

## Ethics of the Prosecutor's Profession Related to Legal Fact Engineering in Indonesia

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### Abstract

The prosecutor as an institution conducting the task of prosecution and execution of court decision is expected to uphold its ethics as law enforcement profession. One of the prohibitions for prosecutors is the legal facts that have been regulated in the prosecutor's own regulation as set forth in the code of conduct of the prosecutor. Therefore, the prosecutors must obey the law corridor and obey the law. According to Chaeruddin Ismail, as a whole requires that every law enforcement institution really must have the values of integrity (integrity), fairness, respect for the constitution and governmental authority, honesty,

courage) and compassion so that every law enforcer can be wise and wise in responding to every different situation and condition. The prosecutor has 2 doors of supervision, externally and internally, and a clear procedure in enforcing the code of conduct of the prosecutor itself.

**Keywords:** Presecutors, Inspector, Procedures

## A. Introduction

Structural Functional School of Talcott Parsons in his work entitled "The Professions and Social Structure" in 1939 which was later published in a collection of essays "ESSAYS IN SOCIOLOGICAL THEORY" (1964), based on a comparative study of the societal structures of a number of civilizations most importantly stated that "the professions occupy a position of importance in our society which is, ... unique in history."<sup>1</sup> Many of the most important aspects of society's order for the most part depend largely on the proper functioning of the professions. Science development activities and application of science are implemented in a professional context. The results of the functioning of the professions are closely intertwined in the modern society. Professions in occupational social systems (occupations) in modern society occupy a very strategic position.<sup>2</sup>

Professional code of ethics is a norm that is set and accepted by a group of professions that direct or give instructions to its members how to make and simultaneously guarantee the quality of the profession in the eyes of the

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<sup>1</sup> Rudolph E. Morris and Talcott Parsons, "Essays in Sociological Theory," *The American Catholic Sociological Review* 15, no. 4 (1954), <https://doi.org/10.2307/3709085>.

<sup>2</sup> B. Arief Sidharta, "ETIKA DAN KODE ETIK PROFESI HUKUM," *Veritas et Justitia* 1, no. 1 (2015), <https://doi.org/10.25123/vej.1423>.

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community. The focus of attention is on the police code of conduct, the code of conduct of the prosecutor, the code of ethics of the judge, the code of ethics of advocacy, and the code of notary ethics. These are all professional legal code of ethics called Professional Legal Ethic.<sup>3</sup>

According to Chaeruddin Ismail, the whole demands each institution law enforcers really must have integrity, fairness, respect for constitution and governmental authority, honesty, courage and compassion so that every law enforcer it can be wise and wise in responding to every situation and different conditions.<sup>4</sup>

Consideration letter b of the Law of the Republic of Indonesia Number 16 Year 2004 About the Attorney of the Republic of Indonesia, states that the Attorney General of the Republic of Indonesia is one of the bodies whose functions relate to the judicial authority according to the 1945 Constitution. The Attorney is a government institution that exercises state power in the field of prosecution as well as other authorities under the law. In relation to the duties and authorities of the prosecutor has been regulated in Law Number 16 Year 2004 regarding the Attorney General of the Republic of Indonesia precisely in Chapter III on the Duty and Authority of Duty and authority of the prosecutor itself can be distinguished on 3 (three) areas, namely: criminal, civil and state administration, as well as public order and peace.<sup>5</sup>

The AGO is the only state institution which is a government apparatus authorized to delegate criminal cases, prosecute offenders in court and carry out the determination and verdict of criminal judges, this power is a hallmark of the prosecutor's office that distinguishes them from law enforcement agencies or institutions other.<sup>6</sup> The Attorney General of the Republic of Indonesia is also the only executing institution of the criminal verdict (executive

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<sup>3</sup> Livia Pelle, "Peranan Etika Profesi Hukum Terhadap Upaya Penegakan Hukum Di Indonesia," *Lex Crimen* 1, no. 3 (2012).

<sup>4</sup> Christiany Juditha, "DEMOKRASI DI MEDIA SOSIAL: KASUS POLEMIS RANCANGAN UNDANG-UNDANG PEMILIHAN KEPALA DAERAH," *Jurnal Penelitian Komunikasi Dan Pembangunan* 17, no. 1 (2018), <https://doi.org/10.31346/jpkp.v17i1.1354>.

