

Corruption Prevention Efforts in the National Strategic Program Through the Strategic Development Security Program

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Abstract

This research examines the Strategic Development Security Program (SDSP) within Indonesia's National Strategy under President Joko Widodo's administration, focusing on its role in preventing corruption in national and regional strategic projects. The SDSP represents a novel approach that combines strategic development with advanced security frameworks, offering a comprehensive solution to corruption. This study employs normative research methods, including extensive library research, to analyze the SDSP's implementation, particularly the mechanisms established by the Attorney General's Office as outlined in the Guidelines Number 5 of 2023 and Technical Instructions Number B-



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1450/D/Ds/09/2023. The urgency of this research is underscored by the growing need to enhance transparency and accountability in development efforts, amid rising concerns over corruption's impact on governance and societal welfare. The SDSP's innovative integration of real-time monitoring, risk assessment, and adaptive policy measures is critical in addressing these challenges. The research highlights the effectiveness of the SDSP in securing strategic development projects and its alignment with official guidelines and procedural frameworks designed to prevent corruption. By evaluating the SDSP's mechanisms and their practical application, this study contributes valuable insights into improving anti-corruption strategies and governance frameworks. The findings aim to inform policymakers, refine anti-corruption efforts, and offer a model for similar initiatives globally. The research underscores the importance of adaptive, integrated approaches to safeguarding institutional integrity and promoting sustainable development, thus providing a significant contribution to both national and international anti-corruption discourse.

KEYWORDS *Attorney, Development, Security, Strategic*

I. Introduction

Development is an activity carried out by the government in a country with the purpose of achieving the welfare of the people. In Indonesia, the development carried out during the administration of President Joko Widodo was a development project that we know as National Strategic Project. The legal basis for the National Development Project is Presidential Regulation Number 3 of 2016 which was amended by Presidential Regulation Number 58 of 2018 and the latest amendment to Presidential Regulation Number 19 of 2020. The National Strategic Project is an Indonesian infrastructure development project are selected based on strategic value factors with the purpose of increasing economic

growth, regional development, equitable development and welfare of community.¹

Joko Widodo in his first period of reign, which in 2014-2019 had a main focus on development in the economic sector. The target in this focus is about how to accelerate infrastructure development through the implementation of national strategic development projects.² Then during the second period of government which in 2019 until 2024 this national strategic project will continue to be implemented and become a part of government's priority program.³ Development has the meaning of building activities, methods and processes then sustainability means continuity that is carried out continuously. The name of sustainable development was introduced in the first time by the World Commission on Environment and Development in 1987 which was also stated in Our Common Future or what we known as the Brundtland report. In the report it is explained that sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.

The concept of sustainable development is based on three main elements that are interrelated with each other, consisting of community

¹ Maret Priyanta, and Cut Sabina Anasya Zulkarnain. "Sustainable Infrastructure Legal Policy in Indonesia: A National Strategic Project Approach for National Development." *Sriwijaya Law Review* 7, no. 1 (2023): 1-18; Krishna S. Pribadi, and Toong-Khuan Chan. "Indonesia and National Development Planning." *Construction in Indonesia*. (London: Routledge, 2022), pp. 1-18.

² Darynaufal Mulyaman, et al. "Comparison Analysis of Developmentalism in Globalization Era: Indonesia Joko Widodo's Presidency (2014-2019) and South Korea Moon Jae-In Presidency (2017-2020)." *Jurnal Inovasi Ilmu Sosial Dan Politik (JISoP)* 3, no. 1 (2021): 33-42.

³ Reza Syawawi, "Diskresi dan Potensi Korupsi dalam Penyelesaian Masalah Hukum Terkait Percepatan Pelaksanaan Proyek Strategis Nasional (Analisis Terhadap Peraturan Presiden Nomor 3 Tahun 2016 dan Instruksi Presiden Nomor 1 Tahun 2016)." *Jurnal Legislasi Indonesia* 18, no. 3 (2021): 419-435.

roles, responsibility, social interactions, community behavior and also social conditions in communities in an area that are related to the community or social conditions.⁴ Then the natural environment includes the physical environment and also a series of institutions as a result of human creation in terms of their use which are related to ecology or the environment.⁵ Then in the economic field where the use of the natural environment and the economic welfare of society is to fulfill society which include the purpose of obtaining a profit. All the elements that have been described are mutually sustainable and influence each other and can be enjoyed from generation to generation.

The implementation of this National Strategic Project by the President is legally secured by applicable regulations, where the provisions of the applicable Presidential Regulation state that the Minister or head of institution or regional head can exercise a discretion purposed at resolving problems and obstacles in the project being implemented. In general, legal problems that occur in the process of working on the project are directed to be resolved administratively. In particular, the president gave orders to the prosecutor's office and police for not doing the investigate reports from the public relating to abuse of authority in national strategic projects, but to hand them over to other agencies. This is of course a problem in terms of law enforcement faced by law enforcement officers. One of the obstacles faced by the Prosecutor's Office is the implementation of security duties, which was initially formed by a team known as the Escort, Governance and Development Team or TP4. Where was the team has the job desk of carrying out security for national strategic projects in order to anticipate

⁴ Jonathan M. Harris, "Sustainability and sustainable development." *International Society for Ecological Economics* 1, no. 1 (2003): 1-12.

