANG-UNDANG NOMOR 19 TAHUN 2019," *Jurnal Hukum Pidana Dan Penanggulangan Kejahatan*, vol. 9, January 2, 2020, <https://jurnal.uns.ac.id/recvive/article/view/47394>.

Being arrest by hand can be done by anyone who has the right, but it must be based on the right authority and warrant based on the laws and regulations. If the arrest is carried out without a warrant, the catcher must immediately hand over the caught along with the existing evidence to the nearest investigator or assistant investigator. The Attorney General's Office of the Republic of Indonesia has the authority to carry out investigations and investigations into certain crimes, one of which is corruption. The purpose of establishing the criminal law is as a means of criminal politics, namely to protect the community, which is often known as social defense.¹³ The law enforcement process must pay attention to the provisions of the criminal procedure law. The law does not provide an understanding of criminal procedural law but rather refers to various definitions regarding certain parts of the criminal procedural law.

The Arrest by Hand Operation (OTT) against a person suspected of committing a criminal act has been carried out several times by the RI Prosecutor's Office, such as that carried out by the North Lampung District Attorney's Intelligence following the Intelligence Operation activity order No. PRIN-OPS-11/N.8.13.Dek.3/10/2018 regarding the Judicial Intelligence operation's activities against indications of alleged extortion against the Head of Bojong Village, Kotabumi District, North Lampung Regency, and the Head of Kotabumi Tengah Barat Village, North Lampung District by the Head of the Bara Api, a Non-Governmental Organization (NGO). Also, the Kepahiang District Prosecutor's Office, through the Special Crime and Intelligence sector, has attempted to arrest individuals from the Kepahiang District Indonesian Alliance Institution NGO who are suspected of having committed illegal acts to enrich themselves or others under Article 3 of Law No. 31 of 1999 concerning Eradication of Corruption Crime as amended by Law no. 20 of 2001. Based on the explanation above, the main problem in this research is how is the result of law enforcement activity between the North Lampung District Attorney and the Kepahiang District Attorney? and whether the North Lampung District Prosecutor's Office and the Kepahiang District Prosecutor's Office have fulfilled the principle of legal certainty in the criminal acts' hand arrest committed by non-governmental organizations?

B. Discussion

1. Comparison of Law Enforcement of Arrest by Hand Activities by the North Lampung District Attorney and the Kepahiang District Attorney

The pros and cons of carrying out arrests to prosecute corruption cases currently seem very mainstream. The hand-in-hand operation has proven to be effective in uncovering corruption cases, and its principles do not violate the provisions of the criminal procedure law. Meanwhile, the Arrest by Hand Operation or Operasi Tangkap Tangan (OTT) was carried out by the Lampung prosecutor's office, principal. The process is the same as that carried out by the KPK. The article is the same because it is considered to have received gratuities or bribes. In optimizing eradicating corruption, the Lampung Prosecutor's Office has certainly done things under the laws and regulations. However, the Kepahiang District Prosecutor's Office in carrying out OTT activities is still not optimal because its relation to money laundering, gratuities, and others is difficult to do in the area because OTT is not intended as a legal term, let alone the implementation of a norm, but a name for the type of operation carried out by the Prosecutor's Office. However, eradicating corruption must be immediately followed up because eradicating criminal acts of corruption is one of the most important agendas in reforming governance in Indonesia.

¹³ Barda Arief Nawawi, 1998, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*, (Bandung: PT. Citra Aditya Bakti), pg. 11.

Speaking in the context of efforts to eradicate corruption, the discussion will focus on law enforcement efforts against the corruption problem.¹⁴ Therefore, it is only natural that criminal law's policy or politics is an integral part of social policy or politics. Social policy can be defined as all rational efforts to achieve social welfare and, at the same time, fulfill the protection of society. Seen in a broad sense, criminal law policy can cover the scope of policies in the field of material criminal law, in the field of formal criminal law, and criminal law enforcement.

Article 146 PERJA No. PER-006/A/JA/07/2017¹⁵ Conveying the Deputy Attorney General for Intelligence in carrying out his duties and authorities in the framework of 1). Intelligence formulation; 2). Coordination and synchronization of policy implementation in the intelligence sector; 3). Execution of working relations with agencies or institutions, both inside and outside the country; 4). Providing technical intelligence support to other fields within the Prosecutor's Office; 5). Monitoring, analyzing, evaluating, and reporting the implementation of activities in the intelligence sector; 6). Implementation of other duties assigned by the Attorney General. The authority of the Indonesian Attorney's Office in law enforcement intelligence is in tune with intelligence theory, where intelligence is an effort to collect data and information.

