

LAW & SOCIAL POLICY | RESEARCH ARTICLE

# Implementation of Court Decisions that Have Permanent Legal Force by Prosecutors Against Fugitive Convicts on the Wanted List (DPO): A Case Study in Papua, Indonesia

Johanis Renjaan<sup>1</sup>, Roberth KR Hammar<sup>2</sup>, Carina Budi Siswani<sup>3</sup>

<sup>1,2,3</sup> Department of Science Law, Faculty of Law, Universitas Caritas Indonesia, Papua, Indonesia.  
Email: [warennagadi7@gmail.com](mailto:warennagadi7@gmail.com)<sup>1</sup>, [roberthhammar168@gmail.com](mailto:roberthhammar168@gmail.com)<sup>2</sup>, [carinabudi@gmail.com](mailto:carinabudi@gmail.com)<sup>3</sup>

## ARTICLE HISTORY

Received: July 12, 2025

Revised: August 25, 2025

Accepted: September 02, 2025

## DOI

<https://doi.org/10.52970/grlspr.v5i1.1566>

## ABSTRACT

Executing final and binding court decisions is a crucial phase in criminal law enforcement in Indonesia. Particularly in Papua Province, the execution of fugitive convicts on the Wanted List (DPO) faces complex and multidimensional challenges. This study aims to analyze the execution mechanism, identify obstacles faced by prosecutors as decision executioners, and evaluate strategies implemented to improve the effectiveness of executions in Papua. The research method used is normative law with a qualitative approach, which examines secondary legal materials and related empirical data. The research findings show that executions in Papua are not limited to formal legal aspects but are heavily influenced by geographic, socio-cultural, and technological limitations. Rugged terrain, strong customary traditions, and social and community networks that protect fugitives are major obstacles slowing down the enforcement process. Furthermore, administrative issues, such as delays in sending copies of court decisions to the Prosecutor's Office, also hinder executions. These obstacles require a holistic strategy integrating formal law enforcement and cultural approaches. The strategies implemented by prosecutors in Papua include preventive measures, such as cross-institutional supervision and coordination, repressive measures such as formal summonses, the determination of wanted list status, and the forced arrest of uncooperative convicts. This study emphasizes the synergy between legal aspects, information technology, and sensitivity to the local context in addressing these challenges. An adaptive approach considering Papuan sociocultural values has been shown to increase public support and accelerate the execution process. This study recommends strengthening coordination between law enforcement and agencies by developing locally responsive information technology, involving traditional leaders in the legal process, reforming policies, and training law enforcement officials. This will enable more effective, efficient, and equitable implementation of Papua court rulings while strengthening public trust in the criminal justice system.

**Keywords:** Execution of Court Decisions, Fugitive Convicts, Wanted Persons List (DPO), Prosecutors, Papua, Law Enforcement.

## I. Introduction

Law enforcement is a key pillar in ensuring justice is realized in society. The judicial process in Indonesia's criminal justice system aims to produce a just and legally binding decision. This court decision is



legally binding and must be implemented by all parties, including guilty convicts. However, the effectiveness of law enforcement is not solely determined by the judge's decision but also depends heavily on the implementation of the decision by law enforcement officials, particularly prosecutors, as the enforcers mandated by law. Constitutionally and legally, executing court decisions is integral to the criminal law enforcement cycle. Article 270 of the Criminal Procedure Code (KUHP) stipulates that prosecutors implement final and binding court decisions. This authority is further strengthened by Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which mandates prosecutors to implement court decisions as part of their prosecution and execution functions. Thus, prosecutors are not only tasked with prosecuting defendants until sentencing, but are also responsible for ensuring that the decisions are implemented effectively.

The judicial process aims to produce a just and legally binding decision (Rasaid, 2003). Court decisions result from a judicial institution crucial in upholding law and justice in Indonesia. In criminal cases, the judge's decision determines whether or not the defendant is guilty and regulates the actions taken against the evidence used during the trial. Criminals will be prosecuted and punished according to their actions, thus providing legal certainty for victims with the right to justice, including restoring their material rights. However, justice will only be fully realized if the authorities implement or execute the decision. In the context of criminal procedure law, Article 1, point 11 of the Criminal Procedure Code (KUHP) defines a court decision as "a judge's statement pronounced in an open court session, which may be in the form of a conviction or acquittal, or release from all legal charges." The decision becomes *inkracht van gewijsde* or has permanent legal force if there is no legal action from the defendant within a maximum period of 7 days after the decision is read openly. Thus, an *inkracht* decision is considered valid and must be executed immediately.

Law Number 48 of 2009 concerning Judicial Power also contains the regulations for implementing court decisions. Article 52, paragraph (3) states that the implementation of criminal case decisions must be submitted to the agency responsible for implementing the decision. In contrast, Article 54, paragraph (1) stipulates that the prosecutor executes criminal decisions. This is in line with Article 270 of the Criminal Procedure Code, which states that the Prosecutor is an official authorized to implement a judge's decision that has permanent legal force. Therefore, every prosecutor, whether acting as a public prosecutor or not, has the same authority to execute a judge's decision, which has binding legal force.