⁵ Suparjo Sujadi, "Kajian tentang pembangunan proyek strategis nasional (PSN) dan Keadilan Sosial (Perspektif Hukum Pancasila)." *Jurnal Hukum Lingkungan Indonesia* 4, no. 2 (2018): 1-24.

threats, disturbances, obstacles and challenges in the implementation of these strategic development projects.⁶

Corruption is a word that originates from the Latin word *corruptus* or *corruption*, which then has a language adjustment and becomes *corruption*, which in the Big Indonesian Dictionary means corruption as an abuse or misappropriation of state money which is used for the interests of other people or the personal interests of individual.⁷ Corruption itself is a problem that has been existed for a long time and exists in society, and to these day corruption cases still continue to occur in Indonesia. Regarding the problem of corruption cases that still occur in Indonesia, the government is making efforts to prevent and eradicate criminal acts of corruption which cause an impact on state financial losses.⁸ This corruption is a problem that has a global nature which means that this corruption will have a real impact on security and stability on the lives of people in a country, ethical values, democratic values, state institutions, the value of justice and is also a form of threat in sustainable development

⁶ Herianto Yudhistiro Wibowo, and Soeryo Putro Bharoto. "Peran Tim Pengawal dan Pengaman Pemerintahan Dan Pembangunan Daerah dalam Upaya Mencegah Tindak Pidana Korupsi di Kabupaten Cilacap (Studi Tentang Efektifitas Keputusan Jaksa Agung RI Nomor: Kep152/A/JA/10/2015)." *Jurnal Idea Hukum* 5, no. 1 (2019); Hartadhi Christianto, "Implementasi Tim Pengawal Dan Pengaman Pemerintahan Dan Pembangunan Daerah Dalam Rangka Pencegahan Tiindak Pidana Korupsi Di Kabupaten Morowali." *Tadulako Master Law Journal* 3, no. 3 (2019): 306-330; Muhammad Junaidi, and Marhin Marthin. "Kedudukan Tim Pengawal dan Pengamanan Pemerintahan dan Pembangunan Daerah (TP4D) Dalam Rangka Upaya Pencegahan Tindak Pidana Korupsi." *Borneo Law Review* 3, no. 1 (2019): 36-52; Linda Irma Sari, "Implementasi Kebijakan Jaksa Agung Tentang Pembentukan dan Pelaksanaan Tugas Tim Pengawal, Pengaman Pemerintahan dan Pembangunan Daerah (Studi Sosio Legal pada Kejaksaan Negeri Pontianak)." *Jurnal Nestor Magister Hukum* 4, no. 4 (2017): 210270.

⁷ Fockema Fockema, *Rechtsgeleerd Handwoordenboek*, diterjemahkan oleh Walter Siregar, Bij J.B. Wolter uitgeversmaat schappij. N.V. Groningen (Jakarta, 1951).

⁸ Ikka Puspitasari, and Erdiana Devintawati. "Urgensi Pengaturan Kejahatan Korporasi dalam Pertanggungjawaban Tindak Pidana Korporasi Menurut RKUHP." *Kanun Jurnal Ilmu Hukum* 20, no. 2 (2018): 237-254.

which includes the scope of law enforcement. This criminal act of corruption is included in a class of crimes known as extraordinary crimes or extraordinary crimes that violate human rights. Efforts to deal with criminal acts or crimes related to corruption require a large effort and have an overall impact.⁹ Corruption crimes committed by irresponsible individuals are a form of crime that requires serious handling, where preventive or preventive efforts against corruption crimes need to be emphasized more, where to make these preventive efforts effective, there needs to be active participation from enforcement officers. Law in Indonesia which is also supported by all Indonesian people. The Prosecutor's Office of the Republic of Indonesia is a part of the state institution in the field of law enforcement, where the Prosecutor's Office of the Republic of Indonesia has and carries out its main duties in terms of preventing and dealing with criminal acts of corruption. Regarding the role or duties of the Prosecutor's Office of the Republic of Indonesia, the regulations are contained in Article 30B letter d of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. In the provisions of this article, the Republic of Indonesia Prosecutor's Office has a role in preventing criminal acts of corruption, collusion and nepotism. One form of the Prosecutor's Efforts in preventing criminal acts of corruption, collusion and nepotism at the beginning was the formation of a Government and Regional Development Guard and Security Team or what was then known as TP4D, the arrangements for which were based on the Decree of the Attorney General of the Republic of Indonesia Number: KEP-059/A/JA/10/2018 concerning Amendments to the Attorney General's Decree Number: KEP-152/A/JA/10/2015 concerning

