



# Building a Fair Criminal Justice System: The Urgency of a Single Prosecution System for Prosecutors and Police

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## Abstract

The Indonesian criminal justice system faces complex challenges in coordination and effectiveness of law enforcement, particularly between the police and the prosecutor's office. The dualism of investigative authority that has existed for some time has given rise to various structural problems, resulting in legal uncertainty and reducing the quality of criminal law enforcement. This study focuses on analyzing the urgency of implementing a Single Prosecution System as a reformative solution in building a more equitable and effective criminal justice system. The concept of a Single Prosecution System is of particular concern because in the practice of law enforcement in Indonesia, there is still a division of dual authority, where prosecutors and the police both have the authority to investigate certain cases such as corruption and gross human rights violations. This condition often leads to unclear tasks between institutions, weak coordination, and overlapping authorities, which result in inconsistencies in the handling of criminal cases. The purpose of this study is to identify the weaknesses of the current criminal justice system and analyze how the implementation of the Single Prosecution System can be a solution to create an integrated, effective, and fair criminal justice system. This study uses a legal-normative approach with secondary data consisting of primary and secondary legal materials. Data analysis was conducted qualitatively. The results of the study indicate that reforming the criminal justice system through the implementation of a Single Prosecution System can eliminate overlapping authority between prosecutors and the police, strengthen institutional coordination, and create an Indonesian criminal justice system that guarantees legal certainty and justice for the community.

## 1. Introduction

The criminal justice system is a fundamental pillar in Indonesia's law enforcement based on the principle of the rule of law. Its existence is not only aimed at upholding justice and providing legal certainty, but also maintaining social order and protecting human rights. However, in practice, there is a real problem in the form of overlapping authority between the Police and the Prosecutor's Office, especially in the case investigation stage, which often has an impact on inefficient legal processes. Empirical data concerning examples of real corruption cases where both institutions conduct investigations simultaneously show how this results in the practice of double investigation. From a global perspective, the *Criminal Justice System* is understood as an integrated mechanism that involves a series of institutional sub-systems ranging from investigators, public prosecutors, courts, to correctional institutions that work collectively to enforce material criminal laws and control crime in society. Universally, this system is designed not only to impose sanctions, but also to ensure the creation of *due process of law*, social order, and the protection of human rights for every individual.

Adopting these universal principles, Indonesia places the criminal justice system as a fundamental pillar of national law enforcement based on the principle of the rule of law. The goal is to uphold justice and provide legal certainty in the community. However, the implementation of this ideal principle in Indonesia faces a real practical challenge, namely the *overlapping authority* between the Police and the Prosecutor's Office, especially at the stage of case investigation. This condition often has an impact on inefficient legal processes. This is proven through empirical data on the handling of corruption cases, where there is often a situation where two institutions conduct simultaneous investigations against the same object, which ultimately results in counterproductive double investigation practices.

For example, the corruption case of the procurement of a driver's license (SIM) simulator at the Traffic Corps of the National Police Headquarters, became a dispute of authority between the National Police and the Corruption Eradication Commission (KPK), in addition to which the involvement of the Prosecutor's Office in investigating certain criminal acts also caused coordination conflicts.<sup>1</sup> This phenomenon not only causes legal confusion but also slows down the resolution of cases and lowers public trust in law enforcement agencies. Further examples are a corruption case in Surakarta with case number 119/PID. B/2005/PAN where the investigation was carried out by the Surakarta Regional Police, but the prosecution was carried out by the Surakarta District Attorney's Office and case number 140/PID. B/2006/PN involving the former Mayor of Surakarta in which the investigation and prosecution was handled by the Surakarta District Attorney's Office without the direct involvement of the National Police. Other major corruption cases investigated by the KPK as a *lex specialis* institution include those of the Deputy Governor of Bank Indonesia in 2008 and of Pamekasan Regent Achmad Syafii, which shows the important role of the KPK in handling significant corruption cases.<sup>2</sup>

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<sup>1</sup> Ratman Desianto, "Dispute over Investigative Authority in the Context of Corruption Eradication," *Kertha Wicaksana* 16, no. 2 (2022): 123-39, <https://doi.org/10.22225/kw.16.2.2022.123-139>.

<sup>2</sup> *Ibid.*

The effectiveness of this system depends heavily on the harmony and coordination between the sub-systems involved in it, namely the Police, the Prosecutor's Office, the Court, and the correctional institution. Each institution has a different but interrelated role, so that integration between them is an absolute requirement for the creation of a fair, efficient, and transparent judiciary. According to J. De Bosch Kemper, the criminal procedure law is a set of principles and provisions that give legitimacy to the state to impose legal sanctions for violations of the law. This definition emphasizes that the essence of the criminal procedure law is the state's authority to ensure the upholding of the law through the judicial process.<sup>3</sup> According to Hamzah, the terminology for the Criminal Procedure Law varies internationally. In the Netherlands, it is known as "*Strafvordering*," in the UK as the "Criminal Procedure Law," in France as the "*Code d'instruction Criminelle*," and in the United States as the "Criminal Procedure Rules." These various names indicate that despite the differences in linguistics and terminology, the fundamental function of this legal apparatus remains uniform, namely as a guideline for the implementation of criminal legal processes.<sup>4</sup>

Similar to the legal systems in the Netherlands (*Civil Law*) and the United States (*Common Law*), legal proceedings in Japan begin at the early stages of evidence collection (investigation). However, its uniqueness lies in the unification of the investigation and prosecution functions in the hands of the Public Prosecutor in accordance with the Japanese Criminal Procedure Law. The Japanese judicial system gives enormous power to the Prosecutor through the principle of *dominus litis* (control of the case) and the principle of opportunity. Concretely, the Prosecutor is not only tasked with prosecuting in court, but also has the absolute authority to; Investigating a case directly, deciding the fate of the case, whether to proceed to court or terminated (with or unconditionally), controlling the police, from ordering the police to start or stop investigations, giving technical instructions, to taking over the case that the police are handling.<sup>5</sup>

In the context of law enforcement, officials such as police, prosecutors, lawyers and judges play the role of executing state power in the field of criminal justice. All four have authority and responsibilities that are expressly regulated in laws and regulations. The Police are in charge of conducting investigations and investigations, the Prosecutor's Office is authorized to prosecute while the court functions to adjudicate and decide cases. However, in practice, coordination between these institutions often faces obstacles, especially related to the limits of authority between the Police and the Prosecutor's Office. Overlapping authority at the pre-adjudication stage often causes institutional conflicts that have an impact on the slow handling of cases and the decline in the quality of justice produced.