The Indonesian Attorney General's Office also has a basic Standard Operating Procedure (SOP) in carrying out intelligence activities, namely the Indonesian Attorney General's Regulation No. PER-037/A/J.A/09/2011 concerning Standard Operating Procedures for Intelligence at the Republic of Indonesia Prosecutor's Office (Perja No. PER-037/A/J.A/09/2011) states that Prosecutor Intelligence is a work unit within the Republic Attorney General's Office that carries out intelligence activities and operations from the aspect of law enforcement, as well as activities in the field of information and legal counseling.¹⁶ Catching activities on these grounds can be used by anyone who carries out activities of catching hands against someone who is highly suspected of being or after some time committing a criminal act, after which the activity of catching hands can be handed over to the investigator or investigator to be followed up with investigations and investigations.

The intelligence sector is in charge of arrests by hand. The special criminal offenses of the prosecutor's office are based on a user order (leadership) if within the scope of the state prosecutor's office is the head of the state prosecutor, High attorney general level is the head of the high attorney general's office, and the attorney general's level is the attorney general himself who is assisted by young attorneys general, both young intelligence attorney general and junior attorney general for special crimes.¹⁷ In addition to the existence of orders, arresting hands also need to be based on reports or complaints from the public regarding an alleged criminal act that is being or will be committed. The public report or complaint is studied and reviewed based on the Prosecutor's Standard Operating Procedure (SOP) for further action, namely hand arrest. In these reports or complaints from the public, the review occurs when data and information are collected as intelligence as science used to take appropriate law enforcement steps.¹⁸

On October 15, 2018, intelligence review was carried out based on reports or complaints from the public regarding the rampant illegal levies on village heads in the jurisdiction of the

¹⁴ I Made Agus Mahendra Iswara and dan Ketut Adi Wirawan, "Peran Kejaksaan Dalam Pemberantasan Tindak Pidana Korupsi Desa Di Indonesia," *KERTHA WICAKSANA* 14, no. 1 (May 29, 2020): 69–76, <https://doi.org/10.22225/kw.14.1.1799.69-76>.

¹⁵ Tegar Mawang Ditha, Dian Ekawaty Ismail, and Lusiana M Tijow, "Al-Mizan Intelijen Kejaksaan Perspektif Ketatanegaraan Indonesia Dan Ketatanegaraan Islam," *Al-Mizan* 16, no. 1 (June 1, 2020): 51–74, <https://doi.org/10.30603/am.v16i1.1739>.

¹⁶ Hafiezd, (Interview), Kejaksaan Negeri Lampung Utara, Tanggal 11 May 2020.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

Kejari Lampura, resulting in the issuance of an Intelligence Operation Order (SPRIN-OPS) No. PRIN-OPS-11/N.8.13/Dek.3/10/2018 regarding carrying out judicial intelligence operations against indications of alleged extortion against the Head of Bojong Village, Kotabumi District, North Lampung Regency, and the Head of Kotabumi Tengah Barat Village, Kotabumi District, North Lampung Regency. The user signed this Intelligence Operation Order, namely the Head of the North Lampung District Prosecutor's Office. When the Intelligence Operation was carried out, it was found that M. Fajar Bin Baharudin found an alleged criminal act (allegedly a criminal act of extortion) as the Chairman of the BARA API NGO to 2 (two) Village Heads, namely Habibi Bin Ibrahim (Head of Bojong Village) and Mirwan Aidi Bin Suwardi (Head of Kotabumi Tengah Barat Village). Immediately, arrest by hand was carried out by the North Lampung Attorney General's Office team. Considering the judge at the Kotabumi District Court with Decision No.178/Pid.B/2018/PN.Kbu stated that in this case the Defendant had been subjected to legal arrest and detention. The arrest and detention period had to be fully deducted from the sentence imposed.¹⁹