⁹ Ibsaini Ibsaini, and Mahdi Syahbandir. "Pertanggungjawaban Korporasi Dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa Pemerintah (Suatu Penelitian di Wilayah Hukum Pengadilan Tipikor Banda Aceh)." *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum* 7, no. 1 (2018): 67-90.

the Establishment of a Government Guard and Security Team and Development of the Prosecutor General's Office of the Republic of Indonesia and Instructions of the Attorney General of the Republic of Indonesia Number: INS-001/A/JA/10/2015 concerning the Formation and Implementation of the Duties of the Central Government and Development (TP4P) and Regional (TP4D) Security Guard Teams.¹⁰

The formation of this team is a form of policy implemented by the Attorney General of the Republic of Indonesia in providing encouragement for the level of success in the implementation of national development and good governance at the center to the regions through supervision and security in planning, implementation and also utilization of the results of development that has been carried out. Which includes efforts or attempts to prevent potential losses and irregularities in state finances. Along with the change in leadership at the Prosecutor's Office of the Republic of Indonesia, there have also been policy changes, one of which is regarding the Government and Development Guard and Security Team or TP4.

In this case, based on the Decree of the Attorney General of the Republic of Indonesia Number 345 of 2019 dated 22 November 2019 concerning the Revocation of the Attorney General's Decree Number: KEP-152/A/JA/10/2015 concerning the Government and Development Guard and Security Team as Amended by the Attorney General's Decree Number: KEP-059/A/JA/03/2018 concerning Amendments to the Attorney General's Decision Number: KEP-152/A/JA/10/2015

¹⁰ Moch Marsa Taufiqurrohman, "Model Konsultasi Digital Dalam Membantu Tim Pengawal, Pengamanan Pemerintahan Dan Pembangunan Daerah (TP4D) Guna Mewujudkan Kejaksaaan Yang Profesional, Komunikatif, Dan Akuntabel." *Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan* 2, no. 2 (2020): 267-276; Ni Ketut Puput Cahyaningsih, I. Gusti Bagus Suryawan, and I. Nengah Laba. "Peran TP4D Kejaksaaan Negeri Denpasar dalam Mengawal Pembangunan Daerah dalam Pencegahan Tindak Pidana Korupsi." *Jurnal Preferensi Hukum* 2, no. 1 (2021): 22-26.

concerning the Government and Development Monitoring and Security Team.

In the process, the implementation of security carried out by the Monitoring, Government Security and Development Team or TP4 encountered an obstacle which made the implementation of the team's main tasks and functions ineffective and then the team was disbanded. This then becomes a new problem which becomes a loophole in the occurrence of criminal acts of corruption in national strategic projects. One of the latest problems is related to irregularities in the process of working on a national strategic project, namely the construction of 4G BTS infrastructure. As is known, the construction of 4G BTS infrastructure is included in the national strategic project because it covers the interests of the wider community and is an effort to carry out digital transformation for all young people in Indonesia. However, the reality was revealed that in the process of implementing the project there was an alleged criminal act of corruption committed by irresponsible individuals. This misappropriation of funds occurred because there was no agency or institution to monitor and provide security in the project implementation process. This became the background for alleged criminal acts of corruption which caused state financial losses.

The theory used in analyzing the writing of this research is relative theory, where this theory has purpose to uphold order in society and prevent crime.¹¹ In principle, this theory imposes criminal penalties and their implementation must be oriented towards efforts in general prevention and special prevention. General prevention is an effort to prevent the wider community from the possibility of committing a crime. Meanwhile, special prevention is an effort to prevent convicts from having the opportunity to repeat crimes in the future. All of these efforts are a step

¹¹ Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana* (Yogyakarta: Cahaya Tirtamidjaja, Atma Pustaka, 2014).

in creating and maintaining life in a law and order society.¹² Then the writing of this research also uses legal system theory, which according to Lawrence M. Friedman, law is a system that can only work if the components in it synergize well with each other. The components referred to in this theory are legal structure, legal substance and legal culture.¹³

The purpose of this research is to determine the role of the Prosecutor's Office, especially in the field of intelligence related to the implementation of the Strategic Development Security program as an effort to prevent criminal acts of corruption in national or regional strategic projects as well as regarding the mechanism for implementing monitoring and strategic security programs carried out by the Prosecutor's Office

Based on the problems described above, the author is interested in discussing the problems of implementing the Strategic Development Security program as an effort to prevent criminal acts of corruption in national or regional strategic projects and regarding the mechanism for implementing the Strategic Development Security program carried out by the Prosecutor's Office. The author is interested in conducting research on the Strategic Development Security program as a form of reform in efforts to prevent criminal acts of corruption on national or regional strategic projects.

The research carried out by this author uses normative research methods, where this normative research method has the characteristics of

¹² Muhammad Taufik Makaro, *Pembaharuan Hukum Pidana: Studi Tentang Bentuk-Bentuk Pidana Khususnya Pidana Cambuk Sebagai Suatu Bentuk Pemidanaan* (Yogyakarta: Kreasi Wacana, 2005).