Furthermore, Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia explains the duties and authorities of prosecutors as functional officials who act as public prosecutors and implementers of court decisions with permanent legal force, including other authorities in accordance with the law. In the criminal field, according to Article 30 paragraph (1) letter b, the prosecutor's office implements the judge's and court decisions with permanent legal force. The judge's decision is not only in the form of a criminal sentence against the defendant, but also regulates actions against evidence that is an important part of the evidentiary process. The prosecutor's role in implementing decisions does not differ between general crimes and special crimes. Based on Article 17 of Presidential Decree Number 86 of 1999 concerning the Organizational Structure and Work Procedures of the Attorney General's Office, the prosecutor's duties include investigations, inquiries, prosecutions, implementation of judges' and court decisions, and supervision of the implementation of parole decisions. This authority includes economic crimes, corruption, and other crimes in accordance with statutory regulations.

Despite explicit legal provisions, implementing court decisions in the field often faces various challenges, particularly in dealing with fugitive convicts or those on the Wanted List (DPO). This situation is particularly evident in Papua Province, where many convicts have not yet been executed despite their legal status being final. For example, according to data from the Jayapura District Attorney's Office, there are 40 fugitive convicts, 39 of whom are related to corruption cases and one general criminal case, spread across the Jayapura District Attorney's jurisdiction, including Jayapura City, Jayapura Regency, Sarmi, Keerom, and Mamberamo Raya (Costa, 2023). In fact, this number continues to increase to 46 corruption convicts who have not yet been executed despite their final legal status (Costa, 2023). This situation reflects prosecutors' complexity in carrying out court decisions for fugitive convicts. According to criminal procedural law literature,

the execution of a court decision that has permanent legal force is a coercive measure that must be taken if the losing party does not voluntarily implement the decision (Yulia, 2018). This shows that execution is integral to law enforcement, ensuring the judge's decision can be realized in practice. When the convict is a fugitive, the execution process becomes more complicated because it requires coordination between agencies and applying various legal methods to arrest and enforce the decision against the convict (Prosecutor's Office, 2021; Prosecutor's Office, 2025).

Prosecutors' efforts to execute fugitive convicts in Papua demonstrate the need for a comprehensive legal strategy, including the use of information technology, strengthened collaboration between law enforcement agencies, and international legal mechanisms if the convict is outside national jurisdiction. This is reinforced by case studies of fugitives like I Made Jabbon Suyasa Putra, a fugitive from the Papua High Prosecutor's Office, who was sought for nine years and finally captured (AGO, 2021). The execution of legally binding court decisions is a crucial element in upholding criminal justice in Indonesia. However, in Papua, the execution of fugitive convicts on the Wanted List (DPO) faces various challenges, such as difficult geographical conditions, limited resources from law enforcement officials, and complex local social dynamics. This situation has led to an increasing number of fugitive convicts who have not been executed, potentially eroding public trust in the justice system. Therefore, research on the implementation of legally binding court decisions by prosecutors against fugitive convicts on the Wanted List (DPO), particularly in Papua, is crucial for identifying obstacles, strategies, and effective law enforcement mechanisms in addressing this fugitive phenomenon, while also reflecting the role of prosecutors as executors of court decisions in a region with unique social and geographical characteristics. Therefore, this research is crucial to examine the implementation of court decision execution in Papua, identify obstacles prosecutors face, and formulate effective strategies to address this phenomenon.

Previous studies (Sugiarto, 2021; Runtuwene, 2022) emphasized the importance of a multidimensional approach that combines formal legal aspects with cultural approaches and social dialogue to overcome these obstacles. The involvement of traditional leaders and local communities in tracking and apprehending fugitives is a key factor in narrowing the fugitives' freedom of movement while strengthening the quality of law enforcement coordination by considering prevailing values and norms within the community. This aligns with the principle of restorative justice, which combines legal certainty with justice embodied in respect for socio-cultural values. Another significant obstacle to executions is the limited technology and supporting infrastructure. Research such as (Lestari, 2018) shows that access to adequate information technology, such as an integrated DPO database system and digital tracking tools, is crucial for tracking and capturing fugitive convicts. In Papua, rugged terrain and limited communications infrastructure slow the process, despite advances in technological development. Therefore, strengthening information technology systems tailored to local conditions is a strategic necessity to expedite and improve the accuracy of executions. In the Papuan context, prosecutors' efforts to handle fugitive convicts are divided into two main approaches: preventive and repressive. The preventive approach includes intensive coordination with the police, surveillance of convicts, and formal summonses. Meanwhile, repressive efforts include issuing a Wanted Persons List (DPO) and forced arrest if the convict fails to comply with summonses after several attempts. This strategy represents a practical implementation of legal policy that balances compliance with the law and humanitarian values. However, the effectiveness of this strategy depends heavily on personnel capacity, technological support, and adaptation to Papua's socio-cultural realities. Therefore, this study was conducted to comprehensively analyze the mechanisms for enforcing final and binding court decisions against fugitive convicts in Papua. The study aims to deeply identify the obstacles and constraints prosecutors face in carrying out their duties as executors, evaluate the implementation strategies employed, and formulate strategic recommendations based on a synthesis of formal legal provisions, the use of information technology, and socio-cultural approaches.

This study aims to analyze how prosecutors execute court decisions against fugitive convicts in Papua, identify the obstacles encountered, examine the implementation mechanisms, and provide recommendations to improve the effectiveness of decision execution in the region. Based on these objectives,

the proposed problem formulations include: how prosecutors execute decisions against fugitive convicts in Papua; what obstacles hinder the implementation; what strategies and mechanisms are used; and what efforts can be made to improve the effectiveness of court decision implementation, particularly in addressing the problem of fugitive convicts in Papua. This research is expected to provide scientific contributions to the development of criminal procedural law studies and practical benefits to support improvements in the system of executing decisions in Papua. This will hopefully lead to more effective, efficient, and fair law enforcement, ultimately strengthening public trust in this unique region's national criminal justice system.