This problem is most evident in the handling of corruption and gross human rights violations. Both types of crimes are complex and involve various law enforcement institutions, including the KPK which also has the authority to investigate and prosecute.

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<sup>3</sup> Derry Angling, *Criminal Procedure Law* (Litnus, 2024).

<sup>4</sup> M.H. Dr. Riadi Asra Rahmad, S.H., "Criminal Procedural Law  $\Omega$ ," *Criminal Procedure Law* 6, no. 2 (2019): 1-55.

<sup>5</sup> Kejati\_Ntt. *Strengthening the authority of prosecutors in the investigation of general criminal cases*. Ntt High Prosecutor's Office. <https://kejati-ntt.kejaksaan.go.id/press-release/penguatan-kewenangan-jaksa-dalam-penyidikan-perkara-tindak-pidana-umum/>. Diakses 15 Desember 2025

This condition creates an overlapping of authority, which has the potential to create legal uncertainty and weaken the effectiveness of the criminal justice system as a whole.

Historically, Indonesia has known the principle of *dominus litis* which places the Prosecutor as the controller of the case. This principle has its roots in the Dutch legal system through the *Herziene Indonesisch Reglement* (HIR) and was maintained after Indonesia's independence. However, after the enactment of the Criminal Code in 1981, there was a fundamental change in the structure of Indonesian criminal law with the adoption of the principle of functional separation between investigators (the Police) and the public prosecutor (the Prosecutor's Office). This separation was originally intended to ensure the objectivity of the legal process, but in practice it actually caused fragmentation of coordination between law enforcement. The position of the Prosecutor's Office as the executor of state power in the field of prosecution is affirmed in Article 30 paragraph (1) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which states that the Prosecutor's Office is authorized to carry out prosecutions and other authorities based on the law. This provision emphasizes that the prosecution function is a state power that is attributively given to the Prosecutor's Office, so that the Prosecutor has legal legitimacy as the controller of the case at the prosecution stage, including in assessing the completeness of the investigation results through the pre-prosecution mechanism.

Meanwhile, the position of the Police is regulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia is a state tool that functions to maintain public security and order, enforce the law, and provide protection, protection, and services to the community. This arrangement provides a strong basis for legitimacy for the Police in carrying out law enforcement functions, especially at the stage of investigation and investigation of criminal acts. Furthermore, Article 13 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia details the main tasks of the Police, namely maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. This provision clarifies the scope of the operational authority of the Police as the main actor in the early stages of the criminal justice system, especially in the process of investigating criminal cases before being delegated to the Public Prosecutor. These two institutions have a vital role in the criminal justice system, but they are also the main source of various institutional inefficiencies in the implementation of law enforcement.

In addition, the working relationship between investigators and prosecutors in criminal proceedings is regulated in detail in Articles 137 to 144 of the Criminal Code, which affirm that the public prosecutor is authorized to delegate cases to the court, control the prosecution, and coordinate with investigators. Thus, juridically, the relationship between the Police and the Prosecutor's Office is coordinated and hierarchical, where the results of the investigation are the basis for the implementation of prosecution by the prosecutor. The fundamental position of the Prosecutor's Office in the Indonesian constitutional architecture is juridically affirmed in Article 2 paragraph (1) of Law Number 16 of 2004, which classifies it as a government institution that implements state power. This central position is manifested in his role as the controller of the case (*dominus litis*), which gives him absolute authority to determine whether a criminal case has sufficient evidence (*genoegzaam bewijs*) to be delegated to the court in accordance with

the provisions of the Criminal Procedure Law. Thus, in the Indonesian criminal justice system, the Prosecutor's Office plays a crucial role as an institution that is authorized to conduct juridical examination of a case before the court.<sup>6</sup>The new Criminal Procedure Code (KUHAP) has been passed by the House of Representatives in a plenary meeting on Tuesday, November 18, 2025, and is set to come into effect on January 2, 2026 in line with the enactment of the National Criminal Code. The 2025 Criminal Code regulates the structuring of institutional relations in the Indonesian criminal justice system while adhering to the basic framework that has been known previously, while reaffirming the provisions formulated in the 2025 Criminal Code. The 2025 Criminal Procedure Code has a comprehensive structure that covers all stages of the judiciary, from investigation to execution, and introduces a special chapter on preliminary examination judges, restorative justice mechanisms, and legal protections for vulnerable groups. Which is regulated in Article 65 of the new Criminal Procedure Code. However, the 2025 Criminal Code still maintains the principle of functional differentiation between investigators and public prosecutors. Although this principle aims to create a check and balance mechanism, in practice it still raises coordination problems and overlapping authority, which slows down the law enforcement process.

Nevertheless, the classic problems in the Integrated Criminal Justice System (ICJS) are still looming, considering that the Criminal Code still maintains the principle of rigid functional differentiation between investigators and the Public Prosecutor. Although theoretically this principle is aimed at realizing a check and balance mechanism, empirical reality shows that this barrier of authority actually triggers disorganization of coordination and overlapping authority. This has the potential to hinder the principles of fast, simple, and low-cost justice, as well as distort the effectiveness of the aspired criminal law enforcement

The weakness of the coordinating system currently in force gives rise to the idea of adopting the concept of the Single Prosecution System. This is a model of law enforcement that places the Prosecutor's Office as the only institution that has full authority to prosecute and control the direction of investigations. This principle is in line with the principle of *dominus litis* which makes the Attorney General the main controller of the case, and is expected to be able to create a unity of prosecution policy (*een en ondeelbaar*), avoid legal disparities, and ensure consistency in the application of justice throughout Indonesian jurisdiction. The implementation of this system is also in line with the mandate of Article 27 paragraph (1) of the 1945 Constitution lies in ensuring the equal position of every citizen before the law, which demands uniformity of standards and prosecution policies so that there is no different treatment in handling criminal cases. Meanwhile, Article 28D paragraph (1) of the 1945 Constitution affirms the right to fair legal certainty, which requires a coordinated and consistent law enforcement system to prevent uncertainty and overlapping authority in the prosecution process.

The formulation of the main problem in this study is to explore how urgent the implementation of the Single Prosecution System is in realizing a fair criminal justice system in Indonesia and how it affects the authority relationship between the Prosecutor's Office and the Police. The purpose of this study is to analyze the normative and conceptual basis of the implementation of the Single Prosecution System in

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<sup>6</sup> Aria Zurnetti, *Introduction to Indonesian Procedural Law* (Depok: Rajawali press, 2021).

