

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

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Abstract

This study analyzes the optimization of the role and function of the Public Prosecutor in Indonesia's criminal justice system under the New Criminal Procedure Code (Law Number 20 of 2025) in handling assault cases resulting in death. Using a normative-empirical legal approach, the research combines statutory and literature analysis with field data obtained through interviews at the Pesawaran District Attorney's Office. The findings indicate that the New Criminal Procedure Code strengthens the Public Prosecutor's position as *dominus litis*, enabling active involvement from the investigation stage through enhanced coordination with investigators, joint case conferences, and quality control over investigations. These reforms improve prosecutorial effectiveness, reduce repetitive case-file returns, and support a more integrated criminal justice system. The findings are analyzed using Joseph Goldstein's Criminal Justice System theory, which emphasizes *total enforcement*, *full enforcement*, and *actual enforcement*, as well as Philipus M. Hadjon's Authority Theory and Andi Hamzah's Prosecution Theory. The study concludes that strengthening the authority of the Public Prosecutor under the New Criminal Procedure Code promotes a more effective, accountable, and integrated criminal justice system while ensuring legal certainty, justice, and the protection of human rights in criminal proceedings.

Keywords: Public Prosecutor; Dominus Litis; Criminal Justice System; New Criminal Procedure Code; Assault Resulting in Death.

INTRODUCTION

Indonesia is a nation regulated by law, as articulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This article contends that law is the fundamental basis for governing social, national, and governmental affairs. As a nation regulated by law, all governmental and societal acts must adhere to applicable legal regulations to provide legal clarity, fairness, and advantages for all inhabitants. Law, as a communal institution, is crucial for governing interpersonal relationships. The law aims to provide order, justice, and security by controlling human conduct via prohibitions and mandates. In Indonesia, legislation is implemented on the principle of a rule of law state, with Pancasila serving as its intellectual underpinning.

Indonesia, as a state governed by the rule of law, affirms that all exercises of state power must be based on legal provisions in order to prevent the abuse of authority. As part of national legal reform, Law Number 1 of 2023 concerning the Criminal Code was enacted to accommodate the evolving values and needs of society. Criminal law aims not only to impose sanctions on offenders but also to provide protection for victims and to ensure justice in the law enforcement process.

In that system, criminal procedural law serves as a mechanism that governs the enforcement processes of criminal law, ensuring that law enforcement personnel execute power without arbitrariness, while adhering to the principles of due process. The efficacy of law enforcement is contingent not only upon the caliber of substantive criminal law but also significantly relies on the mechanisms of criminal procedural law that regulate the interactions among law enforcement professionals throughout each phase of case resolution.

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

One of the criminal offenses that continues to attract attention in law enforcement in Indonesia is assault resulting in death. This crime not only deprives individuals of their right to life, a constitutional right protected by the state, but also has social impacts, such as disrupting public security and trust in the criminal justice system. Despite the regulations concerning assault resulting in death outlined in the Criminal Code and Law Number 1 of 2023, the practical resolution of such cases encounters numerous challenges, particularly regarding evidentiary processes, inter-agency coordination among law enforcement, and discrepancies in the interpretation of the crime's elements. Numerous studies indicate that the efficacy of the prosecution process is significantly affected by the caliber of the investigation undertaken from the outset, establishing the connection between the investigator and the Public Prosecutor as a crucial determinant in the effectiveness of criminal law enforcement.

In the Indonesian criminal justice system, the Public Prosecutor has a pivotal role, representing the state in the prosecution of criminal offenders. The Public Prosecutor is tasked with crafting the indictment, substantiating the allegations in court, and ensuring that the cases presented to the court comply with both formal and substantive criteria as stipulated by criminal procedural legislation. The efficacy of the prosecution process is contingent not only upon the Prosecutor's courtroom proficiency but also on the caliber of collaboration created with investigators from the investigative phase. Numerous studies indicate that inadequate cooperation between investigators and public prosecutors often results in case file returns, delays in case resolution, and may ultimately lead to acquittals due to the evidence failing to satisfy the evidentiary standards mandated by criminal procedural law.

