

Strengthening the Preventive Function of State Attorneys in Mitigating Corruption Risks in Government Projects

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Abstract: *This study analyzes the normative construction of the authority of State Attorney Prosecutors in providing legal assistance for government projects and formulates an optimization model for such assistance as a preventive instrument against corruption. This research applies normative legal research using statutory, conceptual, and case approaches, supported by document studies of legal assistance in government projects. The findings indicate that the authority of State Attorney Prosecutors is grounded in Article 30 paragraph (2) of the Prosecutor's Office Law, further elaborated in Presidential Regulation Number 15 of 2024, and operationalized through Prosecutor's Regulation Number 7 of 2021. Nevertheless, the regulation still contains vague norms, particularly the phrase "to be or be implemented" and the application-based mechanism, which tends to place particulars in a passive position and involve them only during project implementation. Such a condition weakens early detection of procurement-related risks. Optimization requires clarification of the tempus of legal assistance beginning from the planning or pre-contract phase, stronger transparent coordination between applicants and prosecutors, and the formulation of an imperative exit strategy clause when bad faith, project irregularities, or alleged criminal conduct are discovered. According to State Attorney Prosecutors can serve as a preventive legal instrument to strengthen legal certainty, accountability, and protection of state finances.*

INTRODUCTION

National development is a strategic instrument for realizing the nation's goals as mandated in the Preamble to the 1945 Constitution, particularly in improving public welfare and the quality of public services. From a state administration perspective, development is not only oriented toward economic growth but must also be implemented based on the principles of law, accountability, and good governance (Kombong et al., 2020). One form of national development

implementation is realized through the implementation of government projects, particularly in the areas of procurement of goods and services, infrastructure, and public services. Government procurement of goods and services has a strategic position because it serves as one of the main instruments for utilizing the state budget to achieve development goals (Suparwanto, 2025; Widyadana, 2026). However, the large amount of public funds managed in this sector makes it vulnerable to various forms of administrative irregularities and corruption. Cahyani (2022) shows that government procurement of goods and services is one of the sectors most prone to corruption, thus requiring comprehensive prevention efforts through preventive and repressive approaches by law enforcement authorities.

The phenomenon of irregularities in government projects remains a serious problem in Indonesia. Numerous cases of corruption in the procurement of goods and services demonstrate that problems occur not only during project implementation but also throughout the planning, procurement document preparation, supplier selection, and contract execution stages. Violations of procurement procedures can result in state financial losses, reduce the quality of development outcomes, and hinder the realization of clean and effective governance. Kurniati (2016) reveals that violations of government procurement procedures often result in state financial losses and may develop into criminal acts of corruption when adequate oversight is absent. Furthermore, Hardiyan (2023) confirms that the application of the principles of transparency, openness, and proportionality in procurement contracts still faces various obstacles, thereby creating opportunities for abuse of authority in the implementation of government projects. This situation demonstrates the importance of strengthening corruption prevention instruments through a legal approach that focuses not only on enforcement but also on prevention. In this context, the Indonesian Attorney General's Office (AGO) plays a strategic role through its authority in the field of Civil and State Administrative Law, particularly through State Attorneys (JPN) (Panjaitan & Simamora, 2026; Rahmat et al., 2025). Through legal assistance mechanisms, State Attorneys can provide legal opinions, legal reviews, and legal recommendations to government agencies to ensure that project implementation complies with statutory provisions. La Haja (2020) indicates that the Prosecutor's Office's legal assistance function constitutes a preventive instrument that can minimize the risk of administrative errors and potential corruption in strategic government projects. Similarly, Cahyani (2022) states that the Prosecutor's Office's role in providing legal counseling, legal assistance, and legal opinions contributes to preventing corruption in government procurement of goods and services.