## II. Literature Review and Hypothesis Development

Implementing court decisions in the context of tracking and arresting those on the Wanted List (DPO) is a crucial factor in ensuring the success of law enforcement. Various studies, including (Supriyadi, 2020) and (Syahrul, 2019), indicate that limited human resources, a lack of coordination between law enforcement officials, and low public support are significant obstacles. The situation in Papua is exacerbated by its difficult-to-reach geography, limited infrastructure, and the existence of local wisdom that can serve as a form of "social protection" for fugitives, as explained by Sugiarto (2021). Normatively, prosecutors have full authority in implementing decisions based on Law No. 16 of 2004, with the authority to request assistance from the Police [Lestari, 2018]. However, as found in the case study in Papua and also the prolonged complaints regarding the delay in implementing decisions at the Jayapura District Court, there are real obstacles in tracking, arresting, and securing convicts for various reasons, including the uncooperativeness of the convicts and protection from local communities based on kinship or customary ties. In a review of legal theory, particularly legal positivism, there is an assertion that law implementation must be based on formal legal certainty without considering moral or social values. This creates tension between written legal norms and social realities, such as in Papua, which has strong customary traditions that sometimes conflict with positive law. This situation presents a problem of synchronizing legal provisions with the prevailing socio-cultural context (Safudin et al., 2022).

Furthermore, literature such as that in research (Lestari, 2018) emphasizes the important role of information technology, such as an integrated national database system for fugitives, in expediting the implementation of decisions. However, limited access to technology and infrastructure, and fragile security conditions in Papua pose significant obstacles. This highlights the likelihood that fugitive tracking efforts will be ineffective without adequate technological and security capacity. Various solutions have been proposed, including increased synergy between law enforcement officials, the involvement of traditional leaders, and the strengthening of technology-based systems. Cultural approaches and dialogue with indigenous communities, as recommended (Runtuwene, 2022), are expected to reduce resistance and increase the success of fugitive arrests in culturally diverse regions like Papua. Stricter regulations regarding witness protection and incentives for community contributions are also considered strategic in the literature (Lestari, 2018). From this review, it can be hypothesized that the successful implementation of court decisions in Papua depends heavily on integrating formal law enforcement and socio-cultural approaches, coupled with increased technological capacity and effective cross-sectoral coordination mechanisms. The mismatch between normative positive law and empirical conditions on the ground (technical and socio-cultural limitations) creates gaps that hinder the implementation of decisions. Therefore, the strategy for implementing decisions must be holistic, balancing legal-formal, technological, and socio-cultural aspects. Critically, the legal literature indicates that the overly rigid application of legal positivism without considering local social and cultural variables, particularly in regions like Papua, has the potential to widen the gap between ideal law and actual practice. A legal approach that adapts to the local context and utilizes adequate technology is key to overcoming these obstacles.

### III. Research Method

This research methodology adopts a normative legal approach that emphasizes the analysis of secondary legal materials relevant to the topic under study. Data is obtained through a literature review involving the search, identification, and inventory of primary, secondary, and tertiary legal materials related to the research problem (Rahmawati, 2023). Furthermore, the collected legal materials are systematically classified based on the type of legal material (primary, secondary, tertiary), theme or topic, and relevance to the problem formulation. This grouping facilitates the compilation of legal materials according to normative, socio-cultural, technological, and coordination aspects between legal authorities (PKHKI, 2024). The type of research chosen is qualitative normative juridical research, which in this context is often referred to as doctrinal research. Doctrinal research aims to examine, understand, and analyze legal rules within the positive legal system, including how these legal norms are interpreted and implemented in practice, such as executing court decisions by prosecutors against fugitive convicts in Papua Province. Using a qualitative approach, the data reviewed includes legal texts, regulatory documents, court decisions, literature, and previous research findings, which are compiled systematically and continuously to produce a comprehensive analytical study.

The primary data source in this study is secondary data in the form of relevant primary, secondary, and tertiary legal materials. Primary legal materials consist of laws and regulations such as the Criminal Procedure Code (KUHP), Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, and other laws governing the implementation of court decisions and the duties of prosecutors. Secondary legal materials include scientific literature in the form of books, journals, articles, and the doctrines and opinions of legal experts discussing the theory, principles, and practices of law enforcement and the execution of decisions in Indonesia, especially in the context of Papua. Tertiary legal materials serve as additional references to support understanding legal terms and concepts used in the research, such as legal dictionaries or encyclopedias. Data were collected through library research, which included searching, identifying, inventorying, and collecting relevant legal materials. The data collection process was carried out systematically to ensure the completeness and relevance of the data to the research problem formulation.

The data analysis technique was carried out using a qualitative approach through several steps: organizing data based on predetermined categories; in-depth reading to understand normative meaning and social context; legal interpretation referring to relevant legal theories to understand the content and application of norms in the Papuan context; thematic analysis to identify central issues; and synthesis and evaluation to connect findings from various sources in order to provide a comprehensive picture of the phenomenon being studied. In the final stage, objective and comprehensive conclusions are drawn to answer the research questions. To ensure the validity and reliability of the research results, triangulation of data sources was applied by comparing various legal documents, scientific literature, and relevant official court decisions. Furthermore, this research attempted to involve peer review, maintain consistency in the analysis process, and provide transparent documentation to trace all research steps back. Thus, this methodology ensures clarity, systematicity, and reliability in processing legal materials and the qualitative analysis of normative legal research (Mertokusumo, 2008; Istanto, 2007).