<sup>5</sup> M I Ansari and I K Hadi, "Pelaksanaan Tugas Dan Kewenangan Jaksa Di Bidang Perdata Dan Tata Usaha Negara," *Kanun Jurnal Ilmu Hukum*, 2013.

<sup>6</sup> M. Saripi, "Jaksa Selaku Penyidik Tindak Pidana Korupsi," *Jurnal Hukum UNSRAT* 22, no. 7 (2016).

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ambtenaar).<sup>7</sup> Among the several sub-systems of the criminal justice system, the Public Prosecution Service has a very important role in the handling of a criminal case, since the Attorney General is the party who has the authority to examine a case in court before the Panel of Judges in carrying out law enforcement activities. The trial hearings in the Court will examine and assess data and facts as the raw materials that have been presented at the stage of investigation and prosecution. Therefore, it can be said that the results of the investigation will determine the smoothness and success of the handling and settlement of criminal cases as a whole.<sup>8</sup>

The prosecutor's profession has been known for a long time, even long before Indonesia became independent. In the days of the kingdom of Majapahit, for example the prosecutor known as *dhyaksa*, *adhyaksa* and *dharmadyaksa*. *Dhyaksa* is said to be a state official charged with dealing with judicial matters under the supervision of Majapahit. *Gajah Mada* as an *adyaksa* official, while *dharmadhyaksa* served as the supreme supervisor of the sacred property in the affairs of trust and served as chairman of the court. This word *dhyaksa* then became a prosecutor.<sup>9</sup> The AGO has a mission that must be succeeded for the continuation of nation and state development, which is securing and maintaining Pancasila as the philosophy of life of the nation against business effort that can destabilize the life of society, nation and state, and realize legal certainty, law order, justice and truth based on laws and morals and must explore the values of humanity, law and justice living in society, able to be fully involved in the development process, among others, to create conditions and infrastructure that support and secure the implementation of development to create a just and prosperous society based on Pancasila and UUD 1945, safeguarding and upholding the dignity of the state government, and

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<sup>7</sup> Ahmad Sulchan and Muchamad Gibson Ghani, "Mekanisme Penuntutan Jaksa Penuntut Umum Terhadap Tindak Pidana Anak," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 1, no. 1 (2017), <https://doi.org/10.30659/jua.v1i1.2218>.

<sup>8</sup> MADE DIKA NANDA and HJ. RINA SUWASTI, "PENYIDIKAN TINDAK PIDANA YANG DILAKUKAN ANAK DI BAWAH UMUR MENURUT UNDANG-UNDANG NOMOR 35 TAHUN 2014 TENTANG PERLINDUNGAN ANAK," *GANEC SWARA* 13, no. 1 (2019), <https://doi.org/10.35327/gara.v13i1.68>.

<sup>9</sup> Nolla Makalikis, "PEMBERHENTIAN JAKSA DARI TUGAS DAN KEWENANGAN SEBAGAI PEJABAT FUNGSIONAL," *LEX ET SOCIETATIS* 1, no. 1 (2013), <https://doi.org/10.35796/les.v1i1.1315>.

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protecting the interests of the people through law enforcement.<sup>10</sup> Here, professionalism becomes a key word, because the public always views law enforcement apparatus with opaque optics and a crooked connotation, almost without appreciation. This society's view is certainly not wrong, because it is built on a number of facts and statistical charts, indicating that there has been manipulation efforts in law enforcement by law enforcement agencies.<sup>11</sup>

The prosecutor has a very complete code of ethics such as: Organizational Code of Ethics in Decision of Attorney General R.I. (Kepja) Number: KEP-30 / JA / 03/1988 on the perfection of Tri Krama Adhyaksa jo Kepja No. KEP-52 / JA / 08/1979 about Tri Krama Adhyaksa Public Prosecutor's Office. Subsequently, the Code of Conduct in the Attorney General's Regulation No. PER-014 / A / JA / 11/2012 on the Code of Conduct of Prosecutors, as well as the Code of Professional Ethics in Perja No. PER-066 / A / JA / 7 / 2007 regarding Minimum Standards of the Prosecutor Profession. The Prosecutor also has the Prosecutor's Office having an Honorary Council of Prosecutors set forth in Kepja Number: KEP-017 / A / JA / 01/2004 concerning Honorary Attorney of Attorney.<sup>12</sup>