The urgency of this research is further heightened by the fact that the implementation of legal assistance by State Attorneys has not yet been fully optimized in practice. Many government agencies submit requests for legal assistance only after projects have entered the implementation phase or even after potential disputes and legal problems have emerged. Consequently, the preventive function that should operate from the planning and pre-contract stages has not been optimally implemented. Furthermore, the complexity of procurement regulations, the limited legal understanding of government officials, and the high risk of abuse of authority require a more effective, integrated, and risk-mitigation-oriented legal assistance model from the outset of project implementation. Therefore, optimizing the role of State Attorneys constitutes an urgent need to support good governance and strengthen corruption prevention through a preventive approach.

A review of previous studies indicates a research gap that requires further examination. Previous research has generally focused on the role of the Prosecutor's Office in preventing corruption in the procurement of goods and services (Cahyani, 2022), the independence of State Attorneys in providing legal assistance for procurement (Desvira et al., 2025), and the security of national strategic projects by the Prosecutor's Office (La Haja, 2020). However, research remains

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limited that specifically analyzes the normative construction of State Attorney authority in providing legal assistance for government projects as a preventive instrument against corruption and formulates a model for optimizing legal assistance from the planning stage through project implementation. Therefore, this study aims to fill this gap by comprehensively examining the legal basis of State Attorney authority and formulating an effective model for optimizing legal assistance in government projects to support corruption prevention.

METHODS

This research uses a normative-empirical legal research method with objective. This study analyzes the normative construction of the authority of the State Attorney (JPN) in legal assistance for government projects and examines its implementation in practice. The normative approach is used to examine various provisions of laws and regulations, legal principles, doctrines, and theories related to the JPN's authority in the fields of Civil and State Administration, while the empirical approach is used to examine the application of these legal norms in the implementation of legal assistance for government projects. This study uses a statutory approach, a conceptual approach, a case approach, and an empirical approach (Soekanto & Mamudji, 2010). The statutory approach is carried out by examining various regulations governing the authority of the Prosecutor's Office and government procurement of goods/services, while the conceptual approach is used to analyze the concept of authority, legal assistance, good governance, and prevention of corruption. The case approach is used to examine various legal issues that arise in the implementation of government projects, while the empirical approach is utilized to obtain an overview of the practice of legal assistance carried out by the State Attorney.

The data sources in this study consist of primary legal materials, secondary legal materials, and empirical data (Marzuki, 2005). Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, the Corruption Eradication Law, laws and regulations concerning government procurement of goods/services, and Attorney General's Regulation Number 7 of 2021 concerning Guidelines for the Implementation of Civil and State Administrative Activities. Secondary legal materials were obtained from law books, scientific journal articles, previous research results, expert doctrines, and documents relevant to the implementation of legal assistance for government projects. Empirical data were obtained through interviews with relevant parties, document reviews, and limited observations of the implementation of legal assistance. Data collection techniques were carried out through library research, documentation studies, and interviews. All data obtained were then analyzed qualitatively by inventorying, classifying, interpreting, and linking legal norms with empirical facts found in the field. The results of the analysis are used to assess the suitability between legal provisions and the practice of implementing legal assistance, identify obstacles that occur, and formulate a model for optimizing the role of State Attorneys in supporting accountable government project governance that is oriented towards preventing criminal acts of corruption.

RESULT AND DISCUSSION

The JPN's authority in providing legal assistance for government projects rests on several layers of regulation. The main basis is found in Article 30 paragraph (2) of the Attorney General's Law, which grants the Attorney General's Office the authority to act in civil and state administrative matters, both inside and outside the court, for and on behalf of the state or government. Although the term "State Attorney" is not always explicitly stated in the law, the meaning of this authority with special powers substantially indicates the Attorney General's function as a legal representative

of the state (Palo et al., 2026). These provisions are detailed in Presidential Regulation Number 15 of 2024 concerning changes to the organization and working procedures of the Prosecutor's Office. This regulation defines the scope of authority in the civil and state administrative fields, including law enforcement, legal aid, legal considerations, other legal actions, legal services, recovery of state assets, and protection of government interests. In the context of government projects, legal assistance is positioned as part of the legal consideration function.