Indonesia, examine the effectiveness of coordination between law enforcement agencies, and provide recommendations for reform of the criminal procedural law system that is more fair and in line with the principles of due process of law.

A review of various previous studies shows that studies on the institutional relationship between the Police and the Prosecutor's Office have been conducted by a number of academics such as Setiyono, Arifin, and Rukmini. Setiyono and Arifin highlighted the weak coordination and control mechanism between investigators and prosecutors which has implications for the ineffectiveness of the criminal justice system.<sup>7</sup> Rukmini, on the other hand, emphasized the need to reposition the Prosecutor's Office so that it is independent of executive dominance in order to maintain the independence of the prosecution.<sup>8</sup> However, these studies have not discussed in depth the urgency of implementing the Single Prosecution System as a structural and conceptual solution to the problem of dualism of authority in Indonesia. Herein lies the analysis gap of this research, namely the need to integrate the *dominus litis* theory with the institutional design of modern criminal justice that is responsive to the needs of national legal reform as a central law enforcer as the controller of criminal cases as accommodated in the 2025 Criminal Procedure Code. The novelty of this research lies in the submission of an integrative model between the principle of *dominus litis* and the concept of the Single Prosecution System as a new formulation of the Indonesian criminal justice system. This research not only criticizes the weaknesses of inter-agency coordination, but also offers a conceptual approach that places the Prosecutor's Office as the central authority in criminal law enforcement without negating the supervisory functions of the Police and judicial institutions. Thus, it is hoped that the results of this research can make a significant scientific contribution in strengthening the national criminal justice system toward the realization of substantive justice, legal certainty, and the effectiveness of law enforcement in Indonesia.

## 2. Research Methods

The research method used in this article is a normative juridical approach as explained by Terry Hutchinson, doctrinal research focuses on collecting and analyzing legal rules, principles, and doctrines contained in laws and regulations (black-letter law) to provide a systematic exposition. This refers to the view of Peter Mahmud Marzuki who defines normative legal research as a process to find legal rules, legal principles, and legal doctrines to answer the legal issues at hand.<sup>9</sup> This approach distinguishes itself from socio-legal research that looks at social facts on the ground. In line with Mathias M. Siems' view on the importance of norm analysis in mapping legal arguments, this study uses qualitative analysis to interpret legal materials logically and systematically. The aim is to identify weaknesses in the current criminal justice system and build a strong juridical argument regarding the urgency of implementing a Single Prosecution System. The main approach used is juridical-normative through the statute *approach* and the conceptual approach. The collected data are analyzed using a qualitative analysis

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<sup>7</sup> Arifin and Setiyono. (2023). The Urgency of Legal Protection for Prosecutors. Al Qalam: Scientific Journal of Religion and Society. 17. 87. 10.35931/aq.v17i2.1958.

<sup>8</sup> Mien Rukmini. *Protection of Human Rights through the Principle of Presumption of Innocence and the Principle of Equality of Position in the Law in the Indonesian Criminal Justice System* / Mien Rukmini .2007

<sup>9</sup> Peter Mahmud Marzuki, *Legal Research*, 2008th ed. (Jakarta: Kencana, n.d.).

method. The collected legal material was analyzed qualitatively using prescriptive analysis methods and deductive logic. The analysis process is carried out through three stages of systematic interpretation: First, conducting an inventory of norms to map disharmony and conflict of norms between the authority of investigation and prosecution in existing regulations (KUHAP 1981). Second, applying *systematic interpretation* to connect the relationship between the principle of dominus litis and laws and regulations related to judicial and prosecutorial power. Third, using teleological interpretation to explore the philosophical and sociological goals of law in order to build a new legal *construction*. This series of analyses is used to identify the structural weaknesses of the current criminal justice system and formulate the urgency of implementing the Single Prosecution System as an integrative solution.

### 3. Result and Discussion

#### 3.1. Application of the Principle of *Dominus Litis* and the Principle of the Single Prosecution System to the Position of Prosecutors in the Criminal Justice System in Indonesia

In Law Number 11 of 2021 concerning amendments to Law Number 16 of 2004 (Prosecutor's Law), Article 2 paragraph (2) explains the principle of single prosecution (Single Prosecution System) which is a principle that places the Attorney General as the highest public prosecutor in a country.<sup>10</sup> The article explains that "The Prosecutor's Office is one and inseparable," that is, prosecution must exist in one institution, namely the Prosecutor's Office so that policy unity in the field of prosecution is maintained and it can display characteristics that are integrated in its thinking, conduct, and work procedures. This implies that it emphasizes that the Prosecutor's Office is the only institution with the authority to prosecute, thereby affording a unified policy that places the Attorney General as the holder of control of the duties and authority of prosecution.<sup>11</sup>

The application of the principle of dominus litis and the Single Prosecution System in the Indonesian Criminal Justice System still faces a number of fundamental structural and functional problems. The problem arises not at the level of normative recognition, but in the design of the criminal procedure law and the relationship of authority between law enforcement officials.

First, there is a misalignment between the norms of the Prosecutor's Law and the 1981 Criminal Procedure Code. The Prosecutor's Law affirms the prosecutor as the controller of the case, but the Criminal Code still places the investigation completely outside the control of the prosecutor. As a result, the principle of dominus litis only applies conceptually, but it does not have operational force from the early stages of the criminal process.

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<sup>10</sup> Yusuf Daeng, "The Limitations of Law Enforcement Apparatus as an Obstacle in Law Enforcement in Indonesia" *Multidisciplinary Journal of Technology and Architecture* 2, no. 2 (2024): 671.

<sup>11</sup> Naomi Artadinata and Sahuri Lasmadi, "The Regulation of the Public Prosecutor in Handling Corruption Crimes Based on the Principle of Dominus Litis," *Pampas: Journal of Criminal Law* 4, no. 3 (2023): 311–21, <https://doi.org/10.22437/pampas.v4i3.28637>.

Second, the absence of the prosecutor's authority to stop the investigation creates legal uncertainty. The prosecutor can consider a case not worthy of prosecution, but does not have the legal instrument to end the investigation process. This condition has the potential to cause protracted cases without a final certainty (prolonged investigation).

Third, the relationship between prosecutors and investigators that is coordinated-administrative weakens the effectiveness of case control. The prosecutor's instructions in the pre-prosecution stage are not binding, so they are often not implemented optimally by investigators. This is contrary to the logic of the Single Prosecution System which demands a unified policy of handling criminal cases.