### IV. Results and Discussion

#### 4.1. Position Case

On Thursday, March 12, 2020, the Head of the Jayapura District Attorney's Office, Rahmat, announced that the Jayapura District Attorney's Office was tracking the whereabouts of 40 fugitives who had been at large for the past five years. Thirty-nine of these fugitives were involved in corruption cases. These 40 convicts are spread across several districts within the jurisdiction of the Jayapura District Attorney's Office, namely Jayapura City, Jayapura Regency, Sarmi, Keerom, and Mamberamo Raya. The legal status of these 40 convicts has been finalized, with some receiving prison sentences of one to four years. The Head of the Special Crimes

Section of the Jayapura District Attorney's Office, Renaldy Palyama, added that most of the 39 fugitive corruption convicts are private. Previously, the Jayapura District Attorney's Office team detained Sarmi Deputy Regent Yosina Insyaf, a fugitive corruption convict, in an apartment in Jakarta, early Tuesday, February 18, 2020. Yosina was convicted in the corruption case related to the construction of the SP II irrigation dam in Sarmi in 2012, which resulted in state losses of Rp 2.2 billion (Anthony, 2023). Then, on Tuesday, March 22, 2022, the Head of the Jayapura District Attorney's Office, Alexander Sinuraya, confirmed that 46 corruption convicts whose sentences had been legally binding had not yet served them. Alexander Sinuraya, recently appointed as the Head of the Jayapura District Attorney's Office, stated that his office was collecting data on the convicts' identities and the prison terms imposed by the judges. "One of my focuses as the Jayapura District Attorney is thoroughly handling alleged corruption cases. One of the efforts is to execute the convicts who remain at large." Furthermore, on Saturday, June 17, 2023, at around 9:00 PM WIT, the Head of the Papua High Prosecutor's Office, Witono, stated that Victor was arrested at a restaurant in Sorong City, Southwest Papua. The Papua High Prosecutor's Office's Fugitive Capture Team (Tabur) collaborated with the Sorong District Prosecutor's Office to arrest Victor Aries Effendy, a convicted corruption convict who has been on the run since 2020. Victor was involved in a case of misuse of village funds in Tolikara Regency, Papua Mountains, with state losses reaching IDR 318.9 billion (Costa, 2023).

#### 4.2. Regulations and procedures regarding the implementation of court decisions that have been finalized by the Prosecutor against convicts on the Wanted List (DPO)

From a legal perspective, Article 1 point 11 of the Criminal Procedure Code states that what is meant by a court decision is a judge's statement made in an open court session, which can be in the form of a criminal sentence or acquittal or release from all legal charges, in cases and according to the methods regulated by law (Syahrani, 2000). All court decisions have executive power, that is, the power to be enforced by the state apparatus. A court decision is said to have executive power because it has a head of the decision, which reads: "For the Sake of Justice Based on the One Almighty God" (Samosir, 2019). This is intended so that every court decision produces a decision that has executive power, meaning that the decision can be enforced by force if a defeated party does not want to implement the contents of the decision voluntarily. However, not all court decisions in their implementation are carried out by force by the state apparatus, but only court decisions whose dictum is "condemnatory". In contrast, decisions whose dictum is declaratory and constitutive do not require the means to implement them.

In theory and practice, a court decision can be executed if it has permanent legal force. Implementing a court decision, or execution, with permanent legal force (in kracht van gewijde) in a criminal case is part of criminal law enforcement (Indra, 2023). Legally, this decision is implemented by law enforcement agencies, namely prosecutors under the auspices of the Republic of Indonesia Attorney General's Office. The current existence of the Republic of Indonesia Prosecutor's Office is Law Number 16 of 2004 concerning the Prosecutor's Office. According to the provisions in Article 2, Paragraph (1) of the Prosecutor's Office Law, the Republic of Indonesia Prosecutor's Office is a government institution that exercises state power in the field of prosecution and other authorities based on law (Effendy, 2007).

A prosecutor is a functional official authorized by law to act as a public prosecutor and enforce legally binding court decisions and other statutory authorities. This role requires a prosecutor to master criminal, civil, and state administrative law. Prosecutors must master general positive law (lex generalis) and specific law (lex specialis), which has emerged in recent years. The prosecutor's authority in carrying out the implementation of court decisions is regulated in several articles, namely Article 270 of the Criminal Procedure Code, which states that the implementation of court decisions that have obtained permanent legal force is carried out by the prosecutor, for which the clerk sends a copy of the decision letter to him. Article 30 paragraph (3) letter (b) of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, which states that in the criminal field, the prosecutor has the duty and authority to implement judges' determinations and court decisions that have obtained permanent legal force. As well as Article 54 paragraph (1) of Law Number

48 of 2009 concerning Judicial Power, which states that the prosecutor carries out the implementation of court decisions in criminal cases. In implementing decisions or executions, the prosecutor must pay attention to the values of humanity and justice. Therefore, the legal issue in this study is whether the prosecutor's authority allows the implementation of permanent decisions outside his authority or only pays attention to the aspects of humanity and justice.

In a criminal case, the prosecutor implements a court decision with permanent legal force. Therefore, the clerk will give him a copy of the decision. The implementation of imprisonment or correctional institutions, while the death penalty is carried out in public. The execution of criminal decisions is also supervised by a judge specially appointed to assist the chairman in supervising and observing (Article 277 of the Criminal Procedure Code). Determining sanctions in criminal legislation is not merely a technical matter of legislation, but an inseparable part of the substance or material of the legislation. The issues of penalization, depenalization, criminalization, and decriminalization must be understood comprehensively with all aspects of the substance or material of the legislation at the legislative policy stage.