In the Prosecutor's Code of Ethics there is a prohibition to fabricate legal facts in the handling of cases. To ensure the certainty, benefit and legal certainty of the prosecutor is strictly prohibited to take any action that would injure the face of Indonesian law with such action. Therefore this paper will discuss the violation of the code of ethics of the prosecutor related to the engineering of legal facts in the handling of cases.

## B. Research Mehtod

In the method of writing a scientific paper is used and used in this type of research is a method of approach with the normative juridical, where the

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<sup>10</sup> M Yuhdi, "Tugas Dan Wewenang Kejaksaan Dalam Pelaksanaan Pemilihan Umum," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 27, no. 2 (2016).

<sup>11</sup> Djunaedi, "TINJAUAN YURIDIS TUGAS DAN KEWENANGAN JAKSA DEMI TERCAPAINYA NILAI-NILAI KEADILAN," *Jurnal Pembaharuan Hukum* 1 (2014).

<sup>12</sup> Teguh Subroto, Pegawai Kejaksaan, and Tinggi Kepulauan, "PENGAWASAN TERHADAP APARATUR LEMBAGA KEJAKSAAN," 2014, 131–42.

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research is done a way by examining the materials of the library which is the secondary data. The other literary materials that is with the secondary data. The primary, secondary and tertiary legal materials. then other secondary law materials are literature books, as well as scientific journals and writings which has something to do with this theme. The materials that have been collected are then analyzed qualitatively.

## C. Result & Discussion

### 1. The legal ethics instrument of the prosecutors's law on legal fact-making

The prosecutor is a functional official authorized by the Act to act as a public prosecutor and the execution of a court decision that has obtained permanent legal force and other powers under the Act. Such a role requires a prosecutor not only to master the discipline of criminal law, but also the discipline of civil law and state administration. Prosecutors are not only required to master the general positive law (*lex generalis*) but also the special (*lex specialis*) that many born lately.<sup>13</sup>

The Prosecutor's Office in exercising state power in the field of prosecution and other duties as stipulated by the law in accordance with the provisions of Article 2 paragraph (2) of Law Number 16 Year 2004 About the Prosecutor's Office, which is carried out independently, meaning in accordance with the elucidation of the article , irrespective of the influence of government power and the influence of other powers. The prosecutor's office in the criminal law acts as a functional institution authorized by the Act to act as a public prosecutor and the execution of court decisions that have obtained permanent legal force as well as other authorities under the Act. Such a role requires a prosecutor not only to master the discipline of criminal law, but also the discipline of civil law and state administration. Prosecutors are not only required to master the general positive law (*lex generalis*) but also the special (*lex specialis*) that many born lately.<sup>14</sup>

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<sup>13</sup> Arif Wicaksana, "Penegakan Hukum Terhadap Penyelenggara Jalan Yang Rusak Yang Mengakibatkan Kecelakaan Lalu Lintas Di Wilayah Hukum Kepolisian Resor Kota Pekanbaru," *Https://Medium.Com/* I, no. 2 (2016).

<sup>14</sup> Wicaksana.

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A. The duties and authorities of prosecutors in criminal justice under the law are as follows:

1. Law Number 8 Year 1981 on the Criminal Procedure Code
  - a. Receiving and examining investigation case files from investigators or auxiliary investigators;
  - b. Conduct pre-prosecution if there is a lack of investigation with due regard to the provisions of Article 110 paragraph (3) and paragraph (4), by providing guidance in the context of the investigator's investigation;
  - c. Provide for an extension of detention, incarceration or continued detention and / or changing the status of detainees after the case has been delegated by the investigator;
  - d. Making an indictment;
  - e. Submit case to Court;
  - f. Present notification to the defendant concerning the provisions of the day and time of the court case accompanied by summons, both to the defendant and to the witness, to arrive at a predetermined hearing;
  - g. Prosecute;
  - h. Closing the case for the sake of the law;
  - i. Carry out other actions within the scope of duties and responsibilities of the public prosecutor under the provisions of law;
  - j. Implementing the judge's determination.<sup>15</sup>
2. Law Number 16 Year 2004 About the Attorney of the Republic of Indonesia
  - a. Prosecute;
  - b. Conducting judges and court decisions that have obtained permanent legal force;
  - c. Conduct supervision on the implementation of conditional rulings, supervisory verdicts, and conditional release decisions;
  - d. Investigate certain criminal offenses based on Constitution;