Fourth, the high burden of proof on the prosecutor is not balanced by involvement from the investigation stage. In the negative evidentiary system, the prosecutor bears full responsibility for the evidence at trial, but has no control over the evidence collection process. When there is a retraction of testimony or weakness of evidence at trial, the prosecutor's position becomes juridically vulnerable.

Fifth, differences in assessment of the adequacy of evidence between investigators and prosecutors often do not have a clear settlement mechanism. These differences contribute to the practice of going back and forth in case files and hinder the principle of fast, simple, and low-cost justice.

Sixth, from a human rights perspective, the application of the principle of *dominus litis* that is not complete has the potential to harm the suspect's right to legal certainty. Without the authority of the prosecutor to control or stop the investigation, individuals can be in an uncertain legal status for the long term, which is contrary to the principle of due process of law.

Thus, it can be concluded that the main problem with the application of the principle of *dominus litis* in Indonesia does not lie in the absence of a legal basis, but in the limitations of the design of criminal procedure law that has not integrated the investigative function into the prosecution framework. Therefore, the reformulation of the Criminal Procedure Code is an urgent need so that the principle of *dominus litis* and the Single Prosecution System does not stop at the normative level, but functions effectively in the practice of the criminal justice system

The principle of the Single Prosecution System is a fundamental doctrine that underlies the existence and authority of the Prosecutor's Office of the Republic of Indonesia, as affirmed in Law Number 11 of 2021.<sup>12</sup> Based on the principle of inseparable unity (*een en ondeelbaar*), this doctrine gives birth to several significant juridical implications. The main implication is the realization of centralization and consistency of prosecution policies nationally under the hierarchical control of the Attorney General as the highest public

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<sup>12</sup> Dedy Chandra Sihombing et al., "Strengthening the Authority of the Prosecutor as the *Dominus Litis* as an Effort to Optimize Criminal Law Enforcement Oriented to Restorative Justice," *Locus: Journal of Legal Concepts* 3, no. 2 (2023): 63-75, <https://doi.org/10.56128/jkih.v3i2.42>.



prosecutor, which ensures legal *certainty* while centralizing institutional accountability.<sup>13</sup> This centralized structure also legitimizes the application of the principle of opportunity, where the discretionary authority to set aside cases in the public interest (*seponering*) becomes the absolute prerogative of the Attorney General.

Further, this principle reinforces the position of the Prosecutor's Office as the controller of the case (*dominus litis*), which gives it sole authority to determine the feasibility of a case that has been investigated for transfer to the court. Consequently, the relationship between the Prosecutor's Office and other law enforcement agencies, especially the Police, becomes instructive in the pre-prosecution stage, wherein the Prosecutor's Office acts as the final filter in the integrated criminal justice system.

In Indonesia, the Prosecutor's Office normatively plays a central role as the executor of state power in the field of prosecution and control of cases (*dominus litis*). This principle of *dominus litis* is not only universally recognized, as in Article 11 of the Guidelines on the Role of Prosecutors, but has also been strengthened by the jurisprudence of the Constitutional Court through Decisions No. 55/PUU-XII/2013 and No. 130/PUU-XIII/2015.<sup>14</sup> However, the full implementation of this principle faces challenges in the Indonesian Criminal Justice System (SPPI) regulated by the Criminal Code.<sup>15</sup> The Criminal Code adheres to a functional differentiation model that strictly separates authority between law enforcement officials. As a result, the role of the prosecutor at the investigation stage is limited, where his authority is more reactive such as receiving notification of the start of the investigation (Article 109), examining and returning files (Article 110), and only having the authority to stop the prosecution, not the investigation (Article 140 paragraph (2)). Thus, the functional differentiation model in the Criminal Procedure Code causes the principle of *dominus litis* to not be fully realized because the prosecutor does not have full control following the investigation process.

The role of the Prosecutor's Office as a case controller (*dominus litis*) in Indonesia has not been effective due to two main factors. First, the prosecutor's authority is limited by the 1981 Criminal Procedure Code, especially in terms of stopping investigations.<sup>16</sup> Second, there are weaknesses in communication and coordination with investigators, which hinder the optimization of the criminal justice system. There are often differences of opinion between investigators and public prosecutors, which can be detrimental to the judicial process. In fact, the prosecutor should be able to take policies (discretion) in handling criminal cases.<sup>17</sup>

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<sup>13</sup> Wijaya, Suhendra. "Een en ondelbaar, the prosecutor's office is one and inseparable." *GemilangPos.com*, 6 June 2024, [gemilangpos.com/berita/detail/een-en-ondelbaar-kejaksaan-adalah-satu-dan-tak-terpisahkan](https://gemilangpos.com/berita/detail/een-en-ondelbaar-kejaksaan-adalah-satu-dan-tak-terpisahkan).

<sup>14</sup> Ferdy Saputra, 'General in General Crimes Based on 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' (2025) 8.

<sup>15</sup> Puteri Hikmawati and Yustina Sari, "The Controversy of the Interlocutory Decision in the Case of Inactive Supreme Court Justice Gazalba Saleh," *Parliamentary Analysis Center of the Expertise Body of the House of Representatives of the Republic of Indonesia XVI*, no. 13 (2024).

<sup>16</sup> A Man Who Invented Akshay Kumar, *Indonesian Criminal Procedure Law (An Introduction*, 2025).

<sup>17</sup> Hajairin. *The Politics of Criminal Justice System Reform*. (Deepublish, 2022).

In the Indonesian criminal justice system, the Prosecutor's Office bears a very significant burden of proof.<sup>18</sup> As a public prosecutor, the prosecutor is required to present evidence at the trial. In accordance with the negative evidentiary system (*wettelijk bewijs theorie*) adopted by Article 183 of the Criminal Code, a defendant can only be declared guilty if there are at least two valid pieces of evidence accompanied by the judge's conviction.<sup>19</sup>

However, the prosecutor's effectiveness in meeting the burden of proof is hampered by a structural weakness: the existence of a rigid functional differentiation between investigator and prosecutor. Currently, the position of prosecutors is more reactive, where they only receive and review case files formally without being directly involved in the process of collecting evidence by investigators. This separation creates serious vulnerabilities, for example when a suspect retracts his statement in court, the prosecutor will find it difficult to prove his charges because he does not know the context in which the evidence was obtained.