Prosecutor's Office Regulation Number 7 of 2021 serves as operational guidelines for the implementation of the Prosecutor's Office's duties in civil and state administrative matters. The regulation stipulates that legal considerations can be expressed in the form of legal opinions, legal assistance, and legal audits. Legal assistance is provided based on a written request from the requesting agency and a written order from the head of the Prosecutor's Office work unit. Therefore, procedurally, the Prosecutor's Office cannot act without a clear administrative basis. This construction of authority indicates that the Procurement Officer (JPN) is outside the project's managerial structure. The JPN is not a commitment-making official, a budget user, a selection working group, or a goods/services provider. The JPN does not have the authority to determine tender winners, formulate technical decisions, sign contracts, or replace the responsibilities of procurement officials. The JPN's role is to provide legal advice to ensure that administrative and contractual decisions remain within the law.

Limits of Authority and Procedural Limits of Legal Assistance

The limits of JPN authority are important to prevent overlapping powers. From an administrative law perspective, government authority must stem from legitimate attribution, delegation, or mandate (Gandara, 2020). The Attorney General's Office's authority in civil and state administrative matters is attributable to the law, while the implementation of duties within the work unit is carried out through internal institutional mechanisms. Therefore, legal assistance should not give the impression that the Attorney General's Office is taking over technical project decisions. Procedurally, Prosecutor's Regulation Number 7 of 2021 limits the JPN's role to formal legal aspects. The JPN can review documents, provide legal opinions, identify regulatory risks, and provide mitigation recommendations. However, the JPN is not permitted to delve into the technical-economic aspects of the project, such as the technical quality of the work, construction methods, technical design, technical pricing, and the provider's managerial decisions. This limitation maintains the JPN's objectivity and prevents legal assistance from becoming a justification for the applicant's technical decisions. From a legal perspective, these limitations serve to maintain a balance between legal certainty, justice, and expediency. Legal certainty is achieved because the scope of the JPN's authority can be formally limited. Fairness is maintained because technical responsibility remains with the procurement officer. Expediency arises because the JPN can help prevent legal risks without hindering project implementation.

Legal Assistance Practices in Government Projects

An analysis of six legal assistance documents from the Temanggung District Attorney's Office shows that requests for assistance were generally submitted when the project had entered the physical implementation or post-contract phase. This pattern suggests that the JPN was not involved during the project planning phase. A summary of the document findings is presented as follows:

Table 1. Overview of Legal Assistance Requests, JPN Responses, and Potential Issues in Government Projects

No	Activities/Institutions	Application Stage	JPN's Attitude	Potential Problems
1	Rehabilitation of the Rowoseneng-Sirandu Road Section, Temanggung Public Works and Public Housing Agency	Implementation	Accepted	Risk of time schedule and two work packages running concurrently
2	Construction of Temporary Landfill/Temporary TPA, DPRKPLH	Implementation	Accepted	Contract changes, item changes, and drainage specification changes
3	Rehabilitation of the Kandangan-Tegong Road, Temanggung Public Works and Public Housing Agency	Implementation	Accepted	Supporting documents have not been submitted to JPN
4	Construction of the Temanggung Regency Regional Hospital parking lot	Implementation	Accepted then decided	Lack of transparency from the PPK/provider regarding extension of time and increase in contract value
5	Paving of Bhumiphala Neighborhood Road, Dindikpora	Approaching the end of the contract	Rejected	The assistance was deemed not optimal because the contract was almost over.
6	Revitalization of SMP N 1 Pringsurat, Dindikpora	Implementation	Accepted	There are activities that appear during review but do not appear during exposure.

The table 1 demonstrates a disconnect between the ideal design of legal assistance as a preventative tool and its practice on the ground. Applications submitted at the implementation stage often result in the JPN dealing with problems that have already occurred, rather than risks that could have been prevented from the outset. Consequently, the JPN's legal intervention opportunities are limited. On certain projects, the JPN is directly confronted with contract or CCO changes, late document submissions, applicant non-disclosure, and requests submitted near the end of the contract period. These conditions indicate that legal assistance can potentially be used as an administrative safeguard, rather than as an early detection mechanism. In such situations, the JPN is no longer optimally positioned to assess planning quality and prevent risks from arising pre-contract.