Execution in the Indonesian criminal justice system falls within the stages of criminal law enforcement, all of which include: the formulation stage, the application stage, and the execution stage. The execution stage is the criminal enforcement officials' concrete enforcement or implementation of criminal law. Based on applicable laws, prosecutors are given the task and authority to implement court decisions. In implementing court decisions and judges' determinations, prosecutors must pay attention to the legal values in society and humanity based on Pancasila without neglecting firmness in attitudes and actions. Executing court decisions also includes carrying out the task and authority to control the implementation of the death penalty and court decisions regarding confiscated goods that have been or will be confiscated for subsequent auction. Execution is one of the Indonesian Attorney General's primary functions, as mandated by Law Number 16 of 2004 concerning the Indonesian Attorney General's Office. Therefore, neglecting to carry out executions in cases with permanent legal force constitutes serious negligence and carries the risk of sanctions under the code of ethics and civil servant disciplinary regulations.

The execution of a court decision that has permanent legal force must be obeyed by all parties involved, including law enforcement officials, namely the prosecutor and the convict. The meaning of execution is that the party who has been sentenced willingly or not voluntarily accepts and obeys it, so that the decision can be enforced against him with the help of general force. The execution is carried out by the prosecutor as stipulated in Article 270 of the Criminal Procedure Code. Before the execution is carried out, the clerk must send a copy of the decision to the prosecutor's office. The convict cannot be executed if the prosecutor's office has not received a copy. There are differences in the implementation of court decisions for convicts who have previously been detained and convicts who have not been previously detained. If the convict was previously detained, the implementation of the court decision for the convict is carried out by means of further detention according to the number of years of imprisonment imposed minus the number of years of the convict's previous detention. However, the implementation of court decisions will be different and receive more specific treatment if the convict was not previously detained. The Prosecutor's Office will summon the convict to appear before the Prosecutor's Office first.

The fact that several convict cases were not detained and remain at large in Papua Province demonstrates the weakness of law enforcement efforts in Papua. For example, the majority of these convicts were convicted of corruption, an extraordinary crime that contributes to poverty and a low Human Development Index in Papua. That basically the reason someone is detained can be seen in Article 1, point 21 of the Criminal Procedure Code, it is explained that Detention is the placement of a suspect or defendant in a particular place by an investigator, public prosecutor, or judge, with their placement, in the case, and according to the method regulated in this Law. Detention is carried out with the aim of (1) for investigation, which is basically determined by the reality of the need for the investigation itself objectively, (2) for prosecution, and (3) for examination in court. According to Article 31 of the Criminal Procedure Code, suspension of detention is the release of a suspect or defendant before the end of the detention period. Suspension of detention occurs because of the request of the suspect or defendant. The request is approved

by the detaining agency or the one legally responsible for the detention, with the conditions and guarantees set, as well as the agreement of the detainee to comply with the conditions set and fulfill the guarantees set. Determining conditions by the agency granting the suspension is a factor that becomes the basis for granting a suspension of detention; without the conditions set first, a suspension of detention may not be granted.

According to the author, handling corruption cases is a pretty interesting phenomenon closely related to the extent of the commitment to eradicating corruption in this country. The author refers to the suspension or transfer of detention often given to suspects in corruption cases, as in the case of the position the author described above. Legal efforts to suspend or transfer detention are legal efforts that are always taken by both legal counsel/lawyers, by the suspect themselves, or their families, who guarantee that the suspect, defendant, or convict will cooperate during the legal process, and for other reasons that have been required by law. This is done because it is recognized that such efforts are a right held by the suspect in the criminal justice system that applies in Indonesia. Consequently, law enforcement officials, in this case, the Police, Prosecutors, and Judges, with their respective institutions, also have the authority to determine whether the suspects' or legal counsel's efforts are accepted or rejected. When the convict is in the hands of the Prosecutor's Office, the prosecutor will make a Minutes of the Implementation of the Decision (BA8). Then the convict will be taken to the Correctional Institution with the following documents attached:

- a. Court decisions that have permanent legal force;
- b. Order for execution of the decision (P-48);
- c. Minutes of implementing the decision (BA-8); and
- d. Detention warrant and detention report, if the convict has been previously detained.

#### 4.3. Obstacles experienced by prosecutors in implementing court decisions against convicts on the wanted list (DPO)

A Wanted Persons List (DPO) is a term in law or criminal law that refers to a list of people wanted or targeted by law enforcement officials.[3] In general, a DPO refers to two things: missing persons and criminals (ICRJR, 2023). Non-legal obstacles are obstacles outside of formal rules or laws related to technical, administrative, social, and even political processes that influence the effectiveness of law enforcement against suspects and convicts. Based on these obstacles, the Prosecutor, considering Article 270 of the Criminal Procedure Code, which states that the prosecutor shall enforce a court decision that has obtained permanent legal force, the court clerk shall send a copy of the decision to the Prosecutor's Office. Therefore, the prosecutor, in enforcing a court decision, must wait for a copy of the decision to be sent by the court clerk. Sometimes, a copy of the decision issued by the Court takes a long time, even months, and even a long extension of one month does not necessarily mean that a copy of the decision will be submitted. A convict who has not previously been detained has more freedom than a convict who has been previously detained. This is because there are no restraints on convicts who have not previously been detained. Therefore, convicts can continue their daily activities until the prosecutor executes the court decision. The prosecutor does not have the authority to enforce the decision until they receive a copy from the District Court.