To overcome this problem, the application of the principle of *dominus litis* as a whole is essential. The key fact that makes the prosecutor a *dominus litis* (case controller) is very important in the law enforcement process in Indonesia is his role as the sole controller of pre-prosecution, prosecution, and judge designation, which effectively integrates the results of investigations from the police.<sup>20</sup> Although the police have a fundamental role in gathering evidence and conducting preliminary investigations, the role of the prosecutor as a central figure in the criminal justice system ensures the necessary coordination, objectivity, and legal certainty before a case is brought to trial. The prosecutor acts as the final screener, determining whether the evidence collected by the police is sufficient (*p-21*) to be submitted to the court, thus avoiding weak prosecutions and ensuring that the legal process runs efficiently and accountably from investigation to execution. The principle of *dominus litis* requires the prosecutor, as the case controller, to be actively involved from the initial stage of the investigation. This proactive involvement will ensure that the evidentiary process runs solidly and accountably, in line with the standards of professionalism and proportionality set forth in the various Attorney General's Regulations. Thus, the prosecutor can carry out his functions optimally and not only act as a formal reviewer of files.

### **3.2. Application of the *Dominus Litis* Principle in the Balance of Authority of the Prosecutor's Office and the Police**

The implementation of the principle of *dominus litis* is a fundamental element in Indonesia's criminal justice system, which gives the Prosecutor's Office the authority to control cases at the prosecution stage.<sup>21</sup> In its role, the Prosecutor's Office not only acts

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<sup>18</sup> Rasyid Ariman, Syarifuddin Pettanase, and Raghieb Fahmi, "Indonesian Criminal Justice System. Palembang" 10, no. 11 (2007): 7.

<sup>19</sup> Didik Purwadi, Amiruddin, and Rina Khairani Pancaningrum, "Criminal Law (Criminal Law)", *Ketha Semaya Journal* 10, (2022): 5.

<sup>20</sup> Afiyah Salma, "The Principle of Dominus Litis in Criminal Procedure Law: Why Do Prosecutors Become the Rulers of Cases?," 2025, <https://www.hukumku.id/post/asas-dominus-litis/>, Accessed 15 December

<sup>21</sup> Joe Andi, "Single Prosecution System as an Implementation of the Single Prosecution Principle Places the Attorney General as the Supreme Public Prosecutor" Bekasi City Prosecutor's Office, 2025,

as a technical implementer, but also as a supervisor of the quality of the results of investigations conducted by the Police. However, in practice, tensions often arise due to differences in perceptions regarding the feasibility standards of case files. The police tend to focus on collecting material evidence, while the Prosecutor's Office emphasizes on meeting the requirements of administrative formalities. This misalignment results in the phenomenon of "back and forth of files," where the Prosecutor's Office often returns files that are considered incomplete to investigators.

The root of this problem lies in the weak coordination between the two institutions. Many police investigators are considered not to have fully mastered the principles of criminal procedure law, so the files compiled do not meet the standards expected by the Prosecutor's Office.<sup>22</sup> On the other hand, the Prosecutor's Office is often considered to be less transparent in providing feedback, which makes it difficult for investigators to make improvements. This situation is exacerbated by external pressures, such as mass media spotlight and public demands in major cases, which encourage both institutions to work quickly and risk sacrificing the professionalism and quality of legal processes.<sup>23</sup>

This imbalance of authority and synergy has a significant impact on the effectiveness of the justice system as a whole. Hampering the process of handling cases not only slows down the realization of justice, but also erodes public trust. The public often views this disharmony as a reflection of weak professionalism in law enforcement.<sup>24</sup> In the context of serious crimes such as corruption or transnational crimes, friction between the Prosecutor's Office and the Police can directly paralyze crime eradication efforts, for example, when the evidence presented by investigators is not strong enough for prosecutors to proceed with prosecutions.<sup>25</sup>

A potential solution is the implementation of the Single Prosecution System, which is a criminal law enforcement system that places the prosecutor's office as the only authorized institution in the investigation and prosecution process.<sup>26</sup> This model has long been applied in countries with *civil law* systems such as France, Germany, and the Netherlands, where the investigative function is under the control of prosecutors. Thus, the prosecutor can control the course of the investigation directly so that there is no dualism of authority or tug-of-war between institutions.

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<https://kejarikotabekasi.kejaksaan.go.id/single-prosecution-system-sebagai-pelaksanaan-asas-penuntutan-tunggal-menempatkan-jaksa-agung-sebagai-penuntut-umum-tertinggi/>.

<sup>22</sup> Muhammad Rahim, "The Legal Principles of Prosecution," *The Prosecutor Law Review* 1, no. 1 (2023): 1-36.

<sup>23</sup> Joko Sriwidodo, *Components in the Criminal Justice System*, 2020.

<sup>24</sup> Diah Pudjiastuti et al., "Public Discussion Related to the Implications of Dominus Litis in the RKUHAP on the Relationship of Investigators and Public Prosecutors in the Integrated Criminal Justice System," *Journal of Law* 12, no. 1 (2024): 77-92.

<sup>25</sup> Rijal Fa'iq Walid Abidin and Maulana Iqbal Fadhlurrahman, "The Flow of Law Enforcement in Criminal Cases Based on the Duties and Functions of Judges and Prosecutors in Indonesia," *Adagium: Scientific Journal of Law* 3, no. 1 (2025): 41-63, <https://doi.org/10.70308/adagium.v3i1.61>.

<sup>26</sup> Alasandar Polasio Sihaloho, "The Role of the Prosecutor as a Dominus Litis in the Indonesian Criminal Justice System (Criticism of Functional Differentiation in the Rkuhap)," *Integrative Perspectives of Social and Science Journal* 2, no. 1 (2025): 2025.

In the Indonesian context, the implementation of the Single Prosecution System can strengthen the principle of *dominus litis* because all stages of the criminal process from investigation to prosecution are under the coordination and responsibility of the Prosecutor's Office.<sup>27</sup> This system will minimize the potential for case files to go back and forth due to misunderstandings between investigators and public prosecutors, as often happens in practice based on the current Criminal Procedure Code. In addition, such integration will increase the effectiveness and efficiency of the legal process, as prosecutors can ensure from the outset that investigations proceed in accordance with the principles of legality and proportionality.