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<sup>15</sup> Kitab Hukum Acara Pidana, "Kitab Hukum Acara Pidana," Indonesia § (1981).

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- e. Complete a particular case file and for that purpose may conduct additional checks before being transferred to the court which in its implementation is coordinated with the investigator.

#### B. Prohibited conduct by the Prosecutor

If the above has been explained the duty and authority of the prosecutor then here will be described Acts prohibited to be carried out by the prosecutor in Article 7 of the Regulation of the Prosecutor Number 14 Year 2012 About the Code of Conduct Prosecutor:

(1) In performing the duties of the Prosecutor Profession is prohibited:

- a. give or promise something that can directly and indirectly benefit individuals directly or indirectly by themselves or by any other person by any name or by any means;
- b. request and / or accept gifts and / or profits of any kind from anyone with a direct or indirect interest;
- c. handling cases with personal or family interests, or financially, directly or indirectly;
- d. making unlawful conspiracies with the parties concerned in handling cases;
- e. give orders that are contrary to prevailing legal norms;
- f. manipulating legal facts in the handling of cases;
- g. using his / her authority to exercise physical and / or psychological emphasis; and
- h. using evidence and evidence to be suspected to have been engineered or altered or believed to have been obtained through unlawful means;

(2) The Prosecutor shall prohibit his / her family from requesting and / or receiving any gifts or profits from anyone who has a direct or indirect interest in the duties of the Prosecutor Profession.

In performing its duties and authority and avoiding the act that violates the code of conduct of the Prosecutor, the Prosecutor must remember with the oath of the Prosecutor's office as stipulated in Law Number 16 Year 2004 Article 10



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Concerning the oath of the prosecutor's office as follows:

"I swear / promise: that I will be loyal to and defend the unitary state of the Republic of Indonesia, and practice Pancasila as the basis of the state, the 1945 Constitution of the State of the Republic of Indonesia, and implement the laws and regulations applicable to the Republic of Indonesia. that I always uphold and will uphold law, righteousness and justice, and always carry out my duties and authority in my office seriously, thoroughly, objectively, honestly, courageously, professionally, fairly, not discriminating in office, ethnicity, religion , race, gender, and certain groups and will carry out my duties as well as possible, and fully responsible to the one God, society, nation and state. I will always refuse or not accept or not influenced by the interference of whom and I will remain steadfast in carrying out my duties and authorities mandated by the law to me. that I earnestly, to perform this duty, directly or indirectly, by any name or by any means, does not give or promise anything to anyone. that I am to do or not to do something in this assignment, will never receive directly or indirectly from anyone any promise or gift ".

In the oath it is written that the prosecutor will uphold and will uphold the law, the truth and justice, and always carry out my duties and authority in my office seriously, thoroughly, objectively, honestly, courageously, professionally, justly. So it would hurt his oath if the prosecutor did engineering the legal facts for the benefit of some people and took sides in handling the case.

If indeed the prosecutor is proven to do Engineering facts law or case engineering in my opinion it can enter the criminal realm. That is punishable by Article 263 of the Criminal Code ("Criminal Code") which reads:

(1) Anyone who makes a false letter or falsify a letter which may incur a right, an engagement or a debt relief, or which is designated as evidence of something in order to use or order another person to use the letter as if it were true and not falsified, shall be liable if such use may result in a loss, due to falsification of a letter, with a maximum imprisonment of six years.

