

The Concept of Coordination Reform Between Polri Institutions and The Public Prosecutor's Office in Pre-Prosecution

Dani Durahman^[1] & Maryadi Wijaya^[2]

^{[1], [2]} Faculty of Law, Universitas Langlangbuana, Bandung, Indonesia

Email: danni_dur@yahoo.com, bobbymaryadiwijaya@gmail.com

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*Corresponding Author:
danni_dur@yahoo.com

Abstract: The primary objective of this study was to investigate a concept that facilitates efficient coordination between the prosecutor's office and police, thereby ensuring that the pre-prosecution process does not impede law enforcement efforts. Currently, the lengthy duration of the pre-prosecution process is attributed to the numerous cases that require back-and-forth communication. If this situation arises, the examination of case files in a back-and-forth manner becomes either unnecessary or significantly reduced, as investigators and public prosecutors possess aligned perspectives and require evidence. Therefore, during an inquiry, the two can work together, and there is no need for delay until the end of the investigation process, which lasts a maximum of 14 days. In principle, ideal relations between public prosecutors and investigators can be achieved when inter-subsystem limitations are not constrained by subsystem partitions resulting from functional differentiation. It is essential to establish a regulation in the Criminal Procedure Code that specifies the maximum allowable period for the prosecutor's office to return case files to the police. In instances where this limit is exceeded, the prosecutor must make a definitive decision on the case.

Keywords: Coordination; Investigators; Prosecutors; Pre-prosecution.

1. INTRODUCTION

The Indonesian National Police (POLRI) is responsible for enforcing the law and providing services to communities. However, due to these duties, POLRI have not been able to achieve optimal performance in carrying out their law enforcement responsibilities. As a result, POLRI has been the subject of public scrutiny due to many unresolved cases, leading to a lack of trust in the police force. The law enforcement function of the National Police can be considered part of the mechanism of the criminal justice system. Therefore, the responsibility of the National Police as a part of the criminal justice system is substantial. It is incumbent upon the National Police to demonstrate to the public that all actions taken in the context of law enforcement are perceived as upholding justice for the community. A fair decision made by the National Police is deemed by the community if the horizontal control mechanism proves effective. In discharging their duties as law

enforcers, police are expected to exercise conscience and intuition.¹ Law enforcement agencies must recognize that societal transformations have occurred due to these reforms. The deployment of brute force must be channeled and encouraged to be resolved legally. An ideal police force consists of individuals who can legally protect perpetrators, victims, and the community.

Police investigators are currently experiencing various problems in law enforcement, which have become the focus of the public's attention, and many cases whose resolution is not clear, especially those related to the authority of the case. It is unclear whether not completing the handling of cases results in arrears of cases that have become a debt by police investigators. The public may perceive that case handling has not been concluded, or that it undermines the community's sense of justice, resulting in a loss of trust in the police without identifying the primary cause. Indeed, a reliable investigator is backed by sufficient technical, equipment, and financial resources. The use of suitable methods and strategies is crucial for the examination of suspects and witnesses.²

The National Police, as the front guard for upholding the rule of law, requires wise actions supported by the participation of the law-abiding community. Even in stable political, economic, and social conditions, the operationalization of police duties faces a dilemma. The National Police, who intend to protect demonstrations, are often caught in acts of repression. This dilemma requires the police to truly have the values of integrity, fairness, respect, for the constitution and government authority, honesty, courage, and compassion. so that the police can act wisely and prudently in responding to each different situation and condition.³

One effort to strengthen the role of the public prosecutor in the criminal justice system in Indonesia is to maximize the function of the additional examination institution, as stipulated in Article 27 paragraph (1) letter d of Law No. 5 of 1991 and maintained in Law Number 16 of 2004 concerning the Kejaksaan of the Republic of Indonesia [Article 30 paragraph (1) letter e]. It is also necessary to improve the substance of the law by incorporating provisions regarding the active role of public prosecutors in investigative actions in law criminal procedures (KUHAP) and Prosecutors' Law. With the active role of the public prosecutor in investigative actions, cases that are not followed up by investigators can be taken over by the prosecutor, as during the validity period of the HIR, so that the principle of legal certainty and justice for justice seekers can be achieved.⁴ The independence of Attorney has been widely debated.⁵

The Attorney General's Office should be "independent" having its own body apart from the Executive so that it can be independent, which is lost, because the Attorney General (assistant to the president) does not retire at the age of 65, but can be replaced at any time by the president. Several developed countries, such as Brunei, have explicitly stated that

¹ Edi Setiadi, "Polisi Pengayom Dan Penegak Hukum," *Pikiran Rakyat*, 2008.