The application of the principle of *dominus litis* also often causes friction between law enforcement agencies, especially between the Corruption Eradication Commission (KPK) and the Indonesian National Police (Polri).<sup>28</sup> Conflicts of authority like this show the weak coordinating role of the Attorney General in the criminal justice system. The current Criminal Procedure Code has not applied the principle of *dominus litis* comprehensively, even though the strengthening of law enforcement agencies is a demand for the 1998 reform that remains relevant today.<sup>29</sup> For comparison, Article 109 paragraph (1) of the Criminal Procedure Code has indeed regulated the mechanism of checks and balances between investigators and public prosecutors through the obligation to submit a Notice of Commencement of Investigation (SPDP) to the prosecutor.<sup>30</sup> But, in practice, this rule is often ignored. There are many cases where the SPDP is sent after an act of coercion is carried out, or is not even followed by the transfer of the case file to the Prosecutor's Office. Based on Article 15 of the National Police Chief's Regulation Number 14 of 2012 concerning the Management of Criminal Investigations, the investigation should be carried out in stages, starting from the delivery of the SPDP to the examination, but in reality this administrative disorder actually opens up opportunities for abuse of authority, as happened in the case of the arrest of Bambang Widjojanto (BW) in 2015 and the case of HM persecution in 2007.<sup>31</sup>

In the framework of legal reform, the principle of *checks and balances* between law enforcement agencies does not conflict with the principle of *dominus litis* of prosecutors. The principle of *checks and balances* is not intended to divide the prosecution authority equally, but to ensure that the exercise of the authority remains within the legal corridor through a proportionate supervision mechanism. Based on the theory of authority, these

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<sup>27</sup> Handar Suhadi, "Prosecutors as Dominus Litis: Complements or Controllers of Cases?," Law Online, 20251, <https://www.hukumonline.com/berita/a/jaksa-sebagai-dominus-litis--pelengkap-atau-pengendali-perkara-lt67ae2a19a56bc/>.

<sup>28</sup> R. Muhamad Ibnu Mazjah Mazjah, "Quo Vadis Police Regulation Number 8 of 2021 in the Vortex of Prosecutor's Authority as Dominus Litis R. Muhamad Ibn Mazjah," *The State of Law: Building Law for Justice and Welfare* 15, no. 39 (2024): 59–78.

<sup>29</sup> I Tadjuddin, "Dominus Litis of the Prosecutor's Office in Connectivity Court," 2023, [https://repository.unhas.ac.id/id/eprint/37778/%0Ahttps://repository.unhas.ac.id/id/eprint/37778/2/B013202014\\_disertasi\\_11-12-2023\\_1-2.pdf](https://repository.unhas.ac.id/id/eprint/37778/%0Ahttps://repository.unhas.ac.id/id/eprint/37778/2/B013202014_disertasi_11-12-2023_1-2.pdf).

<sup>30</sup> Budi Mulya et al., "The Principle of Dominus Litis for the Prosecutor's Office in the Prosecution of Crimes Based on the Law," *The Face of the Law* 6, no. 2 (2022): 367, <https://doi.org/10.33087/wjh.v6i2.950>.

<sup>31</sup> Denny Saputra et al., "The Role of Prosecutors in the Judicial System in Indonesia," *Halu Oleo Law Review* 6, no. 2 (2022): 218–37, <https://doi.org/10.33561/holrev.v6i2.7>.

two principles can actually run synergistically in forming an integrated, accountable, and legal certainty oriented criminal justice system.

The theory of authority asserts that the authority of state institutions derives from a clear legal mandate and is limited by its functions and competencies, without negating institutional oversight. In this context, the principle of *dominus litis* places the prosecutor as the functional controller of the prosecution to ensure the consistency, efficiency, and unity of the prosecution policy from investigation to examination in court. The authority is functional and substantive and mandated by laws and regulations to realize justice and legal certainty.<sup>32</sup>

The implementation of *checks and balances* serves as an internal and external supervision mechanism to prevent abuse of authority in the prosecution function. This mechanism does not reduce the authority of the prosecutor, but rather ensures that any prosecution decision is based on valid evidence, correct legal procedures, and can be held legally and publicly accountable. Therefore, apart from strengthening coordination, systemic solutions are urgently needed. The implementation of the Single Prosecution System will be a fundamental step in legal reform because it is able to integrate the investigation process into the prosecution function, while consistently enforcing the principle of *dominus litis*.<sup>33</sup> With this model, the prosecutor's responsibility as the controller of the prosecution process can run effectively, so that there is no more overlapping authority or conflict between institutions.<sup>34</sup> The fundamental principle of "checks and balances" between the criminal justice subsystems, namely the Police, the Prosecutor's Office, the Court, and the correctional institution, is an important foundation in the reform of the Criminal Code. Harmonious synergy and proportional relations between these subsystems will ensure a transparent, accountable, and fair criminal justice process.<sup>35</sup>

### **3.3. Improvement of the Indonesian Criminal Law System through the Single Prosecution System in the Criminal Code**

Strengthening the role of the Prosecutor's Office through the application *dominus litis* is a central issue in the discussion of the 2025 Criminal Procedure Code as a response to various structural problems caused by the current system.<sup>36</sup> In practice the 1981 Criminal Procedure Code, Indonesia's criminal justice system is built on the principle of functional differentiation that places the investigation entirely in the hands of investigators, while

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<sup>32</sup> Muh Ibnu and Fajar Rahim, "Authoritative Interpretation Of The Attorney General" 1, no. 2 (2023): 1-19.

<sup>33</sup> Yudistira, "The Indonesian Prosecutor's Office Saves Hundreds of Trillions in Corruption Proceeds Through the Single Prosecution System," Radar Malang Jawa Pos, 2023, <https://radarmalang.jawapos.com/politik-pemerintahan/815165411/kejaksaan-ri-selamatkan-ratusan-triliun-hasil-korupsi-lewat-single-prosecution-system>.

<sup>34</sup> Corresponding Author, 'The Position of the Prosecutor's Office as a Single Prosecutor in Indonesia's' 38.

<sup>35</sup> Muzer, "Attorney General Signs Draft of the Criminal Procedure Law Draft for an Adaptive Criminal Procedure Law System," Attorney General of the Republic of Indonesia Education and Training Agency, 2025, <https://badiklat.kejaksaan.go.id/berita/s/jaksa-agung-tandatangani-naskah-dim-ruu-kuhap-untuk-sistem-hukum-fbbba>.

<sup>36</sup> Agus Sahbani, "This is the Direction of the Arrangement of the Prosecutor's Bill," Online Law, 2020, <https://www.hukumonline.com/berita/a/begini-arrah-pengaturan-ruu-kejaksaan-lt5f29760a1f91e/>.

the prosecutor only plays a role after the case file is declared complete. This pattern gives birth to formal-administrative fragmentation of authority and communication, which often triggers the phenomenon of back-and-forth of files and hinders the effectiveness of revealing material truths. In this context, the 2025 Criminal Code offers a shift in approach by expanding the role of prosecutors in the process of handling criminal cases. However, this shift has not completely erased the principle of *functional differentiation* as embraced in the 1981 Criminal Procedure Code. The 2025 Criminal Procedure Code still retains investigative authority in investigative institutions, but provides greater space for prosecutors to coordinate, supervise, and provide substantive instructions. This shows that the new regime has not fully embraced *the dominus litis* purely, but has created a hybrid model that reflects the dualism of authority between investigators and public prosecutors.