Ambiguity of Norms in Prosecutor's Regulation Number 7 of 2021

One reason for the suboptimal legal assistance is the vagueness of the norms in Prosecutor's Office Regulation Number 7 of 2021. The phrase "will be or is being implemented" does not provide a clear timeline for when legal assistance should begin. This phrase can be interpreted broadly: before the project begins, during the project, or even when the contract is nearing completion. As a result, the requesting agency has the flexibility to determine the timing of the request according to its own interests. Furthermore, the "request-based" model of legal assistance tends to make the JPN passive. It only takes action upon a request from a government agency. However, if the goal of legal assistance is corruption prevention, then ideal involvement should begin at the planning stage, during the preparation of procurement documents, or at least before the contract is signed. It is at this stage that legal risks can still be identified and effectively addressed.

The ambiguity of norms is also evident in the mechanism for terminating mentoring. Regulations contain precautions against indications of unlawful acts, bad faith, suspected criminal

acts, or irregularities in activities. However, follow-up actions are still based on a formula that is at the discretion of the work unit leader. As a result, termination of mentoring remains optional and potentially inconsistent across work units.

Optimizing Legal Assistance as an Instrument for Corruption Prevention

The first optimization is the clarification of the legal assistance time limit. Internal regulations within the Attorney General's Office (AGO) need to clarify that legal assistance for strategic or large-scale government projects should begin during the planning or pre-contract phase. This clarification will strengthen the early warning system function, allowing the AGO to assess the suitability of activity plans, procurement documents, draft contracts, and potential legal risks before the project enters the implementation phase. The second optimization is the strengthening of the legal assistance position, moving from being purely optional to being more integrated into government project risk management. This integration does not mean the AGO takes over the authority of procurement officials, but rather ensures that legal consultation is provided from the outset. Thus, the AGO's legal opinion can serve as a mitigation tool, not merely a response to existing problems.

The third optimization is the formulation of an imperative exit strategy clause. If the applicant is found to be lacking transparency, data manipulation, activity irregularities, indications of unlawful acts, or suspected criminal acts that have been handled by law enforcement officials, the JPN must have a clear basis for terminating the assistance. This clause is crucial to prevent legal assistance from being misused as a means of legitimizing or shielding problematic projects. The fourth optimization is improving proactive and transparent coordination. The applicant agency must provide accountable access to project documents, including planned contract addendums, changes to specifications, work progress, and other supporting documents. Without data transparency, the JPN's legal recommendations will be inaccurate. Therefore, the principle of transparency must be a primary requirement in every assistance application. The fifth optimization is strengthening documentation and reporting. Each stage of legal assistance needs to be outlined in a written document that outlines the scope of assistance, the documents reviewed, the legal advice provided, the applicant's follow-up, and the reasons for termination of assistance. This documentation will protect the JPN from the risk of misuse of recommendations and simultaneously strengthen applicant accountability.

CONCLUSION

The authority of the State Attorney General (JPN) in legal assistance for government projects is normatively derived from the authority of the Prosecutor's Office in the field of Civil and State Administration as regulated in laws and Prosecutor's Regulation Number 7 of 2021. In its implementation, the JPN functions to provide legal considerations, reviews, and recommendations to ensure government projects run according to legal provisions without being involved in technical decision-making. However, the effectiveness of legal assistance still faces obstacles in the form of unclear norms regarding the timing of the assistance's commencement and the nature of the request, which causes the preventive function to be less than optimal because assistance is often carried out at the implementation or post-contract stage. Therefore, optimization is needed through affirming assistance from the planning or pre-contract stage, harmonizing internal regulations of the Prosecutor's Office, strengthening transparent coordination between government agencies and the JPN, and formulating a clear exit strategy clause if non-transparency, irregularities, or indications of criminal acts are found. With these steps, legal assistance by the JPN is expected to function more effectively as an instrument for preventing corruption and strengthening accountable government project governance.

