



Optimizing the performance of the prosecutor in the prosecution and execution of criminal fines in oil and natural gas crime cases

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Abstract

This journal aims to find out and explain the implementation of prosecutions for oil and gas crimes and to find out and explain the obstacles faced by prosecutors in implementing fines for oil and gas crimes. This research uses an empirical juridical approach. Based on the research results, it is known that the implementation of prosecutions in Oil and Gas Crimes is in accordance with the rules of prosecution, namely being charged with violating the provisions of Article 55 of Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming a Law. Invite. In terms of criminal execution, fines in oil and gas crimes often encounter several obstacles. The first problem is the lack of an active role from the prosecutor to remind the defendant to immediately pay the fine imposed on him, the defendant's economic factors, in this case the defendant is unable to pay the fine imposed on him, and the absence of treasuring assets in oil and gas crimes. Asset treasuring is needed to measure the capabilities and track the assets of oil and gas convicts. There is a need for criminal provisions which regulate that if the defendant does not pay the fine as stipulated in the judge's decision, the defendant's assets can be confiscated in accordance with the fine imposed.

Keywords: Criminal fines, executions, oil and gas, prosecutor's office

Introduction

Constitutionally, the natural resources in Indonesia are controlled by the State as stated in Article 33 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states, "branches of production that are important for the State and control people's livelihoods much of it is controlled by the State, as well as the land, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people". Considering that Oil and Natural Gas are non-renewable strategic natural resources controlled by the state and are vital commodities that plays an important role in providing industrial raw materials, meeting domestic energy needs, and is an important source of foreign exchange for the country, so its management needs to be carried out as optimally as possible so that it can be utilized for the greatest prosperity and welfare of the people.

Oil and Natural Gas are commodities that are very important for the life of the country. Oil and natural gas are used as energy sources to drive a country's economy. Because of its important role, oil and natural gas are often misused to the detriment of the economy. So it is the duty of Law Enforcement Officials as the front guard in enforcing the law so that the interests of the state and the public are not harmed.

The Prosecutor's Office as a law enforcement agency, universally is a central institution in the criminal law enforcement system (center of criminal justice system), which has the duty and responsibility to coordinate/control investigations, carry out prosecutions and implement judge decisions/decisions that have permanent legal force. (inkracht van gewijsde), and has responsibility and authority over all evidence confiscated both during the prosecution stage for the purposes of proving the case, as well as for execution purposes.

That enforcement of criminal law, in essence, does not only aim at punishing perpetrators of criminal acts (crimes/violations) so that they become deterrent and do not repeat their actions, all of which is in accordance with the principle of dominus litis, which is the duty and responsibility of the Prosecutor's Office as a public prosecution institution which has a function not only as prosecutor but also as executor of the decision. Therefore, it is important to optimize the performance of prosecutors in the prosecution and execution of criminal fines in oil and gas criminal cases.

Research Method

The type of research used in this research is juridical-empirical, namely research by conducting a comprehensive study by conducting direct observations and interviews at the research location. To complete this research, a literature review was also carried out, such as reviewing several laws and regulations related to the problem under study which became secondary material in this research.

Empirical legal research or what is called another term is sociological legal research and is also called field research. This empirical legal research starts from primary data, namely data obtained directly from the community as the first source through field research, which is carried out through observations and interviews, observations and distributing questionnaires, so the meaning of this empirical juridical research is a legal research method that seeks to see the law in a real sense or can be said to see how the law works in society.

Discussion

Implementation of Prosecution and Execution of Criminal Fines in Oil and Gas Crimes

Implementation of Prosecution in Oil and Gas Crimes

Provision 52 of Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, "any person who carries out exploration and/or exploitation without having a Business License or Cooperation Contract shall be punished with a crime maximum imprisonment of 6 (six) years and a maximum fine of Rp. 60,000,000,000,- (sixty billion rupiah)".

In the provisions of Article 55 of Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming Law regulates that: "every person who misuses the transportation and/or trading of oil and gas., and/or liquefied petroleum gas subsidized by the Government shall be punished with imprisonment for a maximum of 6 (six) years and a fine of a maximum of Rp. 60,000,000,000,- (sixty billion rupiah)". This is reinforced by Article 57 paragraph (2) which states that criminal acts as referred to in Article 52, Article 53, Article 54 and Article 55 are crimes.