In the activity of arrest by hands in Kepahiang Regency, previously, the Kepahiang District Prosecutor's team had received a report or complaint from the public on July 30, 2019, which contained an NGO with the name of the Indonesian Alliance Institute or *Lembaga Aliansi Indonesia* (LAI). Kepahiang Branch Leadership Council or *Dewan Pimpinan Cabang* (DPC) has requested copies of the Village Development Budget Plan or *Rencana Anggaran Biaya* (RAB) from village heads in Kepahiang Regency. The NGO used the RAB to frighten the village heads and then asked for a certain amount of money. The report is registered with No.01/L.7.18/Fs.1/07/2019.²⁰

There is an Inquiry Warrant after the existence of a public report or complaint with an Inquiry Warrant No. PRINT-03/L.7.18/Fpy.1/07/2019 signed by the Head of the Kepahiang District Prosecutor's Office on July 30, 2019. The warrant is to investigate the alleged occurrence of a criminal act of corruption in terms of utilizing community participation in the prevention and eradication of criminal acts of corruption to enrich oneself or others against the Village Fund or *Dana Desa* (DD) and/or Village Fund Budget or *Anggaran Dana Desa* (ADD) Desa Benuang Galing, Bayung Village, Babatan Village, Seberang Musi District, Kepahiang Regency in 2019. At the time of the investigation, the joint team from the National Prosecutor's Office of Kepahiang saw a suspicion of a criminal act of corruption, and an arrest was carried out accompanied by evidence of a bag containing cash of Rp. 30.000.000, - (thirty million rupiah).

Based on the results of the research, there are differences in the results of law enforcement on the arrests, namely the Kejari Lampura handed over the law enforcement to the North Lampung Police because the crime was a general crime based on the money given was the victim's victim, different from the Kepahiang District Prosecutor's Office which stated that the criminal act of corruption was due to loss of village finances (the money handed over to NGOs was Village Funds) which contained real state losses.

Table 1: Comparison of the Results of Law Enforcement at the North Lampung District Attorney General's Office²¹ dan Kepahiang Attorney General's Office²²

| No | Criteria | North Lampung District AG Office | Kepahiang AG Office |
|----|------------------|----------------------------------|--------------------------------|
| 1. | Complaint Report | present | present |
| 2. | Collection of | There is a collection | There is a collection of funds |

¹⁹ Kotabumi Court Judgment No. 178/Pid.B/2018/PN.Kbu.

²⁰ Rusydi Sastrawan, (Interview), Kejaksaan Negeri Kepahiang, Tanggal 13 May 2020.

²¹ Hafiezd, (Interview), Kejaksaan Negeri Lampung Utara, 11 May 2020.

²² Rusydi Sastrawan, (Interview), Kejaksaan Negeri Kepahiang, 13 May 2020.

| | | | |
|----|---------------------------|--|--|
| | Data and Information | of funds and information in advance. | and information in advance. |
| 3. | Arrest by Hand Activities | Intelligence Team | The Intelligence Team, together with the Special Crime Team |
| 3. | Perpetrator | There is 1 (one) perpetrator on behalf of M. Fajar Bin Baharudin (Chairman of the BARA API NGO) | There are 2 (two) actors from the State Asset Research Agency NGO-Kepahiang Regency Indonesian Alliance Institute on behalf of Cahaya Sumita Binti Salehan Bin Syamsu. |
| 4. | Victim | There were 2 (two) victims, namely on behalf of Habibie Bin Ibrahim and Mirwan Bin Suwardi (both were village heads) | There are 3 (three) Village Heads, namely Alian Sono as Head of Benuang Galing Village, Ali Imron as Head of Talang Babatan Village, and Ladan Hawadi as Head of Bayung Village. |
| 5. | Chronology | The perpetrator asked for Rp 6.000.000, - (six million rupiah) to the victims because the victim was suspected of misusing the perpetrator's village fund budget. If they do not bring this amount of money, the perpetrator threatens to bring the problem to the realm of law. | That the Actors as Non-Governmental Organizations of the State Asset Research Agency - the Indonesian Alliance Institute for Kepahiang Regency, Bengkulu Province threatened the three village heads by asking for a RAB (Draft Budget) related to the use of Village Funds in 2015, 2016, and 2017 from Benuang Galing Village, Talang Babatan Village, and Bayung Village to be audited by a team of experts from the University of Indonesia, Jakarta the results will later be submitted to "Tipikor" and if the RAB (Draft Budget) is not submitted then it will be immediately "executed" by being handed over to the Police, and an arrest is made, unless the Village Heads hand over Rp 30.000.000,- (thirty million rupiah) per Village so that the Village Heads were scared and anxious so that in |