Attorney General Sanitiar Burhanuddin identified the overlap of authority between law enforcement as the main source of the problem, while the Head of the East Java High Prosecutor's Office, Kuntadi, in a seminar at Brawijaya University on August 27, 2025, highlighted the practical disharmony due to a communication pattern that is only formal-administrative between investigators and public prosecutors, which is considered not optimal in exploring the material truth. Therefore, the Prosecutor's Office wants the prosecutor to be positioned as the 'owner of the case' who holds full responsibility for the entire series of inseparable legal processes, from investigation to prosecution.<sup>37</sup> This idea finds its legitimacy in the explanation of Article 132 of the new Criminal Code, which expands the meaning of prosecution to include the entire criminal justice process, thus transforming the Prosecutor's Office into a central institution that functions as a gatekeeper to ensure justice, legal certainty, and the protection of human rights. Conceptually, the Attorney General is positioned at the top of the criminal law enforcement hierarchy, by holding the highest control over the investigation, prosecution, and execution functions. Under the principle of the *Single Prosecution System*, the state exclusively grants prosecutorial power to the Attorney General, who can then delegate it.<sup>38</sup>

Philosophically, the role of the Prosecutor's Office goes beyond just law enforcement; it is a law enforcement that must prioritize the values of justice, certainty, and benefit to society.<sup>39</sup> Its job is not only to bring suspects to justice, but more fundamentally to ensure that innocent individuals are not punished, while the real perpetrators of crimes are not spared accountability. This view is in line with the adage of Sir Hartley Shawcross, who reminds that not all alleged criminal acts must automatically lead to prosecution. In the Indonesian context, this means that the authority of the prosecutor to dismiss an

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<sup>37</sup> Oyuk, "The Prosecutor's Office Wants the Concept of the Prosecutor as the Owner of the Case to Be Applied in the New Criminal Code," *Tempo*, 2025, <https://www.tempo.co/hukum/kejaksaan-ingin-konsep-jaksa-sebagai-pemilik-perkara-diterapkan-dalam-kuhap-baru-2063825>.

<sup>38</sup> G Kemal, 'Authority of the Prosecutor's Office as a Single Prosecution System in Corruption Crime Cases' (2023) 2 *Ratio Legis Journal* 142.

<sup>39</sup> Muhammad Harits Salahuddin, "The Role of the Public Prosecutor in the Enforcement of the Crime of Demolition Causing Death (Case Study of Letter of Demand No.Reg.Case No.: PDM-71/KN DAL/Eoh.2/10/2022 at the Kendal District Attorney's Office)," 2023.

inappropriate case or order the termination of an investigation is a vital element in the criminal justice system.<sup>40</sup>

Although the political direction of modern law through Law Number 11 of 2021 has affirmed crucial principles such as the Single Prosecution System and *dominus litis*, its implementation in the criminal procedure law (KUHP) is still very limited.<sup>41</sup> The principle of *dominus litis*, which should give control to the prosecutor from the investigation stage, in practice only really begins when the investigator submits the case file (Phase 1). In this pre-prosecution stage, the role of the prosecutor tends to be passive and administrative. His authority was limited to examining the completeness of the files and giving instructions (P.19) to the investigators. However, prosecutors do not have coercive powers; Investigators may not meet these instructions, and case files may be lost without clarity.<sup>42</sup> This pre-prosecution stage is actually not a check and balance mechanism, but a manifestation of the authority of *dominus litis* and the Single Prosecution System, where investigation should be seen as an integral part of the prosecution.<sup>43</sup>

This systemic weakness creates serious problems. Even after the prosecutor declares the file complete (P.21), there is no guarantee that the investigators would proceed to Phase 2 by handing over the suspect and evidence. Data from the Attorney General's Case Management System show that there are 36,520 cases whose status is unclear after the SPDP is received. The current solution is administrative, which is to remove case data from the system after a certain period of time, which actually obscures legal certainty.<sup>44</sup> Ironically, a case that has been deleted can reappear years later. This raises a fundamental legal question: as the controller of the case, does the prosecutor have the authority to order the investigator to stop the investigation if there is insufficient evidence, or on the contrary, force the submission of files (Phase 2) that have not been carried out? Differences in views on the adequacy of evidence between prosecutors and investigators are often the main cause of back-and-forth case files.<sup>45</sup>

Therefore, strengthening the authority of the prosecutor is an urgency. Legal innovation is needed to give prosecutors the authority to order a halt to the investigation.<sup>46</sup> If the prosecutor, based on his juridical analysis, is of the opinion that a case is not suitable to continue, then the investigator must *mutatis mutandis* stop the investigation. The

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<sup>40</sup> Enricho Rey Mangamba, Dientje Rumimpunu, and Mario A Gerungan, "The Application of the Principle of Dominus Litis of the Prosecutor's Office in the Integrated Law Enforcement Center (Gakkumdu) in the Handling of Election Crimes," *Lex Privatum* 15, no. 3 (2025).

<sup>41</sup> Andi Hamzah, 'Evaluation Analysis of the Implementation of the Principle of Opportunity in the Criminal Code' [2024] Bphn 1.

<sup>42</sup> Aksa, *Indonesian Criminal Procedure Law (An Introduction)*.

<sup>43</sup> Rusdianto Sudirman, "Affirming the Role of the Prosecutor's Office as a Dominus Litis," IAIN Parepare, 2025, <https://www.iainpare.ac.id/blog/opini-5/meneguhkan-peran-kejaksaan-sebagai-dominus-litis-4718>.

<sup>44</sup> Risnawati Br Ginting and Edi Yunara, "RJ at the Prosecutor's Level (Originality)" 2, no. 10 (2023): 789-806.

<sup>45</sup> Siti Zainab Yanlua, Fauziah Rahawarin, and Muhammad Nasir Prawira, "The Dynamics of Prosecutorial Authority: The Role in the Current Prosecution and the Direction of Change in the Criminal Code Bill," *Al-Ahkam Journal of Islamic Criminal Law* 7, no. 1 (2025): 14-23.

