

ABSTRACT

The Prosecutor is a government institution implementing the state power in the field of prosecution and other authorities under the act. Role of the Prosecutor in the handling and return of state financial losses resulting from criminal acts of corruption as stipulated in Article 18 1b of Law Number 31 Year 1999 on Eradication of Corruption. Handling process and the return of state financial losses resulting from criminal acts of corruption can not only be done through the criminal process, but also can be done with a civil lawsuit as referred to in Article 18 paragraph (2) and paragraph (3), Article 32, Article 33 of Law Number 31 Year 1999 on Eradication of Corruption.

While the prosecutor's duties and powers provided for in Article 30 paragraph (1), subsection (2) and paragraph (3) of Law Number 16 Year 2004 regarding the Prosecutor of the Republic of Indonesia. The process of handling criminal cases of corruption by the Prosecutor is doing the data collection of property suspected of corruption, confiscation and prosecution in court and sentenced to auction belongings and / or his heirs. The process of return loss to the state of the convict after a court decision that has legal power to convict and how to call the party or his heirs to discuss the payment of compensation due to the corruption of the convict, and after compensation was paid by the convict to the Prosecutor, then the money remitted to the state treasury by the Prosecutor.

The constraints faced by the Prosecutor in the handling and return losses to the state, namely the property that was corrupted is not found, the convict can not afford to pay compensation, and property that has been corrupted over the call to others so that the Prosecutor experiencing difficulties in repayment financial losses that country. So that the next Prosecutor advised to create a standard procedure in the process of replacement of the payment of money and should be sentenced to the Government and House of Representatives again revise existing laws and enact laws regarding state financial returns with the hope it will happen again in arrears payments replacement by a convict.

Keywords: Role of prosecutor, corruption, procedure, and barriers in replacement