² Dani Durahman, Edi Setiadi, and Rusli Iskandar, "Efforts To Build The Integrity Of Investigators To Realize Just Law Enforcement," *Journal of Legal, Ethical and Regulatory* 24, no. 1 (2021): 1-7.

³ Joan Dumais, "Kewajiban Polisi (Penyidik) Untuk Meminta Otopsi (Visum Et Repertum) Terhadap Korban Kejahatan (Kajian Pasal 133 KUHAP)," *Lex Crimen* 4, no. 5 (2015): 6.

⁴ Farid Achmad, "Urgensi Penguatan Peran Penuntut Umum Dalam Sistem Peradilan Pidana Indonesia" (Universitas Sebelas Maret Surakarta, 2019).

⁵ Dio Ashar Wicaksana, "Kedudukan Kejaksaan RI Dalam Sistem Hukum Tata Negara Indonesia," *Jurnal Fiat Justitia* 1, no. 1 (2013): 3-8.

the Attorney General cannot intervene.⁶ In Italy, the Constitution expressly states that judicial power is exercised by magistrates consisting of judges and prosecutors. Similarly, the prosecutor of Bulgaria. After the collapse of the socialist state, Bulgaria followed the example of the system used in Italy, namely, the judiciary, which was previously placed under the executive branch, was transferred to the judiciary. Hungary's Public Prosecutor's Office is accountable to the Parliament and is obliged to report on all activities of the judiciary to the Parliament on a regular basis.

According to Friedman, there are three elements in the legal system: Legal Structure (institutional structure and institutional performance), Legal Substance (legal material), and Legal Culture (legal culture).⁷ The general formulation of the duties and powers of the prosecutor as a public prosecutor can be understood as a normative view of the dignity and severity of the prosecutor's profession as a law enforcer. Legal (criminal) cases submitted by prosecutors to court have an impact on the identity and profession of prosecutors. If the case submitted by the prosecutor to the court yields results, for example, the judge sentences the defendant according to the demands of the sentence he submitted, then the community who is the victim of a crime will welcome and respond positively to the work of the prosecutor and related elements.

According to the provisions of Article 2 paragraph (I) of Law Number 16 of 2004 concerning the Kejaksaan Office of the Republic of Indonesia, it states that: "The Prosecutor's Office is a government agency that exercises state power in the field of prosecution and other powers based on laws." Based on the article above, the position of the Attorney General's Office of the Republic of Indonesia is a prosecution institution that plays a very important role in efforts to move law, especially in the field of criminal law. Furthermore, regarding the understanding of the Prosecutor according to Article, I Point I of Law Number 16 of 2004 concerning the Kejaksaan Office of the Republic of Indonesia, Prosecutors are functional officials who are authorized by law to act as public prosecutors and executors of court decisions that have obtained permanent legal force as well as other authorities based on law.

At the time of the investigation, there was a lack of awareness from investigators and public prosecutors regarding the concept of the Criminal Justice System. Thus, the Investigator did not actively contact the Public Prosecutor and vice versa. Thus, many investigators send case files to the Attorney General's Office without any coordination after sending the Commencement of Investigation (SPDP) notification letter.⁸

After the investigation is declared complete, the case file is received by the prosecutor or public prosecutor, then the prosecutor begins to study and research the completeness of the case file as a result of the investigation, and if there are deficiencies both formally and materially, the prosecutor or public prosecutor immediately informs the investigator to be supplemented with instructions. instructions that must be completed, if the Prosecutor or Public Prosecutor declares that the file is complete then the case will immediately be

⁶ Widha Sinulingga, "Kedudukan Lembaga Kejaksaan Dalam Sistem Ketatanegaraan Di Indonesia" (Universitas Islam Indonesia, 2016).

⁷ Taking Kawashima, "Taking Kawashima Seriously: A Review of Japanese Research on Japanese Legal Consciousness and Disrupting Behavior," *Law & Society Review* 21, no. 2 (1987): 219-42, <http://www.jstor.org/stable/3053520> <http://www.jstor.org/stable/3053520>.