The success of law when enforced in people's lives is also related to the factors that influence it. In this case, according to Soerjono Soekanto who said:

"That the main problem of law enforcement actually lies in the factors that might influence it. These factors have a neutral meaning, so their positive or negative impact lies in the content of these factors. These factors are legal/legislative factors, law enforcement factors, facilities or facilities that support law enforcement, community factors and cultural factors." (Soerjono Soekanto: 2016).

An example of the case in this research is the oil and gas crime case committed by Convict H as stated in the Jantho District Court Decision Number: 35/Pid.B.LH/2022/PN Jth dated 7 June 2022, where this case started with a witness D (convict in another case file) who is the owner of one of the gas stations in Aceh Besar Regency which sells subsidized diesel fuel as much as 748 liters of diesel above the highest retail price (HET) to Convict H. Convict H misappropriated 22 (twenty two) letters of recommendation issued by the Maritime and Fisheries Service of Aceh Besar Regency for the purchase of subsidized diesel fuel intended for fishermen in Aceh Besar Regency.

In a quo case, Witness D does not have legal authority to increase the price of subsidized diesel fuel from the highest retail price (HET) of Rp. 5,150.00 (five thousand one hundred and fifty rupiah) per liter to Rp. 5,500.00 (five thousand five hundred rupiah) per liter which is contrary to applicable laws and regulations. The selling price of subsidized fuel oil to final consumers must be in accordance with the price set by the government as intended in Article 14 of Presidential Regulation Number 191 of 2014 and Minister of Energy and Mineral Resources Regulation Number 39 of 2014 concerning Calculation of Retail Selling Prices for Fuel as amended by Minister of Energy and Mineral Resources Regulation Number 20 of 2021. Meanwhile, Convict H purchased subsidized diesel fuel at SPBU 15,233,023 PT. Witness D's Pijay Putra Utama is not for use by the fishermen in the recommendation letter, but rather, Convict H will resell the subsidized diesel fuel for Convict H's personal profit.

In this case, Convict H was legally and convincingly proven guilty of committing the criminal act of "misusing the transportation and/or trade in government-subsidized fuel oil, gas fuel and/or liquefied petroleum gas" as regulated and punishable by law in Law Number 6 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.

In the a quo case, the Panel of Judges at the Jantho District Court imposed a sentence on Convict D in the form of imprisonment for 3 (three) months and a fine of Rp. 10,000,000,- (ten million rupiah) with the provision that if the fine is not paid it will be replaced by imprisonment for 1 (one) month.

Abuse of subsidized fuel oil often occurs in society, this is of course very detrimental to people in need because the purpose of providing subsidies is not on target and cannot help the economy of less fortunate people in carrying out their daily activities. The execution of the sentence imposed by the Panel of Judges is carried out by the Prosecutor as the executor of the decision (Aprilliani Arsyad: 2019) ^[2],

The Prosecutor's Office is an institution that has the authority to carry out prosecutions and execute criminal fines based on court decisions that have permanent legal force (inkracht). The authority of the Prosecutor's Office is regulated in Article 1 number 6 of the Criminal Procedure Code (KUHAP), namely

- a. The Prosecutor is an official authorized by this law to act as a public prosecutor and implement court decisions that have permanent legal force.
- b. The Public Prosecutor is a prosecutor who is authorized by this law to carry out prosecutions and implement the judge's decisions.

According to the provisions of Article 1 number 1 of Law of the Republic of Indonesia Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (hereinafter abbreviated to the Prosecutor's Law) states that, "The Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as the Prosecutor's Office, is a government institution whose function is related to judicial power which carries out state power in the field of prosecution and other authorities based on the law. In Article 30 C letter d, it states, "The Prosecutor's Office carries out penalty mediation, confiscates executions for payment of criminal fines and substitute criminal penalties as well as restitution." Furthermore, letter g states, "The Prosecutor's Office confiscates the execution for the payment of criminal fines and replacement money." This implies that the Prosecutor's Office is an institution that has the authority to determine whether or not a case can be transferred to court and is responsible for proving the case at trial and implementing court decisions including the execution of criminal fines.