Willis, Koen, and Roubanian assert that institutional reforms within the prosecutor's office necessitate enhanced internal coordination, fortified leadership, human resource advancement, and the implementation of more adaptable work mechanisms to sustain prosecutorial quality under diverse conditions. Prosecutorial discretion is an expansive power; thus, its use must be constrained by the tenets of the rule of law and accountability. Crummett argues that prosecutorial discretion must not be used arbitrarily, since it may result in state supremacy over civilians in the absence of sufficient control measures.

Public trust in the criminal justice system is greatly influenced by how the Prosecutor uses their discretionary powers. Nelson and Samarth found that the public tends to support prosecution decisions that are perceived as fair, proportional, and based on objective legal considerations, especially in cases that do not require an excessively repressive approach. The Public Prosecutor's capacity to decide whether a case merits prosecution is a discretionary power that profoundly influences the efficacy of the criminal justice system. The Public Prosecutor's job extends beyond the issuance of a court judgment to include the duty of preventing false convictions.

The evolution of criminal procedural law in Indonesia indicates a paradigm change with the implementation of Law Number 20 of 2025 about the New Criminal Procedure Code (New KUHAP). A significant shift is the enhancement of the Public Prosecutor's duty as the *dominus litis*, signifying the case controller who not only participates in the prosecution phase but also assumes a coordinating function from the outset of the inquiry. The notion signifies a revitalization of the prior system, which prioritized the division of functions between investigation and prosecution under the principle of functional differentiation. The New Criminal Procedure Code mandates a more integrated relationship through coordination, beginning with the issuance of the Notice of Commencement of Investigation (SPDP), the mechanism for joint case presentations, and the enhancement of the Public Prosecutor's quality control function regarding the investigation outcomes. This alteration is anticipated to diminish the cyclical exchange of case files while concurrently enhancing the efficacy of evidence presentation in court.

The paradigm change aligns with the evolution of the criminal justice system in several nations, positioning the Public Prosecutor as the primary figure in case management. Numerous international studies indicate that the efficacy of the criminal justice system is influenced not only by the quality of investigations and the independence of the judiciary but also by the Public Prosecutor's capacity to exercise prosecutorial authority in a professional, proportional, and accountable manner. Bowman, Lowrey-Kinberg, and Gould assert that prosecutorial decisions are influenced not only by the fulfillment of criminal elements but also by the quality of evidence, organizational factors, inter-agency collaboration, and professional considerations intended to attain a just resolution of cases. The results suggest that the Public Prosecutor's discretion is a fundamental component of the contemporary criminal justice system and requires effective collaboration with investigators from the first stages of case management.

According to the research, the examination of obligatory prosecution principles indicates that several nations are evolving towards more adaptable prosecution frameworks while maintaining a focus on legal clarity and the safeguarding of human rights. This transition arises from the belief that the inflexible enforcement of

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

prosecution is inadequate for resolving the intricacies of contemporary criminal phenomena. The evolution of prosecution systems in different nations indicates a paradigm change from obligatory prosecution to discretionary prosecution, which is more responsive to contemporary law enforcement requirements. Le's research revealed that the inflexible enforcement of prosecution frequently neglects the intricacies of developing criminal offenses, prompting numerous countries to confer discretion upon public prosecutors while maintaining a focus on accountability, legal certainty, and the safeguarding of human rights.

In Indonesia, the concept of enhancing the role of the Public Prosecutor as *dominus litis* has progressed with the implementation of Law Number 20 of 2025 about the Code of Criminal Procedure. Research conducted by Adrianus Herman Henok, Mompang Lycurgus Panggabean, and Paltiada Saragi finds that enhancing the power of the Public Prosecutor as the case controller is a strategic approach to achieving a more responsible Integrated Criminal Justice System. The efficacy of the criminal justice system relies not only on the quality of regulations but also on the enhancement of coordination among law enforcement agencies, the integrity of prosecutors, the transparency of the prosecutorial process, and the improvement of human resource competencies within the Prosecutor's Office.