In enforcing a court decision against a convict who has not previously been detained, the Prosecutor will issue a summons to the convict. The Prosecutor will issue this summons upon the prior order of the Head of the District Attorney's Office. A second summons will be issued if the convict fails to appear at the District Attorney's Office upon the first summons. However, if the convict still fails to appear at the District Attorney's Office upon the second summons, the Prosecutor will issue a third and final summons to the convict. After summoning the convict who had not previously been detained three times and failing to appear, the prosecutor will locate him to carry out the execution process. However, the District Attorney's Office has encountered obstacles in carrying out the execution, namely the convict's escape. Therefore, the prosecutor has been unable to enforce the court's decision against the convict. The Prosecutor's Office's efforts to address obstacles in implementing court decisions against convicts who have not previously been detained are

divided into preventive and repressive efforts. Preventive efforts are those undertaken by prosecutors when facing obstacles in implementing court decisions against convicts who have not previously been detained. Meanwhile, repressive efforts are actions taken by prosecutors when they experience obstacles in implementing court decisions against convicts who have not previously been detained. In carrying out court decisions against convicts who have not previously been detained, prosecutors must act based on the following provisions regarding preventive and repressive measures:

- a. Preventive Efforts: carry out more in-depth coordination with other law enforcement officers related to the criminal case resolution process:
  - If a copy of the court decision has not been submitted to the District Attorney, the Prosecutor, as the court decision maker, will coordinate and contact and remind the District Court clerk to immediately send a copy of the court decision to the District Attorney in accordance with the provisions of Article 270 of the Criminal Procedure Code.
  - Supervision of convicts who have not previously been detained, prosecutors coordinate with the police to supervise convicts after a court decision.
  - The defendant was not detained, even though Article 20, paragraph 4, states that detention is not permitted for crimes punishable by less than 5 years. The prosecutor asked the defendant's closest relative to provide security. This was a guarantee because he feared the defendant would flee, destroy evidence, or repeat the crime if he was not detained.
- b. Repressive Efforts
  - If a copy of a court decision has not been submitted to the District Attorney's Office, the prosecutor will still enforce the decision even if the copy has not yet arrived at the District Attorney's Office. This is based on Circular Letter of the Attorney General of the Republic of Indonesia Number B-128/E/3/1995, which states when a Court decision begins to obtain permanent legal force and when it must be implemented.
  - Carry out forced arrest if the convict has failed to comply with the prosecutor's summons three times to make the court's decision.
  - Publish the convict as a Wanted Person (DPO).

#### 4.4. Analysis of the Implementation of Court Decisions against Fugitive Convicts (DPO) in Papua and Research Suggestions

Executing final and binding court decisions against fugitive convicts in Papua presents complex challenges from an administrative technical perspective. It closely relates to the region's unique social, cultural, and geographic context. This reinforces previous research findings that the effectiveness of decision execution is inseparable from existing sociocultural dynamics (Sugiarto, 2021; Runtuwene, 2022). In the discourse of legal positivism, as Safudin et al. (2022) explained, rigid and formalistic application of laws without considering the local socio-cultural context can create a gap between normative rules and practice on the ground. This is increasingly evident in Papua, where customary traditions and community social cohesion serve as informal protection factors for fugitive convicts. Therefore, law enforcement in this context requires a holistic approach that integrates formal legal aspects with local cultural understanding and dialogue. This approach is also supported by literature emphasizing the importance of involving traditional and community leaders in helping law enforcement officials overcome local resistance, which has historically been a significant obstacle (Runtuwene, 2022; Lestari, 2018). The technical administrative obstacles, such as delays in sending copies of court decisions to the Prosecutor's Office, identified in this study align with research findings (Supriyadi, 2020, and Syahrul, 2019), which highlight weak coordination between relevant institutions as a significant obstacle to decision execution. This suggests that although legal mechanisms are clearly regulated in the Criminal Procedure Code (KUHP) and related laws, their implementation still faces internal

bureaucratic obstacles that need to be addressed through strengthening information management systems and more effective work coordination.

Furthermore, limitations in information technology and adequate infrastructure are significant obstacles to tracking DPOs, as noted in the literature (Lestari, 2018). In Papua, difficult-to-reach geographic conditions and a lack of access to technology impact the ability of prosecutors and relevant authorities to conduct searches quickly and accurately. Therefore, developing an integrated DPO database system and utilizing digital technology must be a strategic priority, not only from a technical perspective but also adapted to the conditions on the ground in Papua. The preventive and repressive strategies implemented by prosecutors, as discussed in subsection 4.3, demonstrate the application of risk management practices in executing decisions, which require collaborative efforts across law enforcement agencies. However, the effectiveness of these strategies depends heavily on human resource capacity, technological support, sensitivity, and adaptation to local culture. Case studies of fugitives like Victor Aries Effendy's arrests highlight the importance of cross-agency collaboration, including coordination with local communities, with the wisdom to map fugitive networks (Costa, 2023).

Theoretically, an adaptive law enforcement model that integrates cultural and humanitarian approaches in executing sentences, in line with the principles of restorative justice, can address the tension between formal legal norms and social realities in Papua. This builds public trust in the legal system and reduces the potential for resistance that has hampered the effectiveness of executions (Rasaid, 2003; Mertokusumo, 2008). This research supports the hypothesis that successful court decision enforcement relies heavily on the synergy between legal-formal aspects, information technology approaches, and socio-cultural sensitivity. Therefore, reform of decision execution procedures requires adopting a multidisciplinary, integrative paradigm responsive to the local context to expedite legal processes while maintaining harmonious social relations in Papuan society. Furthermore, based on this analysis, to improve the effectiveness of court rulings against fugitive convicts in Papua, intensive coordination between law enforcement agencies, such as the courts, prosecutors, police, and other relevant agencies, is crucial. This aims to expedite the delivery of copies of rulings and ensure the smooth execution of decisions.