REFERENCES

- Cahyani, E. (2022). Pencegahan tindak pidana korupsi pengadaan barang dan jasa pemerintah. *Indonesian Journal of Criminal Law and Criminology*, 3(2). <https://doi.org/10.18196/ijclc.v3i2.15527>
- Desvira, H., Syofiarti, S., & Rosari, A. (2025). Independensi Jaksa Pengacara Negara dalam pendampingan hukum untuk pengadaan barang dan jasa di wilayah hukum Kejaksaan Negeri Payakumbuh. *Ranah Research Journal*, 8(1). <https://doi.org/10.38035/rrj.v8i1.1842>
- Gandara, M. (2020). Kewenangan atribusi, delegasi dan mandat. *Khazanah Hukum*, 2(3), 92–99. <https://doi.org/10.15575/kh.v2i3.8187>
- Hardiyan, S. P. (2023). Perspektif hukum dalam keterbukaan, transparansi, proporsional, dan penegakan hukum pada kontrak pengadaan barang dan jasa pemerintah. *Perspektif Hukum*. <https://doi.org/10.30649/ph.v23i2.260>
- Kombong, E. P., Setiawan, A., & Wibowo, R. A. (2020). Kajian penyimpangan pelaksanaan pekerjaan konstruksi yang menjadi dakwaan praktik korupsi di Indonesia. *Jurnal Teknik Sipil*.
- Kurniati, G. (2016). Akibat hukum pelanggaran prosedur pengadaan barang/jasa pemerintah dan perlindungan hukum terhadap organisasi pengadaan barang/jasa pemerintah. *Jurnal Hukum Positum*, 1(2). <https://doi.org/10.35706/positum.v1i2.854>
- La Haja. (2020). Peran Kejaksaan dalam pengamanan dan pendampingan hukum proyek strategis sesuai Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia. *Lex Et Societatis*, 8(3). <https://doi.org/10.35796/les.v8i3.30670>
- Marzuki, P. M. (2005). *Penelitian hukum*. Kencana Prenada Media Group.
- Palo, D. B., Wulandari, D., Al, M., & Ahmad, H. (2026). Tinjauan peran jaksa sebagai pengacara negara dalam penanganan gugatan terhadap kasus perdata di Kabupaten Mamuju, 1–10.
- Panjaitan, A. S. D., & Simamora, J. (2026). Peran Kejaksaan sebagai Jaksa Pengacara Negara dalam alternatif penyelesaian sengketa perdata dalam upaya non-litigasi. *Jurnal Prisma Hukum*, 10(1), 136–142.
- Rahmat, A. A., Buana, A. P., & Asriati. (2025). Efektivitas kedudukan Jaksa Pengacara Negara dalam menangani perkara perdata (Studi kasus di Kejaksaan Negeri Gowa). *Legal Dialogica*, 1(1).
- Soekanto, S., & Mamudji, S. (2010). *Penelitian hukum normatif: Suatu tinjauan singkat*. Rajagrafindo Persada.
- Suparwanto, D. (2025). Analisis kinerja pengadaan barang/jasa. *Jurnal Pengadaan Barang/Jasa (JPBJ)*, 4(2), 76–92.
- Syafar, I., Hanafie, N. K., & Herman. (2025). Implementasi kerangka hukum pengadaan barang dan jasa pemerintah: Analisis tantangan dan inovasi pencegahan korupsi di Indonesia. *Supremasi*, 20(2). <https://doi.org/10.26858/supremasi.v20i2.76744>
- Widyadana, R. A. (2026). Analisis prinsip transparansi dan akuntabilitas penggunaan dan pengelolaan keuangan negara pada sektor pengadaan barang dan jasa pemerintah. *Hukum Dinamika Ekselensia*, 8(1), 1–14.