⁸ Nurul Dewinta, Haeranah Haeranah, and Nur Azisa, "Lambatnya Penanganan Perkara Tindak Pidana Karena Tidak Optimalnya Koordinasi Dalam Tahap Prapenuntutan (Urgensi Perwujudan Sistem Jaksa Zona)," *Jurnal Hukum* 2, no. 2 (2019): 45, <https://doi.org/https://doi.org/10.31328/wy.v2i2.1014>.

transferred to the court and the pre-prosecution process has been completed then enters the prosecution process.⁹

In principle, the provisions concerning Investigation and Prosecution in the Criminal Procedure Code show a close relationship between investigation and prosecution. In summary, it can be said that investigation is an activity to collect evidence regarding the existence of a crime and its perpetrators, while prosecution is an activity aimed at being accountable for the results of investigative activities in court forums.¹⁰ Therefore, the implementation of an integrated criminal justice system is intended to carry out integrated and sustainable law enforcement to obtain the maximum output. In this case, the investigation must be directed to evidence in court so that the suspect (perpetrator of the crime) can be prosecuted and tried in court.

An investigation that ends with a decision (*ovisjpraak*) or releases all charges (*on slag van alle rechtsvervolging*) from the court against the perpetrators of a crime will be detrimental to society and the law enforcement agencies themselves. This is part of Attorney's authority by *DominisLitius*, namely that the determination and control of prosecution policies are only on the one hand, namely the Prosecutor's Office. Before the investigation begins, the offense must be estimated and regulated by statutory provisions. This is very important because the investigation is directed at the circumstances that occur, which match the formulation of the offense. However, the Public Prosecutor may also amend the criminal law articles listed by the investigator. Therein lies the inseparable relationship between the investigator and Public Prosecutor.

2. RESEARCH METHODS

This study aims to find the concept of coordination reform between the National Police and the prosecutor's office in pre-prosecution to realize law enforcement through normative and empirical legal research methods and comparative studies.¹¹ Starting with conducting studies, tracing in the field, and analyzing, until the right model and implementation are found and concrete of the conception of coordination reform between the National Police and the prosecutor's office in the current pre-prosecution period.¹²

3. RESULTS & DISCUSSION

3.1. Implementation Coordination between investigators and public prosecutors

This collective culture needs to be properly realized and cared for by everyone who works in the legal system, and that law (component substance) in the formulation contained within the form of regulations or legal texts is an inanimate object that is abstract.¹³

⁹ Ampuan Situmeang, Winshery Tan, and Agus Rosita, "Akibat Hukum Pemeriksaan Tambahan Oleh Jaksa (Studi Kasus Di Pengadilan Negeri Tanjung Balai Karimun)," *Logika: Jurnal Penelitian Universitas Kuningan* 12, no. 1 (2021): 69–84, <https://doi.org/https://doi.org/10.25134/logika.v12i01.3896>.

¹⁰ Sulaiman Purnama, Tri, "Penetapan Status Tersangka Oleh Hakim Melalui Persidangan Dalam Perspektif Pembaruan Hukum Acara Pidana," 2023, <https://doi.org/10.5281/ZENODO.8116049>.

¹¹ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia-Social and Behavioral Sciences* 219 (2016): 201–7, <https://doi.org/http://dx.doi.org/10.1016/j.sbspro.2016.05.006>.

¹² Defri Liber Sonata, "Metode Penelitian Normatif Dan Empirik," *Fiat Justisia* 8, no. 1 (2018): 15–20.

¹³ Hernawati Ras, Dani Durahman, and Dini Ramdania, "The Concept Of Islamic Law In Law Enforcement Profession," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 1 (2021): 1–9.