(2) Threatened with the same criminal, whoever deliberately uses false or falsified letters as if true, if the use of the letter could cause harm.<sup>16</sup>

Furthermore, in Article 264 of the Criminal Code it is affirmed that:

(1) Counterfeiting shall be punishable by imprisonment of up to eight years, if done to:

1. authentic deeds;
2. a debt or debt certificate of a state or a part thereof or a public institution;
3. letters of sero or debt or sero or debt certificates of an association, foundation, company or airline;
4. talon, dividend or interest receipt from one of the letters described in 2 and 3, or a proof issued in lieu of the letters;
5. credit letters or commercial papers intended for distribution;

(2) Threatened with the same criminal whoever deliberately uses the letter in the first paragraph, whose contents are not true or falsified as if true and not falsified, if the falsification of the letter could cause harm.<sup>17</sup>

R Soesilo says that what is meant by the letters in this chapter is all letters, whether hand-written, printed, or written on a typewriter, and so on.

The forged letter must be a letter that:

1. may give rise to a right (eg diplomas, admission tickets, letters of interest, etc.);
2. may issue an agreement (such as a receivable agreement, a sale and purchase agreement, a lease agreement, etc.);
3. may issue an exemption of debt (such receipts or letters); or
4. letters used as a description of an act or event (eg birth certificate, postal savings account, cash book, boat diary, letters of transport, bonds, etc.).

The forms of falsification of the letter according to Soesilo done by:

1. create a fake letter: make the contents not appropriate (not true).
2. Forge a letter: change the letter in such a way that the contents are different from the original content. The various ways, not always the

<sup>16</sup> Republik Indonesia, "Kitab Undang-Undang Hukum Pidana (Kuhp)," 5 Kitab Undang-Undang Hukum Pidana (KUHP) § (2018).

<sup>17</sup> Republik Indonesia.

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letter was replaced with another, can also be by subtracting, adding or changing something from the letter.

3. Falsifying signatures also includes the notion of falsifying letters.
4. attaching photos of others from eligible holders (eg photos in a school diploma).

The criminal elements of the criminal act of letter fraud other than those mentioned above are:

1. at the time of falsifying the letter must be with the intention of using or ordering others to use the letter as if it were genuine and not falsified;
2. its use should be able to incur losses. The word "can" does not mean there is a need for loss, it is only possible that the loss is sufficient;
3. sentenced under this article not only to forge, but also to deliberately use false letters. He intentionally means that the person using it must know for a fact that the letter he used is false. If he does not know it, he is not punished.

It has been considered "using" such as handing the letter over to someone else who must use it further or submit the letter in the place where the letter should be needed.

In the case of using counterfeit letters it must also be proved that the person acts as if the letter is genuine and not falsified, so the act must be harmful.

Furthermore, according to Article 264 paragraph (1) point 1 of the Criminal Code, that the crime of falsification of letters as Article 263 of the Criminal Code is heavier the threat of punishment if the forged letter is authentic letters. An authentic letter, according to Soesilo, is a letter made in accordance with the form and conditions established by law, by public officials such as notaries.

In my opinion it can be charged to the prosecutor because the Attorney Law also accommodates the matter. About the procedure will be discussed subsection next chapter.

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## 2. An analysis of the procedure when a violation of the code of ethics concerning legal fact-making has occurred

The performance of the Attorney Office, particularly in the field of guidance and supervision, has to be improved, given the stronger public attention to the prosecutor institution. If not, then the public trust to Adhyaksa corps will be more faded so it can hamper law enforcement efforts in Indonesia.<sup>18</sup>

Law Number 16 Year 2004 regarding the Attorney regulates strict sanctions for prosecutors, such as dismissal with respect, not with respect, and temporary dismissal. Article 12 of Law Number 16 Year 2004 specifies the types of deeds punished with dismissal sanctions with respect. Then, Article 13 paragraph (1) of Law No. 16 of 2014 specifies the types of acts punished with dismissal sanctions not with respect. Technically, the dismissal of the prosecutor is not done immediately. In addition to the fact that the prosecutor is a state civil servant (ASN) and also a law enforcement profession, it brings consequences to the 'unusual' dismissal mechanism as ASN but is commonplace for the profession.

Article 13 paragraph (3) of Law Number 16 Year 2004 states that prosecutors are given sufficient opportunity to defend themselves before the Honorary Attorney Council (MKJ). Technically, it is stipulated in Government Regulation Number 20 Year 2008 regarding Procedures of Dismissal With Respect, Disappointment Without Respect, And Termination, and Functional Position of the Prosecutor Affected by Dismissal.