| | | | |
|----|--|---|--|
| | | | the end the Village Heads followed the perpetrators' request to hand over a certain amount of money. The Village Heads collect money from the Village Fund each of Rp 10.000.000,- (ten million rupiah). |
| 6. | The article that is allegedly violated | Extortion in Article 368 Paragraph (1) or Article 369 Paragraph (1) of the Criminal Code | Corruption in Article 2 Paragraph (1) or Article 3 Paragraph (1) of Law No. 31 of 1999 as amended and supplemented by Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Corruption in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code. |
| 7. | Source of Money | Money belonging to the victim | Money from the Village Fund |
| 8. | Law Enforcement Results | Delegated to North Lampung Police | Delegated to the Special Crimes Department of the Kepahiang District Prosecutor's Office |
| 9. | Decision | Proven guilty of committing a criminal act of "extortion" as regulated in Article 368 Paragraph (1) of the Criminal Code with imprisonment for 1 (one) year and 6 (six) months. | Proven guilty of committing "Corruption Crime collectively" as regulated in Article 2 of Law no. 31 of 1999 concerning Eradication of Corruption Crime as amended by Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning Eradication of Corruption Crime Jo. Article 55 Paragraph (1) 1st of the Criminal Code, and each perpetrator is punished with imprisonment of 6 (six) years. |

Based on the information and data above, several things can be drawn related to the OTT activities carried out by the North Lampung and Kepahiang Prosecutors' Office, namely:

- a. The arrests were carried out jointly based on an order from the head of the respective state prosecutors, both the intelligence team and the joint team based on the order of the head of the state prosecutor's office;
- b. Before the arrest of the hands, there were reports or complaints from the public regarding allegations of a criminal act that was currently or immediately after the occurrence of the

crime, and it was necessary to conduct a review both before the activity was carried out and after the activity was carried out.

- c. There are differences in the results of law enforcement on the arrests, namely that the Kejari Lampura submitted the results of the law enforcement to the North Lampung Police because it stated that the crime was a general crime based on the source of the money being handed over to the victim, it is different from the Kepahiang District Prosecutor's Office which states that the criminal act of corruption is due to loss of village finances (money handed over to NGOs is the Village Fund) which contains real state losses.

2. Legal Certainty for the Arrest of the North Lampung District Attorney's Office and the Kepahiang District Attorney's Team against Non-Governmental Organizations

Legal certainty and justice for some people cannot be juxtaposed because they have different places and perspectives. This argument means that if legal certainty takes precedence, then justice will be neglected, and conversely, if justice is prioritized, then legal certainty is neglected. Legal certainty and justice are the general expectations or expectations of all people. Legal certainty will refer to a set of legal rules, whether formal and material criminal law, while justice refers to the conscience. Legal certainty with law enforcement and the reflective thinking of law enforcers, so in terms of law enforcers, one of them lies in the duties and powers of the prosecutor's office.

The Indonesian Prosecutor's Office's authority is contained in Law No. 17 of 2011 concerning State Intelligence. Article 9 of Law no. 17 of 2011 concerning state intelligence that the Attorney's Intelligence is the organizer of State Intelligence.²³ So the Indonesian Prosecutor's Office has authority that comes from outside of Law no. 16 of 2004 concerning the RI Attorney General's Office. Article 13 Paragraph (1) of Law no. 17 of 2011 concerning State Intelligence states, the Indonesian Attorney's Office's intelligence organizes law enforcement intelligence. This law enforcement intelligence is in line with the Indonesian Prosecutor's Office's duties and authorities as a law enforcement institution based on statutory orders. In today's development, the Attorney General's Office will be heavily involved in efforts to secure or save state assets in the context of OTT.²⁴

Article 13 Paragraph (2) of Law no. 17 of 2011 concerning State Intelligence states that the Intelligence Function as referred to in paragraph (1) is carried out under the provisions of laws and regulations.²⁵ In a derivative of statutory provisions, the RI Attorney General's Office has an internal legal basis, namely the Regulation of the Attorney General of the Republic of Indonesia or *Peraturan Jaksa Agung Republik Indonesia* (PERJA). PERJA No. PER-006/A/JA/07/2017 Regarding the Organization and Working Procedures of the RI Attorney General's Office, Article 145 Paragraph (1) states that "the Junior Attorney General for Intelligence has the task and authority to carry out the duties and powers of the Prosecutor's Office in the field of Attorney intelligence".