¹³ Syaruddin Kalo et.al, "Analisis Yuridis Penentuan Kedudukan Saksi Pelaku Sebagai Justice Collaborators Dalam Tindak Pidana Narkotika di Pengadilan Negeri Pematang Siantar (Studi Putusan No: 231/Pid.Sus/2015/Pn)" *USU Law Journal* 5, no.3 (2017):108-117.

library research.¹⁴ Researchers use normative research methods because the research carried out by this researcher is related to legal rules, legal theories and doctrines, legal principles and principles from legal experts. Research carried out using normative research methods was then carried out by the author using a conceptual approach which was carried out by discussing problems based on legal philosophy, legal theory, legal principles and legal doctrine put forward by experts and using a legal approach. Where the data analysis carried out by the author uses qualitative data analysis where the results obtained will be explained descriptively.

II. Implementation if the Strategic Development Security Program by the Prosecutor's Office of Republic Indonesia as an Effort to Prevent Corruption Crimes in National or Regional Strategic Projects

The dynamic aspect is that if someone carries out a right and obligation than that person or individual is carrying out what is called a role, this definition or meaning is an explanation of the role by Soerjono Soekanto.¹⁵ In an organization, each human or individual has various characteristics or traits in carrying out the tasks or obligations given by the organization or institution. Apart from Soerjono Soekanto, Riyadi provides a definition related to role which is an orientation and also a concept of the part carried out by a party in a social opposition. With the existence of something known as a role, humans or individuals in an environment can behave in accordance with the demands placed on that individual. Where the role itself is a behavior that contains obligations and norms that are mandatory

¹⁴ Yati Nurhayati, Ifrani Ifrani, and M. Yasir Said. "Metodologi normatif dan empiris dalam perspektif ilmu hukum." *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 1-20.

¹⁵ Soerjono Soekanto, *Teori Peranan* (Jakarta: Bumi Aksara, 2002).

for someone to carry out in an environment.¹⁶ The Prosecutor's Office of the Republic of Indonesia is a state institution operating within the scope of law enforcement which also has a role in carrying out its duties in implementing law in Indonesia. Where one of the roles of the Prosecutor's Office of the Republic of Indonesia is in efforts to prevent criminal acts of corruption in Indonesia.

Law Number 8 of 1981 concerning Criminal Procedure Law provides an explanation regarding Prosecutors and Public Prosecutors, where the Prosecutor is an official who is given the authority by law to act as a public prosecutor in carrying out court decisions that have permanent legal force. Meanwhile, the Public Prosecutor is a prosecutor who is given the authority by law to carry out prosecutions and carry out decisions that have been given by the judge. Then Article 17 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code explains that the investigation process is based on special provisions of criminal procedure as intended in Article 284 verse 2 of the Criminal Procedure Code and is carried out by investigators, criminals and officials. investigators who have other authority which is based on statutory regulations.¹⁷ Specifically, in Article 26 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, it is explained that investigations, prosecutions and examinations at court trials in cases of criminal acts of corruption are carried out based on procedural law applicable criminal penalties are excluded if otherwise provided in this law. This indicates that the role of

¹⁶ Riyadi Riyadi, *Perencanaan Pembangunan Daerah Strategi Mengendalikan Potensi Dalam Mewujudkan Otonomi Daerah* (Jakarta: Gramedia, 2002).

¹⁷ Abvianto Syaifulloh, "Peran Kejaksaan Dalam Pengembalian Kerugian Keuangan Negara Pada Perkara Tindak Pidana Korupsi." *Indonesian Journal of Criminal Law* 1, no. 1 (2019): 47-64; Sri Endah Wahyuningsih, and Agus Sunaryo. "The role of prosecutor office in the eradication of corruption criminal acts in Indonesia." *Jurnal Pembaharuan Hukum* 4, no. 2 (2017): 244-254; Sugeng Wahyudi, "Penal Policy on Assets Recovery on Corruption Cases in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 1 (2019): 45-72.

the Prosecutor's Office of the Republic of Indonesia as a law enforcement agency is as an investigator and investigator in corruption cases and also as a public prosecutor in corruption cases in a trial. Where normatively, the Prosecutor's Office of the Republic of Indonesia has an authority and role in matters of criminal acts of corruption.

Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia provides an explanation regarding the Authority and Duties of the Prosecutor's Office of the Republic of Indonesia. These powers and duties are specifically regulated in Article 30 verse (1), (2), and (3), where then in Law Number 11 of 2021, between Article 30 and Article 31, 3 (three) additional articles were inserted. which regulates the authority of the Prosecutor's Office of the Republic of Indonesia in the form of efforts to prevent criminal acts of corruption, the regulation of which is contained in Article 30 B which provides an explanation of the authority in the field of intelligence in law enforcement, including namely:

1. Carry out the functions of investigation, security and mobilization for benefit of law enforcement;
2. Creating supportive and safe conditions in the implementation of development;
3. Carry out intelligence cooperation in law enforcement with intelligence agencies and/or other state intelligence providers both at home and abroad;
4. Make efforts to prevent criminal acts of corruption, collusion and nepotism; and also
5. Carry out multimedia monitoring.