Within 14 days from the time the prosecutor used the opportunity to defend himself, the Attorney-General shall form members of the MKJ assembly. Meanwhile, against prosecutors who do not use the opportunity to defend themselves. The Attorney General issues a dismissal decision without a recommendation from the MKJ.

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<sup>18</sup> Teguh Subroto, . Hartiwiningsih, and , Supanto, "PENGAWASAN TERHADAP APARATUR LEMBAGA KEJAKSAAN BERDASARKAN UNDANG-UNDANG NOMOR 5 TAHUN 2014 TENTANG APARATUR SIPIL NEGARA," *Jurnal Hukum Dan Pembangunan Ekonomi* 5, no. 2 (2017), <https://doi.org/10.20961/hpe.v5i2.18304>; Subroto, Kejaksaan, and Kepulauan, "PENGAWASAN TERHADAP APARATUR LEMBAGA KEJAKSAAN."

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Article 17 Paragraph (1) of Government Regulation Number 20 of 2008 stipulates that the MKJ has the duty to give consideration, opinion and recommendation to the Attorney General on the proposal of the Attorney General for Supervision (Jam Was) regarding the dismissal of a prosecutor. The composition of the members of the MKJ council consists of one Chairman, two Vice Chairmen, Secretaries and Deputy Secretaries of one person each, and four Members. The composition itself is set out in detail in Kepja 017 / A / JA / 01/2004 concerning Honorary Council of Prosecutors. MKJ conducts an examination of the report on the results of the examination of Jamwas (Attorney General for Supervision) and its supporting documents or to the prosecutor who will be temporarily discharged from his / her position. In addition, the MKJ Session is declared valid if it is attended by at least 2/3 of the total members. Examination of MKJ hearings is open except for matters of moral decency. In making decisions, the MKJ assembly is made unanimously. The result of the decision shall be submitted no later than seven days to the Attorney General and Jamwas after the decision is established.

#### Two Door Supervision

A prosecutor not only supervised by superiors internally but also supervised by external parties. Presidential Instruction No. 15/1983 concerning Guidelines for the Implementation of Supervision distinguishes two forms of supervision, ie supervision made by the head or boss of each or work units against his subordinates (supervision attached / waskat). Secondly, the monitoring performed by the functional supervisory apparatus concerned (functional / wasnal supervision). In general, the inherent supervision is carried out by monitoring, observing, examining, identifying and analyzing the symptoms of irregularities, the formulation of appropriate follow-up. The officials themselves are filled in stages starting from the level of AGO, Kejati, Kejari. Meanwhile, the types of functional supervision, among others supervision behind the desk, public inspection, special inspection, inspection of the leadership, case inspection and reporting, and monitoring.

The officials themselves are mostly filled by supervisors, ranging from Jamwas, Ses Jamwas, young inspectors and inspectors, section heads to

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Jamwas, Examiner, and functional prosecutors at Jamwas. At the Kejati level by Kajati, Wakajati, supervisory assistant, examiner, and functional prosecutor at the supervising assistant. And at the level of Kejari by Kajari and the Examiner.

While for external supervision, supervised by a number of related parties ranging from the community, partners with Commission III of the House of Representatives, UKP4, and the Commission of the Prosecutor General. Especially for the Commission of the Public Prosecutor of the Republic of Indonesia may recommend the form of sanctions against prosecutors or prosecutors in accordance with the violations referred to in Government Regulation No. 53 of 2010 on Civil Service Discipline, Code of Ethics, and legislation. Commissioners of the Prosecutorial Commission are granted the right, among others, to be appointed as members of the MKJ. In addition, it is also entitled to follow every degree of case either in cases headed by the Attorney General or a case reported by the public to the Commission of the Prosecutor. Based on Presidential Regulation Number 18 Year 2011 regarding the Prosecutor Commission, there is an extension of authority in handling reports of complaints from the public. In addition to being able to take control of the investigation, the Prosecutorial Commission is also authorized to conduct a re-examination or additional examination of the inspection that has been conducted by the internal prosecutor's apparatus if there is evidence or new information which in the previous examination has not been clarified and / or requires further clarification, the examination by the internal supervisory apparatus of the Public Prosecution Service was not coordinated with the Prosecutor Commission. And if the inspection by the internal apparatus of the Attorney General's office does not show any seriousness or has not shown any concrete results within three months from the public report or the Prosecutor's Commission report submitted to the Internal Supervisory Office of the Public Prosecution Service or allegedly involving collusion in the examination by the internal apparatus of the Prosecutor's Office.