The power in the field of prosecution according to Article 4 of the Prosecutor's Law is the authority of the Public Prosecutor to delegate cases to the competent District Court in terms and according to the methods regulated in the criminal procedural law with a request to be examined and decided by a judge at a court hearing.

The Prosecutor's Office as case controller (*Dominus Litis*), has a central position in law enforcement, because only the Prosecutor's office can determine whether a case can be submitted to court or not based on valid evidence according to the Criminal Procedure Law. (Dian Rosita: 2018) ^[4].

In Law Number 6 of 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming a Law, the time for implementing fines is not rigidly regulated, so the provisions of Article 273 paragraph (1) and paragraph (2) are applied. The Criminal Procedure Code states "if a court decision imposes a fine, the convict is given a period of one month to pay the fine, except in a speedy trial decision which must be paid immediately." Furthermore, paragraph (2) states, "if there are strong reasons, the period as stated in paragraph (1) can be extended for a maximum of one month".

The provisions of Article 270 of the Criminal Procedure Code state that a court decision is made when it has permanent legal force and the prosecutor receives a copy of the decision from the court clerk. If Article 270 of the Criminal Procedure Code is linked to Article 197 paragraph (3) of the Criminal Procedure Code, the meaning of the words immediately can be interpreted as soon as the prosecutor receives a copy of the execution decision from the court clerk.

The implementation of the prosecution and execution of criminal fines in oil and natural gas criminal cases contains many weaknesses in its implementation, namely the large criminal fines demanded and imposed on convicts so that many convicts choose to carry out a substitute punishment in the form of corporal punishment rather than having to pay a fine, even though if the fine is paid by the convict, the money becomes Non-Tax State Income (PNBP) which can be used by the government for the prosperity of the people. In this case, prosecutors and judges should pay attention to the balance between the amount of the fine and the length of the replacement sentence and also consider the ability of the convict (socio-economic conditions) to pay the specified fine.

In this case, the Prosecutor as the General Prosecutor of the Aceh Besar District Prosecutor's Office has prosecuted in accordance with applicable regulations. The only problem so far has been the execution of criminal fines for oil and gas crimes. This can be explained below.

Execution of Criminal Fines in Oil and Natural Gas Crimes

Execution is the final stage of case resolution in the integrated criminal justice system (Integrated Criminal Justice System) adopted by the Criminal Procedure Code. According to Van Bemmelen, Criminal Procedure Law has 3 functions, searching for and finding the truth of the decision given by the judge and the implementation of the judge's decision. The function of seeking and discovering the truth is carried out through trials in court according to the methods regulated in the applicable criminal procedural law. Based on the results of the trial, the judge then gives a decision, which is then implemented by the prosecutor. The process of resolving a criminal case is considered and assessed as successful in law enforcement if the execution of the judge's decision which has permanent force is carried out by the Prosecutor correctly in accordance with the provisions of the applicable legislation. Until now, there are still weaknesses in prosecutors as executors, because several court decisions involving both general criminal cases and corruption cases have failed when executed. This has more or less contributed to worsening the image of

prosecutors/prosecution institutions as law enforcers in the eyes of the public.

Prosecutors as implementers of judge's decisions which have permanent legal force are required to have professional technical abilities in carrying out their duties and authority as executors in accordance with applicable regulations. The non-execution of oil and gas crimes is due to several factors as follows

Lack of active role from prosecutors

The Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as the Prosecutor's Office, is a government institution that exercises state power in the field of prosecution and other authorities based on the provisions of statutory regulations. Furthermore, the Prosecutor's Office has the task of carrying out state powers in the field of prosecution and other duties based on the provisions of statutory regulations as well as supervising the implementation of government duties and development in the legal sector. It is known that in carrying out its duties the Prosecutor's Office carries out functions, namely:

- a. Formulating implementation policies and technical policies, granting and coaching as well as granting permits based on the provisions of statutory regulations and general policies determined by the president.
- b. Organizing the development of infrastructure and facilities, fostering management, administration, organization and management as well as management of state-owned assets which are its responsibility;
- c. Implementation of law enforcement, both preventive and repressive, which has justice in the criminal field as its core, implementation of judicial intelligence in the field of public order and tranquility, provision of assistance, consideration, services and law enforcement in the civil and state administration fields as well as legal action and other tasks, to ensure certainty law, upholding government authority and saving state assets, based on the provisions of laws and regulations and general policies established by the president;
- d. Placement of a suspect or defendant in a hospital or mental care facility or other appropriate place based on a judge's determination because he is unable to stand on his own or because of things that could endanger other people, the environment or himself;
- e. Providing legal considerations to institutions, central and regional government agencies, State-Owned Enterprises, Regional-Owned Enterprises in drafting statutory regulations and increasing public legal awareness; And
- f. Organizing coordination, guidance and technical instructions as well as supervision both within and with related agencies regarding the implementation of tasks based on the provisions of laws and regulations and policies stipulated by the President.

As explained above, the Prosecutor's Office has the authority to enforce the law both repressively and preventively. In the criminal field, prosecutors have the following duties

1. Carrying out prosecution;
2. Carry out the judge's determination and decision which has obtained permanent legal force;
3. Carrying out investigations into certain criminal offenses based on law;

4. Complete certain case files and for this reason can carry out additional examinations before being sent to court, the implementation of which is coordinated with investigators.

In Article 30A of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Indonesian Prosecutor's Office, it is stated that in asset recovery, the prosecutor's office has the authority to carry out activities to search, confiscate and return assets obtained by criminal acts and other assets to the state, victims, or those entitled to it. Apart from carrying out the duties and authority as intended in Article 30, Article 30A and Article 30B, the Prosecutor's Office has the authority to

- a. Carrying out criminal statistics and judicial health statistics activities for the Prosecutor's Office;
- b. Participate and be active in seeking the truth regarding cases of serious human rights violations and certain social conflicts in order to achieve justice;
- c. Participate and be active in handling criminal cases involving witnesses and victims as well as the rehabilitation, restitution and compensation process;
- d. Carrying out penal mediation, confiscating executions for payment of fines and substitute criminal penalties as well as restitution.

As explained above, prosecutors have the authority to execute decisions in criminal cases that have permanent legal force. It is known that the execution of a court decision is the implementation of a court decision that can no longer be changed, and is obeyed voluntarily by the parties involved in the case.

Implementation of the Decision by the Prosecutor The implementation of a court decision that has obtained legal force is still carried out by the prosecutor, for which the Registrar sends a copy of the decision letter to the prosecutor (Article 270 of the Criminal Procedure Code). The execution of a court decision can only be carried out by the prosecutor, after the prosecutor receives a copy of the decision letter from the clerk. According to SEMA No. 21 of 1983, December 8 1983, the deadline for sending a copy of the decision from the Registrar to the prosecutor for ordinary procedural cases is a maximum of 1 (one) week and for short procedural cases a maximum of 14 days. Theoretically and practically, a court decision can be executed if the decision has permanent legal force. The definition of a decision that can be said to have permanent legal force is as follows

1. If the defendant or public prosecutor has received a decision.

2. If legal remedies are not used by the entitled party so that the grace period for submitting legal remedies has passed.
3. Legal action has been submitted by the entitled party, but later.
4. legal remedies that have been submitted are then withdrawn.
5. Supreme Court decisions in examinations for cassation. The process of resolving criminal cases in criminal law enforcement is deemed to have been completely completed, if the implementation of the judge's decision which has obtained permanent legal force has been executed by the prosecutor correctly in accordance with the applicable statutory provisions.

Based on the provisions of the applicable legislation, the prosecutor is given the task and authority to implement court decisions, the provisions are as follows: "Article 270 of the Criminal Procedure Code states that the implementation of court decisions that have obtained legal force is still carried out by the prosecutor, for which the clerk sends a copy of the decision letter. to her. "Furthermore, Article 273 paragraph (1) states that if a court decision imposes a fine, the convict is given a period of one month to pay the fine, except in the case of a speedy trial decision which must be paid immediately."

The defendant's economic factors

Law enforcement, including criminal law, has several stages, namely the formulation stage, application stage and execution stage. In order to achieve the goal of maximum law enforcement, namely by fulfilling legal certainty, justice and benefit clearly cannot be dichotomized from things called economics. Considering that in all aspects of life, economic factors clearly play an important role, including in the enforcement of criminal law, especially in fines imposed for petroleum and gas crimes.