Furthermore, increasing information technology capacity and infrastructure must be prioritized by developing a national Wanted Persons (DPO) database system that is integrated and adapted to Papua's geographic conditions so that fugitive tracking can be carried out more effectively and efficiently. A responsive socio-cultural approach must also be implemented by involving traditional leaders and local communities in tracking and apprehending fugitives. This involvement is crucial for reducing social resistance and strengthening community support for law enforcement in areas with strong customary traditions. Furthermore, developing policies and regulations that support effective execution is essential, particularly in clarifying the mechanism for delivering copies of verdicts and imposing sanctions for delays, as well as establishing incentives for members of the public who actively support the law enforcement process. Human resource capacity development is equally crucial, with prosecutors and law enforcement officials needing integrated training that encompasses not only formal legal aspects but also technology and cultural sensitivity, enabling them to adapt to Papua's unique conditions. The execution strategy must also prioritize a balance between preventive measures through monitoring and summoning convicts and repressive approaches such as issuing DPO status and forced arrests to ensure the law enforcement process is unimpeded. Finally, the implementation of these recommendations should be supported by regular follow-up studies and evaluations to measure effectiveness and adapt strategies to reflect changing social dynamics and technological advances. This will ensure that the execution of court decisions in Papua is more optimal, effective, and equitable for all parties involved.

## V. Conclusion

The enforcement of final and binding court decisions against fugitive convicts in Papua faces complex challenges, including technical, administrative, geographical, and socio-cultural constraints and

technological limitations. Although prosecutors have apparent authority to execute these decisions, implementation in the field is often hampered by non-legal factors such as delays in sending copies of decisions, difficulties in tracking convicts, and social and cultural protections from local communities. Analysis shows that a rigid legal positivist approach without adaptation to the local Papuan context is insufficiently practical, necessitating a holistic and adaptive execution strategy. Integration of formal law enforcement, better utilization of information technology, and a cultural approach involving traditional and community leaders is key to increasing the effectiveness of decision implementation. However, executions in Papua face significant obstacles, including delays or non-submission of copies of verdicts to the Prosecutor's Office, difficulty in locating convicts, failure to respond to summonses, and escapes, which make executions particularly challenging. Difficult geographic conditions, limited law enforcement resources, and local social and cultural dynamics complicate the process. To overcome these obstacles, prosecutors employ two types of efforts: preventive measures, which involve increased coordination between law enforcement officials and supervision of convicts, and repressive measures, which involve active searches, forced arrests, and the issuance of fugitive search warrants. Executions must be balanced with the principles of justice and humanity to be effective and in accordance with the legal values prevailing in the local community.

Future research recommendations include further in-depth studies on the implementation of court verdict executions for fugitive convicts in Papua. These include analyzing the effectiveness of forced execution procedures, integrating information technology into fugitive search warrant tracking, developing cultural and social approaches aligned with customary norms, optimizing coordination between law enforcement agencies, evaluating policies and regulations related to verdict executions, and evaluating the impact of geographic and infrastructure barriers on executions, all of which contribute to providing comprehensive and contextual solutions in a region with unique challenges. Furthermore, the researchers recommend that further research evaluate the effectiveness of forced execution procedures and study the optimization of information technology in tracking fugitives, particularly those relevant to conditions in Papua. Research into the role of socio-cultural approaches and the involvement of traditional leaders in supporting law enforcement is also crucial. Studies on coordination between law enforcement agencies and the influence of geographic and infrastructure barriers on executions need further development. Furthermore, evaluations of existing policies and regulations and comparative studies of law enforcement in regions with specific socio-cultural characteristics can enrich contextual solutions to improve the effectiveness of court decision execution in Papua.

## References

- Anthony, R. (2023). Wakil Bupati Sarmi Papua ditangkap di Jakarta. Tagar. Diakses pada 1 November 2023, dari <https://www.tagar.id/>
- Costa, F. M. L. (2020, March 12). Kejari Jayapura kejar 39 terpidana korupsi yang buron. Kompas.id. Diakses pada 21 Oktober 2023, dari <https://www.kompas.id/baca/nusantara/2020/03/12/kejari-jayapura-kejar-39-terpidana-korupsi-yang-buron>
- Costa, F. M. L. (2022, March 22). 46 terpidana kasus korupsi di Papua masih buron. Kompas.id. Diakses pada 21 Oktober 2023, dari <https://www.kompas.id/baca/nusantara/2022/03/22/46-terpidana-kasus-korupsi-di-papua-masih-buron>
- Costa, F. M. L. (2023, Juni 18). Kejati Papua tangkap terpidana korupsi dana desa yang rugikan negara Rp318 miliar. Kompas.id. Diakses pada 1 November 2023, dari <https://www.kompas.id/baca/nusantara/2023/06/18/kejati-papua-tangkap-terpidana-korupsi-dana-desa-yang-rugikan-negara-rp-318-miliar>
- Effendy, M. (2007). Kejaksaan Republik Indonesia: Posisi dan fungsinya dari perspektif hukum. Jakarta: Ghalia Indonesia.
- Institute for Criminal Justice Reform (ICJR). (2023). Catatan terhadap upaya hukum yang dilakukan oleh buronan/DPO dalam perkara pidana di Indonesia. Diakses pada 5 November 2023, dari