The establishment of the National Criminal Code (KUHP) and the New Criminal Procedure Code (KUHP) represents a significant advancement in the reform of Indonesia's criminal law; yet, its execution continues to encounter several obstacles. A primary problem is the preparedness of law enforcement officials to adopt the new paradigm that designates the Public Prosecutor as the case controller (*dominus litis*) from the investigative phase. The Public Prosecutor's decision-making process is intricate and not only reliant on the satisfaction of criminal elements. The Public Prosecutor serves as an active enforcer of the law, advocate for the victim's interests, and custodian of justice. Consequently, each prosecution action must weigh the efficacy of law enforcement against the safeguarding of the defendant's rights and the interests of society. In the absence of such preparedness, the objective of revising criminal procedural legislation to establish an effective, responsible, and equitable criminal justice system may not be fully attainable.

The Pesawaran District Attorney's Office was selected as the research site due to its direct involvement in instances of fatal assault, specifically with Decision Number 19/Pid.B/2024/PN Gdt. This case exemplifies how the paradigm change in the New Criminal Procedure Code (KUHP) might be used in prosecution practice. Despite the case still being adjudicated under the previous Criminal Code provisions due to its occurrence prior to the National Criminal Code's implementation, the handling process underscores the necessity for enhanced collaboration between investigators and the Public Prosecutor in the development of robust evidence. This paper investigates the normative norms governing the power of the Public Prosecutor and evaluates the practical application of that role in managing criminal cases at the district court level.

This research seeks to examine the optimization of the Public Prosecutor's role and function within the criminal justice system as delineated by the New Criminal Procedure Code (KUHP) in cases of fatal assault, as well as to evaluate the regulation and status of the Public Prosecutor following the implementation of the New KUHP. The research findings are anticipated to enhance the evolution of criminal law and criminal procedural law, while also offering insights to the Indonesian Attorney General's Office and other law enforcement entities in bolstering inter-agency collaboration, elevating prosecutorial standards, and achieving a more cohesive, professional, and substantively equitable criminal justice system.

RESEARCH METHOD

This study employs a normative and empirical legal methodology. The normative method is executed by a library study that involves the examination of pertinent laws, regulations, literature, and theories. The empirical technique is executed via field research to get factual data via observation and conversations with knowledgeable individuals. Data sources include secondary data and original data. Secondary data encompasses basic, secondary, and tertiary legal resources. Primary legal sources include the 1945 Constitution, statutes pertaining to the Police, the Prosecutor's Office, the Judiciary, the Criminal Code, the Criminal Procedure Code, and their respective implementing regulations. Secondary legal resources include books, journals, and scholarly literature, while tertiary legal materials comprise legal dictionaries and other ancillary sources. Primary data is acquired firsthand via field research. Data collecting is conducted by library research and outdoor research. The field research was executed in the Pesawaran District Attorney's Office via observation and interviews with two Public Prosecutors who had managed cases of fatal assault. The acquired data is thereafter subjected to the processes of editing, interpretation, and systematization. The data is then evaluated qualitatively by methodically delineating the acquired facts to derive conclusions aligned with the study goals.

RESULTS AND DISCUSSION

A. Optimizing the Role and Function of Public Prosecutors in the Criminal Justice System Based on the New Criminal Procedure Code in Cases of Assault Resulting in Death

Research findings derived from interviews with the Public Prosecutor of the Pesawaran District Attorney's Office, Pesawaran Police Investigators, and Judges of the Gedong Tataan District Court indicate that the implementation of Law Number 20 of 2025 regarding the Criminal Procedure Code (New Criminal Procedure Code) introduces significant alterations to the position, role, and function of the Public Prosecutor within the criminal justice system. These modifications pertain not only to the augmentation of the Public Prosecutor's power but also establish the Public Prosecutor as a party with heightened duty in overseeing the law enforcement process from the investigative phase to the execution of judicial rulings. In the new system, the Public Prosecutor is no longer merely a recipient of investigative results to prepare the indictment and conduct the prosecution; instead, it assumes an active role in ensuring that each phase of case management adheres to the stipulations of criminal procedure law.