Misuse of subsidized fuel oil is a criminal act as regulated in 55 of Law Number 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming a Law, which is punishable by a maximum imprisonment of 6 (six) year and a maximum fine of Rp. 60,000,000,000.00 (sixty billion rupiah), as well as additional penalties in the form of revocation of rights or confiscation of goods used for/or obtained from criminal acts in oil and natural gas business activities. It is known that during the period January 2022 to December 2022 there were 5 (five) Oil and Gas Crime cases at the Aceh Besar District Prosecutor's Office with the following details:

Tabel 1: Oil and Gas Crime Cases at the Aceh District Prosecutor's Office are large

No	Case Number	Name of Convict	Prosecutor's demands	Judge's Decision	Other Information
1.	34/Pid.B/LH/2022/PN Jth	Heldijal Bin Alm Abdul Hamid Yusuf	Criminal fine of Rp. 10,000,000,- subsidiary 1 month	Criminal fine of Rp. 10,000,000,- subsidiary 1 month	not paid
2.	35/Pid.B/LH/2022/PN Jth	Dahlian Bin Alm Ali	Criminal fine of Rp. 10,000,000,- subsidiary 1 month	Criminal fine of Rp. 10,000,000,- subsidiary 1 month	Payed
3.	41/Pid.B/LH/2022/PN Jth	Zulfajri Umran Bin Umran	Criminal fine of Rp. 3,000,000,- subsidiary 1 month	Criminal fine of Rp. 3,000,000,- subsidiary 1 month	not paid
4.	26/Pid.B/LH/2023/PN Jth	Muhammad Bin Alm Ismail	Criminal fine of Rp. 5,000,000,- subsidiary 1 month	Criminal fine of Rp. 5,000,000,- subsidiary 1 month	not paid

5.	52/Pid.B/LH/2023/PN Jth	Muhammad Fahrul Razy Bin Alm Nadirin	Criminal fine of Rp. 10,000,000,- subsidiary 2 months	Criminal fine of Rp. 10,000,000,- subsidiary 2 month	not paid
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Based on this data, it is known that fines for oil and gas crimes imposed by the Panel of Judges at the Jantho District Court are around Rp. 3,000,000,- to Rp. 10,000,000,- with an average subsidiary imprisonment of 1 (one) month. If we look at the prosecutor's demands and the judge's decision, it can be concluded that the prosecutor's considerations in his demands are appropriate, so that the judge, both juridically and sociologically, gives the same verdict as the demands handed down in the trial.

One of the main problems in executing fines in oil and gas crimes lies in the economic factors of the convict. The non-payment of fines in this case was due to economic factors existing in the convict. Generally they are unable to pay the fines imposed. In fact, if you look at the losses caused by the perpetrator and the benefits obtained from the oil and gas crime, the fine is Rp. 10,000,000,- is not something that is hard to pay.

As a result of not paying the fine, the convict must carry out a replacement sentence. The paradigm states that prison is still the main legal solution in this country. One solution that needs to be considered to deal with this problem is not to make prison the judge's primary choice in handing down decisions. This means that new breakthroughs are needed in imposing this crime, for example by actually making use of other sanctions, such as fines.

There are no treasuring assets in oil and gas crimes

In Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation as Law, there is no known nomenclature for oil and natural gas exploitation carried out by the people. On the contrary, the law regulates criminal sanctions for anyone who carries out upstream business activities without a permit (Rita Maulida: 2021) ^[12].

Perpetrators of oil and gas crimes must be held accountable for their actions. Proving the extent to which the crime was committed is the task of the prosecutor or public prosecutor. It is known that the public prosecutor is a prosecutor who has special authority from the law to carry out the prosecution process and carry out the judge's determination.

The prosecutor's office as a state attorney/state legal advisor (solicitor/barrister/government lawyer) has the duties and responsibilities of providing legal considerations, legal assistance, legal services and legal protection as well as law enforcement of the civil rights of the state or the general public (for example in pollution cases environment) from violations by other parties, especially financial/material losses, which must be restored to their original position.

In accordance with the position, function, duties and responsibilities of the Prosecutor's Office as public prosecutor and attorney for the country, recovery of losses suffered by victims (state/individuals/corporations/institutions/other parties) as a result of criminal acts/criminal acts or as a result of unlawful acts, is the dominus litis authority of the Republic of Indonesia Prosecutor's Office which is described in the form of asset recovery.