Technically, the role of the investigator only relies on the factual aspects of the criminal incident and efforts to gather evidence (*bewijsvoering*), while the prosecutor thinks about the juridical aspect (legal reasoning). On this side, the lack of understanding between the two will be vulnerable to differences in perceptions regarding the legal conception of "sufficient initial evidence."¹⁴

However, no provision explicitly regulates the limit on the number of times that the Prosecutor and the Investigator can send and return the examination documents, which has the potential to hinder the transfer of cases to court.¹⁵ The functions and tasks are given by the Criminal Procedure Code finally place investigators as a determinant of whether or not an attempt to resolve a criminal case through the criminal justice process takes place. The role and function of the investigation are also very crucial because it is related to the minutes of examination (BAP) which are the "soul" of a judicial process both in terms of content and procedures.¹⁶

Pre-prosecution is indeed not regulated in a separate chapter, but is contained in the Chapter on Investigation and the Prosecution Chapter (Articles 109 and 138 of the Criminal Procedure Code). The pre-prosecution process is carried out by both the investigator and public prosecutor, as stipulated in Article 110 paragraph (2) of the Criminal Procedure Code in conjunction with Article 138 paragraphs (1) and (2) of the Criminal Procedure Code. Among other things, the public prosecutor, after receiving the delegation of case files, is obliged to notify investigators of the completeness of case files. If the results of research on the case dossier as a result of the investigator's investigation are incomplete, the public prosecutor shall return the case dossier to the investigator accompanied by instructions no later than 14 (fourteen) days after the case dossier has been received by the public prosecutor. For Investigators who do not carry out the instructions to complete the case file, the process of completing the case file goes back and forth.

The pre-prosecution process, in addition to being able to eliminating the investigative authority of the public prosecutor in general criminal cases, is also in carrying out additional examinations when the National Police Investigator declares that he has carried out the public prosecutor's instructions optimally, but the public prosecutor cannot carry out additional investigations as a whole, meaning that the public prosecutor can only carry out additional examinations of witnesses without being able to examine the suspect.

If the case file is declared incomplete, the research prosecutor will immediately issue a letter (P-18) stating that the case file is returned to the investigator, because the file is still incomplete. Furthermore, within 14 (fourteen) days after receiving the case dossier, the Research Prosecutor must provide instructions to investigators, both in the form of completeness of formal requirements and material requirements. After receiving instructions from the Prosecutor to complete the case file, the investigator is "obliged" to

¹⁴ Raja Mohamad Rozi, "Revitalisasi Lembaga Pra Penuntutan Guna Menyokong Kepastian Hukum Dan Keadilan Dalam Sistem Peradilan Pidana Indonesia," *Jurnal RechtsVinding* 6, no. 1 (2017): 89-109, <https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v6i1.124>.

¹⁵ Wiby Eka Santoso and Muhammad Rustamaji, "Asas Peradilan Cepat, Sederhana Dan Biaya Ringan Dalam Telaah Kekosongan Hukum Prapenuntutan," *Jurnal Verstek Hukum Acara* 9, no. 1 (2021): 29-36, <https://doi.org/https://doi.org/10.20961/jv.v9i1.49926>.

¹⁶ Rifka Annisa Susilo and Ahmad Riyadh, "Legal Protection for Defendants When Detained Beyond the Specified Time Limit," *Umsida Preprints Server* 1, no. 1 (2023): 1-6, <https://doi.org/https://doi.org/10.21070/ups.3478>.

complete the case file according to the Prosecutor's instructions. In this case, coordination is also carried out by the investigator facing the prosecutor to obtain concrete instructions for completing the deficiencies in the case file. After the case file is completed by the investigator, the investigator must submit or submit back the file and additional results of the investigation to the Public Prosecutor within 14 days (Article 110 paragraphs (2) and (3) and Article 138 paragraph (2) of the Criminal Procedure Code).

3.2. Efforts to increase coordination between investigators and public prosecutors

From the description above, it can be seen that the role of the Pre-Prosecution stage in the process of handling criminal cases is very important, so efforts are needed to compile case files as material for making an Indictment as well as being "ammunition" for the Public Prosecutor to prove the existence of a criminal act. Criminal imposition, as a process, apart from being bound by the system and rules, also involves certain parties. The parties in question include public prosecutors. The Prosecutor himself is a functional official who is appointed and dismissed by the Attorney General, while the public prosecutor is authorized by law to prosecute and carry out the judge's determination. In addition to the Criminal Procedure Code, the legal basis for the dedication of the Public Prosecutor and the Republic of Indonesia's Prosecutor's Office. In the prosecution process, there must be coordination between police investigators and public prosecutors at the Attorney General's Office, which lays down the foundations that require the existence of a coordinative mechanism that supervises each other by referring to what is stipulated in the Criminal Procedure Code.