The research findings indicate that the enhancement of this role is achieved through the implementation of the dominus litis principle, whereby the Public Prosecutor serves as the case controller, possessing the authority to monitor the quality of investigations, coordinate with investigators, and assess the appropriateness of a case for advancement to the prosecution phase. Coordination between investigators and Public Prosecutors now starts from the beginning phases of case management, rather than occurring only after the investigation is concluded. The joint case presentation process established in the New Criminal Procedure Code serves as a crucial tool for harmonizing interpretations of legal constructs, the satisfaction of criminal elements, and the adequacy of evidence prior to the case being deemed complete (P-21). This condition aims to reduce the recurrent exchange of case files (P-19) that has often arisen from discrepancies in evaluations between investigators and Public Prosecutors.

The New Criminal Procedure Code not only enhances cooperation but also establishes the Public Prosecutor as a quality check mechanism inside the law enforcement process. The Public Prosecutor is tasked with evaluating whether all investigative actions comply with formal and substantive requirements, whether the evidence was lawfully obtained in accordance with procedural law, and whether the legal framework applied aligns with the facts uncovered during the investigation. Should procedural deficiencies or insufficient evidence be identified, the Public Prosecutor have the right to seek rectifications or even suspend the case if legal criteria are unmet. The role of the Public Prosecutor include not only the successful prosecution of crimes but also the assurance that the law enforcement process is executed fairly, professionally, and with regard for human rights.

The investigation and prosecution processes for assault resulting in death, which is the focus of this research, continue to utilize the provisions of the outdated Penal Code, as the crime transpired prior to the enactment of the National Penal Code and the new Criminal Procedure Code. Nonetheless, the sources assert that the principles established in the New Criminal Procedure Code provide a framework for changing the prosecution system in Indonesia. The Public Prosecutor is now regarded not merely as a "stamp of investigation," but as a case manager tasked with ensuring that each case presented to the court satisfies evidentiary standards and aligns with law enforcement objectives, specifically the attainment of legal certainty, justice, and utility.

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The research findings concerning the optimization of the Public Prosecutor's role and function within the criminal justice system, as dictated by the New Criminal Procedure Code (KUHP) in homicide cases, can be examined through the lens of the Criminal Justice System theory articulated by Joseph Goldstein. Goldstein categorizes criminal law enforcement into three types: entire enforcement, full enforcement, and real enforcement. These three kinds clarify that law enforcement cannot consistently be executed optimally owing to numerous normative and practical constraints.

1) Comprehensive Enforcement

Total enforcement is the optimal application of criminal law, including all substantive requirements without any limitations on its execution. In this framework, any action that fulfills the criteria of a criminal

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

crime must be adjudicated and executed in line with legislative rules. According to the study findings at the Pesawaran District Attorney's Office, the implementation of such notion cannot be fully realized. The Public Prosecutor is obligated to adhere to the stipulations of criminal procedural law, namely concerning the admissibility of evidence, investigative protocols, and the safeguarding of the rights of suspects and defendants. The Public Prosecutor cannot compel a case to forward to trial if procedural irregularities or insufficient evidence are identified. The optimization of the Prosecutor's role in the New Criminal Procedure Code is aimed not at absolute law enforcement, but at ensuring law enforcement that adheres to the idea of due process and safeguards human rights.

2) Full Enforcement

Full enforcement refers to the highest level of law enforcement, excluding regions that are legally unenforceable (Area of No Enforcement). This notion is challenging to implement effectively owing of the constraints encountered by law enforcement personnel. Research findings indicate that these limits include restrictions in human resources, case resolution duration, budgetary restraints, and the intricacy of substantiating situations of fatal assault. These situations need the Public Prosecutor to prioritize the execution of their power to maintain the effectiveness and efficiency of the prosecution process. Through the New Criminal Procedure Code, procedures such as collaborative case reviews, coordination from the investigative phase, and quality control functions serve as tools that facilitate the attainment of optimum law enforcement in alignment with the capacities of the criminal justice system.