The dominus litis authority for asset recovery by the Prosecutor's Office has so far been carried out partially by each Prosecutor's work unit, has not been integrated into one

system and has not been implemented optimally, so it needs to be integrated into one integrated system. Likewise, asset recovery activities at requests from other countries, both formally and informally, have not been properly implemented by the Prosecutor's Office, so improvements need to be made.

In order to realize good governance (good governance/good corporate governance) in the field of asset recovery by the Prosecutor's Office as the asset recovery authority in Indonesia, asset recovery activities related to criminal acts (crimes/violations) and/or other assets must be carried out effectively and efficient by involving public supervision (transparency) and accountability for tabili bag accounts (accountability and responsibility).

Asset tracing or what is usually called asset tracing is a series of actions of searching, requesting, obtaining and analyzing information to find out or reveal the idea, whereabouts of asset ownership. This asset tracing is the initial stage in a series of asset recovery activities.

Confiscation of these assets can be carried out by the Prosecutor's Office using criminal, civil or administrative mechanisms in accordance with statutory provisions. Confiscation of assets that will be used as compensation for payment of replacement money, fines or other compensation can be carried out with the following conditions:

1. Regarding a court decision that has obtained permanent legal force and in its decision imposes a sentence on the convict to pay replacement money, fines, restitution, or other additional criminal implementation related to confiscation of assets, whereas none of the convict's belongings have been previously confiscated to carry out the decision Accordingly, the Prosecutor's Office as the executor can confiscate the assets of the convict and the convict's family, in accordance with the provisions of statutory regulations;
2. Confiscation of assets is carried out to fulfill the obligations imposed on the convict as stated in the decision;
3. The confiscated items must be auctioned in accordance with the provisions of these Prosecutor's Regulations. In the event that the auction proceeds exceed the obligations for replacement money, fines, restitution, or other additional criminal penalties, the remaining auction proceeds must be returned to the convict or his family, or a third party who has a valid legal basis.

In oil and gas crimes, the nomenclature of asset tracing is not yet known. If it is related to criminal fines imposed on defendants in oil and gas cases, asset tracking can be used as a means to map the assets of the perpetrators with the aim of recovering state financial losses by confiscating the perpetrators' assets in a normative manner.

Asset tracing is related to the return of assets owned by a country/organization or entity that were taken by another party in an unlawful manner. Asset/property tracing is carried out by investigators/investigators assisted by forensic auditors by collecting and evaluating evidence of financial and non-financial transactions related to assets resulting from criminal acts.

The purpose of asset tracing is to determine the existence and type of assets hidden from the proceeds of criminal acts, which will be used to compensate state losses, the information comes from, among others, financial service providers, the Financial Transaction Reports and Analysis Center (PPATK), research results from academics and NGOs., Disputes in Court, Corruption Eradication Commission (KPK), other Intelligence Institutions (Fuat M: 2014).

The legal basis for recovering state losses from asset tracing results is, among other things, contained in Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (PPTPPU) and the Law on the Eradication of Corruption Crimes (UU No. 31 of 1999 jo. Law No. 20 of 2001). Asset tracing techniques can use the Networth method to prove unreported taxable income; Illegal/unlawful income, illegal income from organized crime; and determining net worth at the beginning of the year. Meanwhile, the Expenditure Method is used to determine unreported taxable income.

Conclusion

The implementation of prosecutions in Oil and Gas Crimes is in accordance with the rules of prosecution, namely being accused of violating the provisions of Article 55 of Law Number 6 of 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming Law. In terms of criminal execution, fines in oil and gas crimes often encounter several obstacles. The first problem is the lack of an active role from the prosecutor to remind the defendant to immediately pay the fine imposed on him, the defendant's economic factors, in this case the defendant is unable to pay the fine imposed on him, and the absence of treasuring assets in oil and gas crimes. Asset treasuring is needed to measure the capabilities and track the assets of oil and gas convicts.

Sugesstion

It is recommended to form regulations that basically regulate that if the defendant does not pay the fine as stated in the judge's decision, the defendant's assets can be confiscated in accordance with the fine imposed.

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