The responsibility for initiating and managing a legal case lies with the public prosecutor, who is tasked with analyzing and evaluating the case files gathered during the investigation conducted by the investigator. Prosecution must ensure that all necessary requirements have been fulfilled before proceeding with the case. In Article 8, paragraph (3), letter a of the Criminal Procedure Code and Article 110 paragraph (1) of the Criminal Procedure Code that the investigation has been completed, the first step is to submit case files. The public prosecutor then examines the case dossier and determines whether the results of the investigation are complete within seven days from the date of receiving the dossier from the investigator (Article 138 paragraph (1) of the Criminal Procedure Code).

Obstacles in carrying out this coordination include that the Criminal Procedure Code does not specify the number of times the reciprocal submission/resubmission of case files from investigators to public prosecutors, the absence of sanctions against Article 110 paragraph (2), paragraph (3) of the Criminal Procedure Code and Article 138 paragraph (2)) Criminal Procedure Code, from the police investigators who judged the public prosecutor in giving unclear instructions and instructions outside the context of proving the crime committed by the suspect and from the public prosecutor that there was a delay in sending the SPDP, within a period of 14 (14) days after receiving instructions from public prosecutors, the investigator has not been able to return the case file because the additional investigation has not been completed, and the case file has been declared complete but not followed by the transfer of responsibility for the suspect and evidence from the investigator to the public prosecutor.

According to Article 110 of the Criminal Procedure Code, there is no prescribed time limit for investigation duration. Therefore, it is left to the discretion of the investigator to determine the length of the investigation, which may span from one month to one year or longer. Similarly, there was no statutory time limit for the transfer of a case to a public

prosecutor following the completion of the investigation. This lack of a time limit often leads to prolonged handling of cases in practical applications.

If the case has been assigned to a public prosecutor, they must complete their examination of the file within 14 days. If they failed to do so, the investigation was considered sufficient and complete. Alternatively, the public prosecutor must notify the investigator within seven days of whether the investigation is sufficient. If the results of the investigation are deemed incomplete, the case file must be returned to the investigator within 14 days.

The findings of the inquiry are now finalized, and the case file, along with the results of the investigation, are referred to as PK-1. Conversely, the return of case documents, owing to the investigation's deemed insufficient conclusion, accompanied by directives from the public prosecutor, is designated as PK-3. Subsequently, PK-3 was identified as PK-2.

The Criminal Procedure Code does not regulate how many times the public prosecutor can return a case file to the investigator (PK-3). The Criminal Procedure Code also does not regulate how many times investigators can hand over case files to a public prosecutor. As a result, the case file goes back and forth between the investigator and public prosecutor several times or indefinitely. However, the back and forth of a case file between investigators and public prosecutors to add to and improve investigators' examinations slows the completion of law enforcement. This is contrary to the interests of the suspect and the principle of a fast, simple, and low-cost trial.

The shortcomings of investigative procedures and the recurrence of cases to investigators can have detrimental effects on the reputation of the investigative agency. Such occurrences can lead the public to perceive an agency as incompetent or lacking accountability. Consequently, the frequent return of cases by the prosecutor to the investigators can erode public trust in the investigative process. It is important to note that speedy trials, including those aimed at preventing prolonged detention prior to a court decision, are a fundamental aspect of human rights. Similarly, the principle of free, fair, and impartial justice is the central principle of law.

Efficient functioning of the justice system is closely linked to cooperation between various agencies, such as investigators and public prosecutors. When cases are repeatedly referred back and forth between these parties, the progress of swift, straightforward, and cost-effective trials is hindered. To overcome this obstacle, it is recommended that prosecutors be granted authority to conduct additional examinations, thereby expediting the criminal process.

In connection with the problem of the deadline for submission of case files by investigators to public prosecutors that has not been regulated in the Criminal Procedure Code, the solution that can be taken is to amend the Criminal Procedure Code by including a substance that determines the deadline for submission of case files by investigators to public prosecutors. This time limit is complemented by sufficient time tolerance considering real constraints in the field. If it turns out that the investigator is processing the reported case beyond the specified time limit, then the complainant can submit a pre-trial claim with a judge's decision that instructs the investigator to immediately complete and submit the case file to the public prosecutor. In this case, investigators do not want to accept and process the criminal cases reported by the public. The decision is made through a pretrial whose contents are for the investigator concerned to accept the reported case and follow up on it according to the provisions.