The Attorney General's Office of the Republic of Indonesia initially had a team known as the Team for Guarding and Safeguarding the Government and Development of the Prosecutor's Office of the Republic of Indonesia which was initially formed based on the Decree of the Attorney General of the Republic of Indonesia Number: KEP-

059/A/JA/10/2018 concerning Amendments to the Prosecutor's Decision Agung Number: KEP-152/A/JA/10/2015 concerning the Establishment of a Government Guard and Security Team and Development of the Prosecutor's Office of the Republic of Indonesia. Decree of the Attorney General of the Republic of Indonesia Number: KEP-059/A/JA/10/2018 concerning Amendments to the Decree of the Attorney General Number: KEP-152/A/JA/10/2015 concerning the Establishment of a Team to Guard and Security the Government and Development of the Prosecutor General's Office of the Republic of Indonesia in The third dictum provides an explanation regarding the functions and duties of the Government and Development Guard and Security Team, including:

- 1) Carry out supervision, security and provide support for the success of government and development with preventive or preventive efforts both at the central and regional levels in accordance with the respective jurisdiction of assignment which is carried out by means of:
 - a. Organizing legal information activities within government agencies, BUMN, BUMD, and other parties with material regarding planning, auction activities, work implementation, licensing, procurement of goods and services, orderly administration, supervision of work implementation and orderly management of state finances ;
 - b. Carrying out discussions or discussions with government agencies, BUMN, BUMD to identify problems faced in budget absorption and development implementation;
 - c. Providing legal counseling and information based on the initiative of TP4 or requests from parties who need it, where the place and time for implementation are based on agreement and needs;
 - d. In legal counseling and information delivered to government agencies, BUMN and BUMD, TP4 can also involve other relevant agencies or parties who have the competence and capacity for the material presented.

- 2) Can provide legal assistance at every stage in the development program from start to finish, namely:
 - a. Conduct legal discussions in terms of implementation of regulations, mechanisms and procedures, laws and regulations with budget management officials regarding problems currently being faced in the budget absorption process;
 - b. Providing legal opinions in planning, tendering, implementing, supervising the implementation of work and procurement of goods and services either at the request of the party in need or on the initiative of TP4.
- 3) Carry out coordination with the Government's Internal Government Supervisory Apparatus to prevent irregularities that have the potential to cause state financial losses;
- 4) Jointly monitor and evaluate the implementation of development work and programs;
- 5) Carrying out repressive law enforcement in the event that sufficient initial evidence is found after coordinating with the Government's Internal Supervisory Apparatus regarding the occurrence of unlawful acts, abuse of authority and/or other acts that cause losses to state finances.

The change in leadership at the state institution of the Prosecutor's Office of the Republic of Indonesia brought about a change related to the policy towards the Government and Development Guard and Security Team or what is known as TP4. In this case, based on the Decree of the Attorney General of the Republic of Indonesia Number 345 of 2019 dated 22 November 2019 concerning the Revocation of the Attorney General's Decree Number: KEP-152/A/JA/10/2015 concerning the Government and Development Guard and Security Team as Amended by the Attorney General's Decree Number: KEP-059/A/JA/03/2018 concerning Amendments to the Attorney General's Decree Number: KEP-

152/A/JA/10/2015 concerning the Government and Development Monitoring and Security Team.

The Prosecutor's Office of the Republic of Indonesia as one of the state institutions in the field of law enforcement in carrying out its duties and authority must be based on applicable regulations and based on the principle of *lex posterior derogat legi priori*, namely that new legal rules make old legal rules invalid.¹⁸ In implementing the regulations and legal basis, it must be based on the latest regulations in which the Prosecutor's Office of the Republic of Indonesia, in carrying out its authority as one of the state institutions in the field of law enforcement, must have an independent nature which is not influenced by various parties. The background to the disbandment of the Government and Development Guard and Security Team is that there are or are still criminal acts of corruption committed in the development realm and there are still irresponsible elements from the Republic of Indonesia Prosecutor's Office who are carrying out an attempt to abuse the implementation of the Guard Team's duties. and Government and Development Protection or TP4. Based on these factors, in 2019 the Attorney General of the Republic of Indonesia issued Attorney General Instruction Number 7 of 2019 concerning the Implementation of Attorney General's Decree Number 345 of 2019 concerning the Revocation of TP4.