The authority of the Indonesian Prosecutor's Office is based on a system of systematic interpretation of the prevailing laws and regulations, the Indonesian Attorney's Office not only has the authority that is in Law No. 16 of 2004 concerning the Attorney General's Office,

²³ Adi Ributu, "PEMBERLAKUAN KETENTUAN PIDANA TERHADAP PERSONEL INTELIJEN NEGARA MENURUT UNDANG-UNDANG NOMOR 17 TAHUN 2011 TENTANG INTELIJEN NEGARA," *LEX CRIMEN*, vol. 8, October 25, 2019, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/26104>.

²⁴ Juristoffel Simanjuntak, "KAJIAN YURIDIS PEMBERIAN BANTUAN HUKUM JAKSA PENGACARA NEGARA DALAM PERKARA PERDATA DAN TATA USAHA NEGARA (TUN)," *LEX ADMINISTRATUM*, vol. 6, July 19, 2018, <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/20347>.

²⁵ Abdul Tayib, "Implementasi Recall Oleh Partai Politik Terhadap Anggota Dprd Menurut Undang-Undang Nomor 17 Tahun 2014 Tentang MPR,DPR,DPD,DPRD," *Unizar Law Review*, accessed January 28, 2021, <http://e-journal.unizar.ac.id/index.php/ulr/article/view/35/32>.

but the law provides other powers, one of which is as an investigator and investigator (not only as a prosecutor). Therefore, what is certain about the arrest of the North Lampung Prosecutor's Office for alleged criminal acts committed by NGOs is handed over to the North Lampung Police because it is seen from the elements that the crime is a general criminal act whose investigation and the investigation is carried out by the National Police. It is different from catching hands carried out by the Kepahiang Prosecutor's Office, which in the element of the crime is an element of corruption, where the Attorney General's Office has the authority to investigate and investigate certain crimes (one of which is corruption).

Based on these matters with a systematic interpretation based on the prevailing laws and regulations, the North Lampung District Prosecutor's Office and the Kepahiang District Prosecutor's Office have legal certainty in catching hands against non-governmental organizations who are suspected of committing a criminal act. However, the results of their catching hands are different. The North Lampung District Prosecutor's Office handed over the NGO person to the Police for a general criminal investigation. The Kepahian Prosecutor's Office carried out its own investigation and investigation because the incident was a criminal act of corruption under the Indonesian Prosecutor's Office's authority.

C. Conclusion

Based on the research and discussion results, the conclusion that can be drawn is that there are differences in the law enforcement results of the North Lampung District Attorney's Team and the Kepahiang District Attorney's Team. The North Lampung Kejari Intelligence Team stated that the result of law enforcement was a criminal act that violated Article 368 Paragraph (1) or Article 369 Paragraph (1) of the Criminal Code. Meanwhile, the Kepahiang Public Prosecutor's Office Team, which conducted hand-arresting activities against non-governmental organizations, saw that the arrests carried out were a criminal act of corruption that violated Article 2 Paragraph (1) or Article 3 Paragraph (1) of Law No. 31 of 1999 as amended and supplemented by Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Corruption in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code because the victims used the money originating from the Village Fund or *Dana Desa* (DD) to be handed over to the perpetrators so that the results of law enforcement through the activity of catching hands were handed over to special criminal investigators of the Kepahiang Prosecutor's Office. Then the North Lampung District Prosecutor's Office and the Kepahiang Kejari Team have fulfilled the element of legal certainty in carrying out hand-arrest activities by non-governmental organizations suspected of committing criminal acts. Suggestions that the authors can give as a result of the research conducted, it is necessary to have socialization to law enforcers (especially prosecutors) and the public regarding activities of arrest by hand because everyone has the right to perform this arrestment, but in a category that is under regulations an arrest is carried out on someone who is currently or after a while committing a criminal act. Those arrested by hand are transferred to police investigators (for general crimes) and the Indonesian Prosecutor's Office (for certain crimes such as corruption).

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