The responsibility of determining the case in the pre-trial stage falls under the jurisdiction of the Attorney General's office. It is crucial that prosecutors be involved from the onset of the investigation and case filing. Upon receipt of a Notice of Commencement of Investigation (SPDP), the prosecutor, police, and courts must register the document.

The stipulated clause restricts the communication and coordination process between investigators and public prosecutors to letters based on the case files sent by the former. Despite not directly knowing the nature of the case and investigation process, the public prosecutor provides instructions based on the case file sent by the investigator. The existence of these obstacles hinders the smooth exchange of case files between investigators and prosecutors.

The public prosecutor will adhere to his principles to prove the truth of the case, regardless of what actually occurred. This can make it challenging to achieve swift and cost-effective justice, particularly in cases that require extensive discussion. However, the article's clause provides the public prosecutor with the highest level of authority to determine control over the case that has been delegated by the investigator. It is the public prosecutor's responsibility to prove the crime committed by the defendant.

Investigators, public prosecutors, and law enforcement officials face constraints in collaborating and coordinating their efforts in preparing cases. Consequently, evidence presented in numerous trial cases is often insufficient. Moreover, the system of checks and balances does not function optimally, partly because of the limited nature of preprosecution coordination, which typically involves the exchange of files or documents. Space for wider coordination between investigators and public prosecutors. This coordination can result in a rapid preprosecution process. This concept has been adopted in various countries and differs from the currently adopted concept of preprosecution functional differentiation. The concept of functional differentiation was not successful in realizing checks and balances, as expected by formulators at that time. Problems such as going back and forth between case files (P-19), protracted investigations, or differences in the evidence presented at trial are phenomena of the suboptimal concept of preprosecution functional differentiation.

Although many investigations have been conducted, not all have been reported to the public prosecutor. The SPDP mechanism facilitates the interaction, interconnection, and interrelationships between investigators and public prosecutors. Using the SPDP, the public prosecutor can confirm that the investigation was carried out by the investigator. Once the obligation to inform the investigator of the investigation has been fulfilled, the public prosecutor is required to take an active role in the investigation and provide guidance to the investigator on the collection of evidence in accordance with committed criminal acts. Despite this, the position of the public prosecutor within the criminal justice system in Indonesia remains largely passive as they typically wait for the investigator to complete their investigation before providing instructions.

Notification from the investigator to the public prosecutor regarding the investigation appears to be an administrative procedure. However, the SPDP serves as the main gate for an integrated SPP, which is not just an administrative order. If a case proceeds without the SPDP, the respective subsystems may not be interconnected and coordinated effectively in the next stage, which could hinder the principle of the integrated criminal justice system from functioning properly.

A fundamental aspect of a state governed by the rule of law is the restriction of state authority and organs. This restriction can be accomplished through the vertical division of power or horizontal separation. Therefore, power must always be limited by dividing it into branches that are equal in position and power, and that regulate one another. Thus, power is not concentrated in a single organ or individual, which could lead to arbitrary actions.

Investigators and public prosecutors in the current criminal justice system appear to be divided into distinct subsystems or compartments. This configuration places the investigator in a pivotal position and allows them to wield significant influence over the criminal policy during the investigation phase. Theoretically, a central and dominant position in investigations will give rise to the potential for corruption and the abuse of authority. Although there is scope for supervision through pre-trial mechanisms, the nature of pre-trial judges is retrospective (*post factum*), meaning that they passively await requests or grievances from aggrieved parties. However, if the public prosecutor is designated as an investigative supervisor, their supervisory role becomes active, and they proactively monitor the progress of the investigation at appropriate intervals.

The future of the criminal justice system should prioritize the due process model, which emphasizes a decentralized and collaborative approach to investigation rather than a centralized and dominant role for investigators. Supervision is an important element, both constitutionally and in the revision of the Criminal Procedure Code, which leads to a due process model approach, and describes how the Criminal Procedure Code views horizontal supervision between investigators and public prosecutors as well as the central role of the SPDP in the process of horizontal monitoring systems (investigators and prosecutors general).