Since the disbandment of the Government and Development Monitoring and Security Team or known as TP4 in relation to the role of the Republic of Indonesia Prosecutor's Office in efforts to prevent criminal acts of corruption carried out based on Article 30B of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning Republic of Indonesia Prosecutor's Office. Based on the theory of legal

¹⁸ Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, dan Lex Posterior: Pemaknaan, Problematika, dan Penggunaannya dalam Penalaran dan Argumentasi Hukum." *Jurnal Legislasi Indonesia* 16, no. 3 (2020): 305-325.

certainty put forward by Jan Michiel Otto, legal certainty is more directed to the juridical side where there are several limitations, namely:¹⁹

- 1) There are definite, easy to obtain and consistent legal rules;
- 2) State institutions implement legal rules consistently and submit and obey these legal rules;
- 3) People obey and adjust their behavior in accordance with applicable legal regulations;
- 4) A judicial system that is impartial and independent in implementing the legal rules consistently when resolving legal issues.

Apart from being based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The Prosecutor's Office of the Republic of Indonesia, especially in the Intelligence sector, carries out a Strategic Development Security program in an effort to prevent criminal acts of corruption which often occur in National or Regional Strategic Projects. This Strategic Development Security Program is a new program whose arrangements are based on the Guidelines of the Attorney General of the Republic of Indonesia Number 5 of 2023 concerning Strategic Development Security and Technical Instructions Number B-1450/D/Ds/09/2023 concerning Procedures for Implementing Strategic Development Security. Strategic Development Security or what is abbreviated as PPS is one part of the task of the Prosecutor's intelligence sector in law enforcement through a series of activities carried out in a planned and directed manner with the aim of preventing and/or countering efforts, work, intelligence activities, and/or parties. opponents who harm the interests of law enforcement, as well as public order and tranquility in strategic development.

¹⁹ Shidarta Shidarta, *Moralitas Profesi Hukum Suatu Tawaran Kerangka Berfikir* (Bandung: PT. Revika Aditama, 2006).

Based on Chapter II of the Guidelines for the Attorney General of the Republic of Indonesia Number 5 of 2023 concerning Securing Strategic Development, it is carried out with principles which include:

- 1) Objective, is an action and is taken by the organizer of strategic development security or PPS which is based on facts and cannot be influenced by opinions, considerations and/or personal or group interests.
- 2) Professionally, strategic development security or PPS is carried out based on the provisions of laws and regulations and standard operational procedures in the Intelligence sector.
- 3) Coordination, management of strategic development security or PPS is carried out through a process of harmonization of functional relationships, synchronization and synergy efforts.
- 4) Confidentiality, refers to consultations, material for consideration, and results of activities that are confidential, and are also managed confidentially and are only intended for applicants for strategic development security or PPS.
- 5) Neutrality, the implementation of strategic development security or PPS does not involve any partiality from all kinds of intervention and influence from any party.
- 6) Accountability, securing strategic development or PPS is carried out in a measurable manner and accountability can be carried out in accordance with the provisions of applicable laws and regulations.

In general, the implementation of Strategic Development Security in the Republic of Indonesia Attorney General's Guidelines Number 5 of 2023 is regulated in Chapter III letter A, which explains that Strategic Development Security is carried out for National Strategic Projects and Regional Strategic Programs. The implementation of Development Security can be carried out on request or without a request, where if it is carried out on request it can only be carried out if the applicant submits a request to the organizer of Strategic Development Security, in this case the

Prosecutor's Office of the Republic of Indonesia. Regarding the implementation of Strategic Development Security, an assessment is carried out regarding the existence of threats, disturbances, obstacles and challenges that may occur in personnel, material or assets and/or bureaucratic obstacles caused by the existence of unclear, empty and/or overlapping provisions. from a legal regulation that can have an influence, obstacle or become a factor that causes failure in the implementation of Strategic Development Security. In the implementation of Strategic Development Security, security does not extend to the financial and technical realm of a National Strategic Project and Regional Strategic Project.

This Strategic Development Security is carried out by a work unit under the scope of the Deputy Attorney General for Intelligence which includes the Intelligence Division at the High Prosecutor's Office and District Attorney's Office in all jurisdictions of the Republic of Indonesia Prosecutor's Office. Furthermore, the administrative completeness in the implementation of Strategic Development Security is carried out based on the intelligence administration form, where the time period for implementing Strategic Development Security is 1 (one) year and can be renewed every year. The implementation of Strategic Development Security is reported in stages to the Attorney General through the Deputy Attorney General for Intelligence. Strategic Development Security Activities can be terminated if in the implementation of the National Strategic Project or Regional Strategic Project activities there are indications of a criminal act. Then the applicant was uncooperative in providing data and information for implementing Strategic Development Security activities. As well as the existence of other actions by the work owner or applicant which have the impact of making it impossible to implement Strategic Development Security based on the principles outlined above.