<sup>46</sup> Alfajri Firmansyah, "Legal Review of the Authority of the Prosecutor | 56," *Riau Law Journal* 6, no. 1 (2022): 48-74.

strengthening of the principle of *dominus litis* as a whole, in which investigation is interpreted as an integral part of the prosecution process under the control of the prosecutor, is a crucial step to overcome legal uncertainty and realize an effective criminal justice system according to the principle of *litis finiri oportet* (every case must have an end).<sup>47</sup>

Other supporting steps are the establishment of a Coordination and Consultation Forum between investigators and public prosecutors through a Joint Decree (SKB) between the National Police Chief and the Attorney General, as well as the reformulation of the provisions of the Criminal Code to be more adaptive to the needs of the modern legal system.<sup>48</sup> In the long term (*ius constituendum*), the integration of investigations into prosecutions will strengthen legal certainty, ensure the protection of suspects' rights, and encourage professional, transparent, and substantive justice-oriented law enforcement.

When viewed from the perspective of comparative law,<sup>49</sup> global trends show that the modern criminal justice system in both the civil law and common law traditions understands the criminal process as a continuous series from the stage of evidence collection or investigation. In a civil law system such as the Netherlands, the Openbaar Ministerie is placed as the central institution that directs and controls the investigation process, including determining the direction, scope, and feasibility of the case to be brought to court. Investigations in this system are not positioned as an autonomous and separate function, but rather as an integral part of the prosecution function that is under the control of the prosecutor as a representation of the state's interests.

Meanwhile, in a common law system such as the United States, although the institutional structure of the police and prosecutors is separate, the district attorney or prosecutor has substantive control over the case process. The prosecutor has broad discretion in determining whether a case is worthy of prosecution (prosecutorial discretion), including the authority to dismiss the case from the initial stage if the evidence is deemed inadequate or the prosecution is not in line with the interests of justice. Thus, from the investigation stage, the direction and continuation of the case are factually determined by the prosecutor's policy and assessment, so that the investigation is understood as part of the prosecution strategy.

A more explicit model of integration is seen in Japan's criminal justice system. Under the Japan Criminal Procedure Code, investigation and prosecution are understood as a single process under the control of the Public Prosecutor. This system expressly applies

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<sup>47</sup> Hermawan Hermawan and Hendra Setyawan Theja, "Analysis of the Principles of Domitus Litis and Termination of Prosecution Based on Restorative Justice in the Perspective of Perjak No. 15 of 2020," *Al-Qanun: Journal of Islamic Law Thought and Reform* 25, no. 1 (2022): 128–40, <https://doi.org/10.15642/alqanun.2022.25.1.128-140>.

<sup>48</sup> Nadia, "Chief Justice of the Supreme Court's Criminal Chamber: Reformulation of the Criminal Code is No Longer an Option," Supreme Court, 2025, <https://marinews.mahkamahagung.go.id/berita/reformulasi-kuhap-bukan-lagi-sebuah-pilihan-0jo>.

<sup>49</sup> Ahmad Sofian, "Strengthening the Capacity of the Prosecutor through Coordination in the Investigation and Prosecution Process in the Criminal Procedure Bill: A Comparative Study of the US, the Netherlands and Indonesia Various Problems Arise Related to the Principle of Do," *PAMPAS: Journal of Criminal Law* 6, no. 2 (2025): 183–217.



the principle of *dominus litis* and the principle of opportunity, which gives discretionary authority to the prosecutor to determine whether a case will be brought to court or dismissed, either with certain conditions or unconditionally. This authority is not only formal, but is accompanied by an effective legal instrument to control the investigation process.

In practice, prosecutors in Japan not only function as prosecutors, but also have the authority to conduct independent investigations, instruct the police to initiate or stop investigations, take over cases from the police, and provide technical direction to investigators under their coordination. The central position of the prosecutor aims to ensure that every case processed truly meets adequate evidentiary standards and is in line with the principles of substantive justice, while preventing excessive criminalization.

This comparison shows that the strengthening of the principle of *dominus litis* through the application of the Single Prosecution System is not a deviation from the principle of checks and balances, but part of the design of the modern criminal justice system that places the prosecutor as the gatekeeper of the criminal process. Therefore, the implementation of the Single Prosecution System in the reform of the Indonesian Criminal Code can be understood as an effort to converge towards international best practices, which aims to strengthen legal certainty, increase the effectiveness of law enforcement, and ensure the protection of human rights in the national criminal law system.

Thus, strengthening the principle of *dominus litis* through the implementation of the Single Prosecution System is not only a solution to the weaknesses in the current coordination and effectiveness of criminal justice, but also a strategic step toward a more modern, efficient, and fair national criminal law system.<sup>50</sup>

#### **4. Conclusion**

Thus, the application of the principle of *dominus litis* in the Indonesian criminal justice system still faces various obstacles, especially due to weak coordination between investigators and public prosecutors, which has implications for the ineffectiveness of the law enforcement process. The Criminal Procedure Code currently still adheres to the principle of functional differentiation that separates the authority of investigation by the police and prosecution by the Prosecutor's Office, but this separation often raises problems such as the back-and-forth of case files and delays in legal processes. To overcome these weaknesses, it is important to consider the implementation of the Single Prosecution System in the Criminal Code Bill, where the authority of investigation and prosecution is under the full control of the Prosecutor's Office. In addition, another supporting step to overcome the weakness of coordination between investigators and public prosecutors is to establish a Coordination and Consultation Forum between the two institutions through a Joint Decree (SKB) between the National Police Chief and the Attorney General. This can function as a forum for strategic communication in the preparation of integrated work guidelines, the resolution of technical obstacles in the field, and the synchronization of policies in handling criminal cases. With this forum,

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<sup>50</sup> Jawade Hafiz Topo Santoso, Irwansyah, "Page | in The Prosecutor Law Review, Volume 02, No. 1, April 2024" 02, no. 1 (2024).

the working relationship between investigators and public prosecutors becomes more harmonious and directed without overlapping authority. The Single Prosecution System is in line with the principle of *dominus litis* which places the prosecutor as the master of the case from the initial stage of investigation to prosecution. The main reason for the implementation of this system is to create efficiency, integration, and consistency in the law enforcement process, as well as minimize conflicts of authority between law enforcement agencies as often happens between the National Police and the Prosecutor's Office. With the Single Prosecution System in the Criminal Procedure Bill (KUHAP) Bill, it is hoped that a criminal justice system that is more coordinated, professional, and accountable will be created, and will be able to ensure legal certainty and the protection of suspects' rights more optimally in accordance with the spirit of national criminal law reform.

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