<https://icjr.or.id/catatan-terhadap-upaya-hukum-yang-dilakukan-oleh-buronandpo-dalam-perkara-pidana-di-indonesia/>

- Istanto, S. (2007). Metodologi penelitian hukum (Cet. ke-2). Yogyakarta: CV Ganda.
- Kejaksaan Republik Indonesia. (2021). Laporan penangkapan buronan. Jakarta: Kejaksaan Agung RI. Diakses dari <https://www.kejati-bali.go.id/berita/detail/689>
- Kejaksaan Republik Indonesia. (2025). Pembaharuan data terpidana buron di Papua. Jakarta: Kejaksaan Agung RI. Diakses dari <https://kejaksaan.go.id/conference/news/6172/read>
- Kitab Undang-undang Hukum Acara Pidana (KUHP). (n.d.). Pasal 1 butir 11, 270. Diakses dari <https://jdih.mahkamahagung.go.id/legal-product/kitab-undang-undang-hukum-acara-pidana/download>
- Mekel, F., Pangkreggo, A., & Taroreh, V. F. (2020). Pengambilan putusan pengadilan dalam pemeriksaan perkara pidana berdasarkan KUHP. *Lex Administratum*, 8(4), 1–15. Diakses dari <https://ejournal.unsrat.ac.id/index.php/administratum/article/download/31041/29781>
- Lestari, A. (2018). Peran teknologi informasi dalam pelacakan DPO terintegrasi. *Jurnal Hukum dan Teknologi*, 5(2), 123–135.
- Indra, R. (2023). Pelaksanaan putusan (eksekusi) perkara pidana yang berkekuatan hukum tetap. *Doktor Hukum*. Diakses pada 1 November 2023, dari <https://www.doktorhukum.com/pelaksanaan-putusaneksekusi-perkara-pidana-yangberkekuatan-hukum-tetap/>
- Mertokusumo, S. (2008). Metodologi penelitian hukum. Yogyakarta: Liberty.
- Mahkamah Agung Republik Indonesia. (2019). Peraturan Mahkamah Agung Nomor 2 Tahun 2019 tentang tata cara pengawasan eksekusi. Jakarta: MA RI.
- Pemerintah Republik Indonesia. (1991). Peraturan Pemerintah Nomor 43 Tahun 1991 tentang ganti rugi dan tata cara pelaksanaannya pada Peradilan Tata Usaha Negara. Jakarta: Sekretariat Negara.
- Pusat Kajian Hukum dan Kebijakan Indonesia (PKHKI). (2024). Metode penelitian yuridis normatif: Pendekatan dan teknik pengumpulan data. Diakses dari <https://penerbitdeepublish.com/metode-penelitian-yuridis-normatif/>
- Rahmawati, D. (2023). Metode dan teknik penelitian hukum normatif. *Jurnal Ilmiah Hukum*, 12(1), 23–35.
- Rasaed, M. N. (2003). Hukum acara perdata (Cet. ke-3). Jakarta: Sinar Grafika Offset.
- Runtuwene, B. (2022). Pendekatan kultural dalam pelaksanaan eksekusi putusan pengadilan di Papua. *Jurnal Studi Sosial dan Hukum*, 7(1), 45–60.
- Safudin, E., et al. (2022). Memahami teori hukum: Percikan pemikiran ilmu hukum lintas mazhab. Yogyakarta: Q-Media. Diakses dari [https://repository.iainponorogo.ac.id/1331/1/Buku\\_Memahami%20teori%20hukum\\_compressed%20-%20Jurnal%20Justicia.pdf](https://repository.iainponorogo.ac.id/1331/1/Buku_Memahami%20teori%20hukum_compressed%20-%20Jurnal%20Justicia.pdf)
- Samosir, S. S. M. (2019). Penerapan penggunaan irah-irah 'Demi keadilan berdasarkan Ketuhanan Yang Maha Esa' dalam konteks pencapaian keadilan. *Jurnal Supremasi*, 9(2). Diakses dari <https://ejournal.unisbablitar.ac.id/index.php/supremasi/article/view/790>
- Sugiarto, D. (2021). Studi kasus pelaksanaan eksekusi putusan pengadilan di Papua. *Jurnal Hukum Papua*, 4(1), 89–101.
- Kejaksaan Agung Republik Indonesia. (1995). Surat Edaran Nomor B-128/E/3/1995 tentang pelaksanaan putusan pengadilan yang berkekuatan hukum tetap oleh jaksa. Jakarta: Kejaksaan Agung RI.
- Supriyadi, M. (2020). Faktor penghambat pelaksanaan eksekusi putusan pengadilan. *Jurnal Penegakan Hukum Indonesia*, 12(3), 200–215.
- Syahrani, R. B. (2000). Materi dasar hukum acara perdata. Bandung: Citra Aditya Bakti.
- Syahrul, R. (2019). Hambatan koordinasi aparat penegak hukum dalam penangkapan DPO. *Jurnal Kriminologi Indonesia*, 10(4), 150–162.
- Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. (2009). Diakses dari <https://www.regulasip.id/book/1232/read>

Undang-Undang Republik Indonesia Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia. (2004). Jakarta: Sekretariat Negara.

Yulia, E. (2018). Eksekusi putusan pengadilan yang telah berkekuatan hukum tetap dalam sistem peradilan pidana. *Jurnal Hukum & Pembangunan*, 48(3), 365–384.