III. Mechanism for Implementing the Strategic Development Security Program carried out by the Prosecutor's Office of the Republic Indonesia

The criminal act of corruption or misappropriation of work is still a problem that needs special attention because this criminal act of corruption is something that is prone to occur, especially in National Strategic Projects and Regional Strategic Projects which has the purpose to carry out development for Indonesia. The implementation of National Strategic Projects and Regional Strategic Projects is very prone to fraud in terms of fund flows, work specifications and so on.²⁰ Regarding prevention in the implementation of National Strategic Projects and Regional Strategic Projects, the Prosecutor's Office of the Republic of Indonesia has taken steps to establish a Strategic Development Security program which has the task of carrying out security in the implementation of National Strategic Projects and Regional Strategic Projects as regulated for implementation in Technical Instructions Number B-1450/D/Ds/09/2023 concerning Procedures for Implementing Strategic Development Security where the scope of this technical guidance includes principles, criteria, organizers, pre-security of strategic development, implementation of strategic development security, termination of strategic development security, as well as reporting, monitoring and evaluation.

²⁰ Heni Widiyani, et al. "Kajian Kriminologis Terjadi Tindak Pidana Korupsi Dana Desa di Desa Penaga (Studi Desa Penaga Kabupaten Bintan Kepulauan Riau)." *Jurnal Ilmiah Advokasi* 9, no. 1 (2021): 8-18. *See also* Ismarandy Ismarandy, et al. "Peran Kejaksaan Dalam Pencegahan Dan Penanganan Tindak Pidana Korupsi Dana Desa Di Wilayah Hukum Kejaksaan Tinggi Sumatera." *Iuris Studia: Jurnal Kajian Hukum* 2, no. 2 (2021): 190-199; I. Made Agus Mahendra Iswara, and Ketut Adi Wirawan. "Peran Kejaksaan dalam Pemberantasan Tindak Pidana Korupsi Desa di Indonesia." *Kertha Wicaksana* 14, no. 1 (2020): 69-76.

In chapter III of the technical instructions, the criteria in number 2 for Strategic Development Security are explained, where Strategic Development Security is implemented in National Strategic Projects and/or Regional Strategic Projects which include the infrastructure sectors of roads, railways, airports, telecommunications, ports, smelters, water processing, embankments, dams, agriculture, marine, electricity, alternative energy, oil from natural gas, science and technology, housing, tourism, priority industrial areas or special economic zones, cross-border posts, and supporting facilities and other sectors. then in number 3 it is explained regarding Strategic Development Security for National Strategic Projects where this National Strategic Project is stipulated in a statutory regulation and/or policy regulation, there is no potential for a conflict of interest if a Development Security activity is carried out Strategic, and there are threats, disturbances, obstacles and challenges. Regarding Regional Strategic Projects in number 4, it also explains things that are not much different from National Strategic Projects, except that in Regional Strategic Projects there needs to be stipulation in regional regulations, regulations of the governor or regent or mayor or decisions or decrees of the governor or regent or mayor or BUMD directors.

Number 5 in the technical instructions then explains threats, interference, obstacles and challenges in the implementation of National Strategic Projects and Regional Strategic Projects which can come from outside or within the applicant agency, either directly or indirectly, where some of the potential includes personnel, materials or assets. as well as bureaucratic obstacles. Where threats, disturbances, obstacles and challenges to personnel are a threat that can have an impact on the integrity, objectivity and sense of security of personnel in carrying out their duties and obligations in accordance with the provisions of statutory regulations. Then the threat of material or assets is a threat to efforts, projects, activities and actions that can influence, hinder, thwart the process and success of implementing National Strategic Projects or

Regional Strategic Projects which have the potential to cause state financial losses. And bureaucratic obstacles are obstacles caused by the existence of a vacuum, lack of clarity, and/or overlapping provisions of laws and regulations which can have an influence, create obstacles, or thwart the implementation of National Strategic Projects or Regional Strategic Projects, including those related to the licensing process and/or the existence of illegal levies.

Chapter IV in these technical instructions provides an explanation regarding the implementation of Strategic Development Security where in number 1 is the implementation at the central level which is carried out by the Directorate of Strategic Development Security at the Deputy Attorney General for Intelligence or what is known as Directorate D, Strategic Development Security at the center is carried out based on an order from the Deputy Attorney General for Intelligence regarding a National Strategic Project. In implementing this Strategic Development Security Directorate D can involve intelligence personnel at the High Prosecutor's Office and/or District Prosecutor's Office to support the implementation of the National Strategic Project at the center which is also carried out based on a derivative order from the Deputy Attorney General for Intelligence. In requests for Strategic Development Security for National Strategic Projects implemented by regional halls, regional offices, or other work units under ministries or institutions or BUMN in the local High Prosecutor's area, it is addressed to the Head of the High Prosecutor's Office. National Strategic Projects can be implemented by the High Prosecutor's Office with the approval of the Prosecutor Agung Muda Intelligence.

In number 2, it is explained regarding the implementation of Strategic Development Security at the provincial level, which in outline the stages carried out are the same as at the center, except that this security is carried out on Regional Strategic Projects which are also carried out based on a warrant and if it requires the involvement of personnel from

the District Prosecutor's Office then also carried out with a derivative order from the High Prosecutor's Office. And number 3 explains the stages in the Regency or City area.