The result of the examination shall be submitted to the Attorney General in the form of recommendation of the Prosecutor Commission for follow up. If such recommendations are not acted upon or their implementation is not in

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accordance with the recommendations, the Prosecutorial Commission may report them to the President.

#### B Criminal To Prosecutors

If the Prosecutor commits a crime, then the judicial process against him, the Prosecutor's Code of Conduct examination is only conducted to impose administrative measures against him. However, criminal sanctions are processed again with different demands. Even in practice, a trial in a public court (court) can be done in advance of a court hearing of a violation of the code of conduct of the prosecutor. Thus the legal facts and even cases could be criminalized through a public court.

3. weaknesses of the code of conduct in the Prosecutor's Office as well as recommendations on improving the implementation of the Code of Ethics for the Prosecution According to Fauzan and Baharudin Siagian in his dictionary of law and jurisprudence professional code of ethics has a weakness. The weaknesses are:

a. Idealism contained in the code of professional conduct is not in line with the fact that occurs around the professionals.

b. The professional code of ethics is a set of moral norms that are not supplemented by harsh sanctions.<sup>19</sup>

Although there are many factors and in fact each factor is mutually influential, the decline of professional morality especially among the legal profession, among others caused by: Abuse of the profession, Profession into business activities, Lack of awareness and social awareness, Continuity of judicial system, The lifestyle of cosmorism, the factor of faith, and the influence of kinship.<sup>20</sup>

In my opinion for improvement Implementation of the code of conduct of the prosecutor's office is started from the prosecutor's welfare itself. The salary of the prosecutor is the salary of the officer of the Public Prosecutor of Class IIIa with a working period of 0 years of basic salary of Rp.2.456.000 per month.

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<sup>19</sup> dan Baharuddin Siagian M. Fauzan, "Kamus Hukum Dan Yurisprudensi," in *Edisi Pertama*, 2017.

<sup>20</sup> Yusa I Gede dan Bagus Hermanto, "Implementasi Green Constitution Di Indonesia : Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan Implementation of Green Constitution in Indonesia : Guarantees of Constitutional Rights of Sustainable," *Jurnal Konstitusi* 15 (2018): 130–40.

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Group IIIb with a working period of 0 years will get basic salary Rp.2.560.000 per month. Group IIIc with a working period of 0 years Rp.2.668.000 and class IIIId also with a working period of 0 years earned Rp.2.781.000. The highest for this class III is the salary of the prosecutor's office with the working period of 32 years from the IIIId group who will get Rp.4.568.000 per month.

So there needs to be an increase in the salary of the prosecutor, because his workload is quite heavy. be funny and irony if the salary of the prosecutor is lower than the salary of workers in karawang. Because UMR karawang is 3.9 million. That does not include transport money and so on, even if there is extra time they can pocket over 15 million. Therefore, because the prosecutor was part of law enforcement and his hand is also the face of our law seen, by the world then adjust the salary with the responsibility of a large prosecutor.

Then I think to improve the implementation of the code of conduct of the prosecutor is a recruitment that is not only tested academically but religiously and integrity. This is because if the prosecutor is afraid of any god his religion will be as fair and just as good as all religions teach goodness.

## D. Conclusions

The ethics of the prosecutorial legal profession related to legal fact engineering can not only be liable to administrative sanctions and even criminal sanctions may be imposed, provided that in accordance with applicable procedures. Improvement of prosecutors in the future in terms of ethics in my opinion should start from the prosecutor's prosperity itself and the mechanism of recruitment that is not just solely in academic or psychic test, but rather religious and integrity. I think if the prosecutor understands his religion whatever his religion, the prosecutor can certainly be fair since in the mind and away from the things that are despicable.

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