The Criminal Procedure Code mandates that every law enforcement apparatus involved in the criminal justice system be burdened with the obligation to supervise each other (checking system). and the families of suspects/defendants. Conceptually, horizontal supervision in the Criminal Procedure Code departs from the principle of "functional coordination" of law enforcement between agencies. Inter-agency coordination is divided into two forms: functional and institutional. However, the author in this case will only discuss functional coordination (especially the relationship between investigators and public prosecutors) because related to institutional coordination, the regulation is not contained in the Criminal Procedure Code. Horizontal supervision creates a link between agencies. This will minimize delays or errors in one agency, which will result in damage to the implementation of coordination and synchronization of law enforcement. It will also prevent consequences in the future; namely, the public prosecutor will bear the burden of weak evidence at trial because the evidence he has from the results of the investigation is inconsistent with the facts. The provisions for limiting powers (SPDP) in the Criminal Procedure Code are intended to constrain the broad authority of investigators, thereby mitigating the risk of arbitrary actions being taken by them. It is hoped that these mechanisms will limit the potential abuse of power by investigators. The objective of issuing a notification under the Criminal Procedure Code is to establish grounds for efficient cooperation and coordination among the relevant law enforcement agencies, as well as to serve as a mechanism for horizontal supervision. This aims to facilitate the expeditious, cost-effective, and streamlined handling of criminal cases.

SPDP plays a crucial role in the horizontal oversight mechanism between investigators and public prosecutors. Without this, there would be no effective coordination between

them, which would lead to a lack of horizontal supervision. Consequently, the investigator's position becomes dominant and uncontrolled, giving them the potential to commit arbitrary actions.

Therefore, to discuss the problem of the relationship between investigators and prosecutors, we must first understand how the principle of functional differentiation is institutionalized within the framework of an integrated criminal justice system. The principle of functional differentiation is an institutional affirmation of the division of tasks of authority between law enforcement officers.

In the formation of the Criminal Procedure Code, it is hoped that the principle of functional differentiation is expected to foster correlation and coordination in the process of law enforcement, which is interrelated and sustainable between one agency and another. Functional differentiation is also aimed at simplifying and accelerating the case-settlement process. Thus, it streamlines law enforcement tasks in a direction that further supports the principles of fast, precise, and low-cost justice.

A clear division of responsibilities exists between the agencies during the investigation and prosecution stages. A pre-prosecution mechanism was put in place to facilitate coordination between these two stages. This pre-prosecution stage serves as a bridge between investigation and prosecution and operates independently. During this stage, the public prosecutor had the opportunity to review and assess the findings of the investigation. If the public prosecutor determines whether the investigation is insufficient or inappropriate, they or can return the case files to the investigating agency.

The educational background of a public prosecutor is intended to train them as jurists, whereas the role of an investigator is to execute operations in the field to aid the public prosecutor. Due to cultural differences, there may be variations in how cases are addressed, leading to differences in the approach taken.

The development of pre-prosecution mechanisms can be viewed as an initiative taken by lawmakers who recognize the challenges posed by the relationship between investigators and public prosecutors. These mechanisms are designed to foster cooperation between the two parties, while avoiding the perception that investigators are overly reliant on pre-prosecution public prosecutors. Simultaneously, these mechanisms aim to prevent finger pointing between investigators and the Prosecutor's Office, if any issues arise during the law enforcement process.

The role of the prosecutor's office is to oversee the entire process of criminal activity, starting from the initial examination. Although the prosecutor's office does not conduct investigations independently, it is responsible for determining which cases can be handled by the police and which must be handled by the prosecutor. The pre-prosecution stage represents the final step in the investigation process, as investigators utilize a field-implementation framework in their approach. Upon completion of the investigation, the prosecutor tested the results using a jurist's approach.

4. CONCLUSION

From the start of the investigation phase or case title, the Public Prosecutor's institution and investigators collaborated to develop different approaches. By doing this, there is no need for extensive back-and-forth examination of case files because investigators and public prosecutors have aligned views and requirements for evidence. This cooperation

allowed the two parties to work together effectively during the investigation process, which was limited to 14 days. Conceptually, the ideal relationship between public prosecutors and investigators can only be realized if the inter-subsystems are not constrained by functional differentiation or subsystem partitions. To achieve this, there must be a regulation in the Criminal Procedure Code that establishes a limit on the number of times case files can be returned from the prosecutor's office to police. If this limit is exceeded, the prosecutor must make a decision regarding the case.

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