Chapter V of the Technical Instructions then discusses the Pre-Security stages of Strategic Development carried out with an application and without an application, all of which are recorded in the register book. Then in Chapter VI, it is explained about the implementation of Strategic Development Security which is carried out after the issuance of the Strategic Development Security team's order, which begins with preparing operational targets, preparing security and mobilization plans as an operational level explanation of operational targets, holding preliminary meetings and signing integrity pacts. Then the implementation of Strategic Development Security is outlined in a report on Strategic Development Security activities and submitted in stages to the Attorney General for Intelligence or the Head of the High Prosecutor's Office or the Head of the District Prosecutor's Office by providing an attachment to all documents on Strategic Development Security activities. Where the Strategic Development Security activity report contains information regarding threats, disturbances, obstacles and challenges that have been overcome in operational targets. After preparing the Strategic Development Security activity report, the Strategic Development Security team prepared a situation estimate or intelligence report to provide an assessment regarding whether or not there were potential threats, disturbances, obstacles and further challenges. Then, the estimated condition or kirka becomes a basis for the Strategic Development Security team to hold a future meeting held together with the applicant as a forum for conveying the results of Strategic Development Security activities to the applicant. In the event that Strategic Development Security is carried out without a request for an exit meeting, it is held by the Strategic Development Security team as a forum for conveying the results of Strategic Development Security activities to the Deputy Attorney General

for Intelligence or the Head of the High Prosecutor's Office or the Head of the District Prosecutor's Office who will then review the results of the Strategic Development Security activities in The exit meeting will be conveyed to stakeholders.

Chapter VII number 1 provides an explanation regarding the end of Strategic Development Security where the implementation of Strategic Development Security is carried out within a period of 1 (one) year and can be renewed every year by taking into account the dynamics of potential threats, disruptions, obstacles and challenges to the Project. National Strategic or Regional Strategic Projects. Then in number 2 explain the reasons for terminating Strategic Development Security, namely:

- 1) In the implementation of this Strategic Development Security activity there are indications of a criminal act;
- 2) The applicant is not cooperative in providing data and information for the implementation of Strategic Development Security activities;
- 3) There is another action by the work owner or applicant which has the effect of making it impossible for this Strategic Development Security activity to be carried out based on the principles of Strategic Development Security contained in these technical instructions;
- 4) Threats, disturbances, obstacles and challenges have been resolved.

Chapter VIII in these technical instructions provides explanations related to reporting, monitoring and evaluation of Strategic Development Security activities. In number 1 it is explained that the implementation of Strategic Development Security is reported periodically and at any time if necessary in a tiered manner to the Attorney General through the Deputy Attorney General for Intelligence. Then in number 2 the periodic reports include monthly reports and routine reports per semester. Then in number 3 it is explained that the head of the work unit carries out an evaluation of the implementation of Strategic Development Security activities every 6 (six) months and at any time if necessary. The evaluation of Strategic Development Security activities in number 4 is carried out in stages where

Directorate D evaluates the High Prosecutor's Office and the Intelligence Assistant at the High Prosecutor's Office evaluates Strategic Development Security activities in the District Attorney's area.

The results of monitoring and evaluation, which have been explained in number 4, are then reported to the Attorney General in a tiered manner as a consideration in making policies related to the implementation of Strategic Development Security. Then, in this Strategic Development Security activity, if there is a report or complaint from the public to the Prosecutor's Office regarding irregularities or abuses in the implementation of National Strategic Projects or Regional Strategic Projects, the Strategic Development Security Team makes an opinion to the Deputy Attorney General for Intelligence or the Head of the Prosecutor's Office. High Court or Head of the District Prosecutor's Office that the settlement is carried out first through an administrative process in accordance with the provisions of laws and regulations in the field of government administration. Then the Strategic Development Security team also carries out active and effective coordination with the Government's Internal Supervisory Apparatus or Internal Supervisory Unit in order to prevent legal problems that could hinder the success of implementing National Strategic Projects or Regional Strategic Projects as well as related fields and law enforcement officials. others not to carry out an examination of a National Strategic Project or Regional Strategic Project before the results of an examination by the Government's Internal Oversight Apparatus or the Internal Oversight Unit.

IV. Conclusion

Based on the findings presented, it can be concluded that the implementation of Strategic Development Security (PPS) is governed by the Attorney General of the Republic of Indonesia's Guidelines Number 5 of 2023. PPS is an integral component of the Prosecutor's intelligence

sector, focusing on law enforcement through coordinated and strategic activities aimed at preventing and countering actions that could undermine law enforcement and disrupt public order during strategic development projects. The mechanism for implementing PPS is detailed in Technical Instruction Number B-1450/D/Ds/09/2023, which outlines the procedures for securing strategic development. This technical guidance covers key aspects including the principles, criteria, and organizational structure for pre-development security, the execution of strategic safeguards, the conclusion of these safeguards, and the processes for reporting, monitoring, and evaluation.

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