3) Implementation of Enforcement

Actual enforcement refers to the practical implementation of law enforcement. At this juncture, the Public Prosecutor wields their power in accordance with the specific circumstances of each case, while remaining compliant with the relevant legal statutes. This research revealed that optimizing the Public Prosecutor's function is achieved by the judicious use of discretion in deciding whether a case merits proceeding to trial or may be addressed through other procedures provided under the New Criminal Procedure Code. The Public Prosecutor now operates not only as the executor of prosecution but also as the case controller (*dominus litis*), tasked with ensuring the quality of the investigation, the adequacy of evidence, and the attainment of law enforcement objectives focused on justice, legal certainty, and utility. The efficacy of the Public Prosecutor is not only quantified by the volume of cases presented in court, but rather by the precision in the use of prosecutorial discretion in alignment with the established legal facts.

According to Joseph Goldstein's three kinds of law enforcement, the enhancement of the Public Prosecutor's function within the criminal justice system, as dictated by the New Criminal Procedure Code, does not aim to compel all cases to go to trial. Conversely, optimization is achieved by the use of power in a professional, proportionate, and responsible way, while also acknowledging the constraints of criminal procedural law, the safeguarding of human rights, and the efficacy of the criminal justice system. This approach demonstrates that the New Criminal Procedure Code enhances the role of the Public Prosecutor as the case manager, focusing not just on punishment but also on attaining substantive justice in every law enforcement procedure.

B. Regulation and Position of the Role and Function of the Public Prosecutor in the New KUHP-Based Criminal Justice System Regarding the Handling of Cases of Assault Resulting in Death

The study findings indicate that the amendment of the Criminal Procedure Code (KUHP) alters the regulation and status of the Public Prosecutor within the criminal justice system. Prior to the implementation of the new Criminal Procedure Code (KUHP), the interaction between investigators and public prosecutors generally functioned independently, according to the idea of functional distinction. In practice, detectives conduct the full investigative process autonomously, whereas the Public Prosecutor commences their involvement only when the case file is presented at the first stage. This condition restricts the coordination area between the two institutions, resulting in contact occurring just when the case file is considered completed and delivered to the investigator via P-19 instructions. Consequently, the case management process often encounters delays owing to the recurrent return of data.

The interview with the Public Prosecutor of the Pesawaran District Attorney's Office revealed that this relational pattern leads the Prosecutor to evaluate the investigation outcomes solely primarily on the papers compiled by the investigator. The Public Prosecutor is not permitted to participate in case formulation, evidence collecting, or witness questioning at the outset of the inquiry. All evidence collected by the investigator will serve as the primary foundation for the Public Prosecutor in formulating the indictment and establishing the defendant's culpability in court. These restrictions may lead to discrepancies in the assessment of evidentiary sufficiency, thereby impacting the efficacy of the prosecution process.

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

The study findings indicate that the New Criminal Procedure Code alters this paradigm by enhancing collaboration between investigators and public prosecutors within the context of an integrated criminal justice system. The Public Prosecutor is no longer only a recipient of investigative outcomes but is now engaged from the issue of the Notice of Commencement of Investigation (SPDP). Early involvement enables the Public Prosecutor to provide assistance on the fulfillment of criminal elements, the adequacy of evidence, and the suitability of applicable statutes in the prosecution. Consequently, the collaboration between investigators and the Public Prosecutor is enhanced, reducing the likelihood of case files being exchanged again.

The New Criminal Procedure Code not only enhances cooperation but also allows the Public Prosecutor to oversee all investigation actions. The Public Prosecutor evaluates both the thoroughness of the case's administrative elements and the adherence of the investigative process to criminal procedural legislation, ensuring compliance with the evidence standards applicable in court. This approach is anticipated to enhance the quality of the inquiry, having been tailored from the outset to satisfy the evidential requirements of the prosecution procedure. This indicates that the connection between investigators and prosecutors is no longer hierarchical or distinct, but rather a collaborative partnership that enhances the realization of an integrated criminal justice system.

In instances of fatal assaults, which are the focus of this study, enhancing coordination is crucial, since the substantiation of the crime's features significantly depends on the caliber of the investigation. The Public Prosecutor must guarantee that all evidence is acquired lawfully, that the legal framework aligns with the established facts, and that no procedural infractions exist that might possibly invalidate the prosecution process. The role of the Public Prosecutor as the case controller not only facilitates the court proceedings but also guarantees that the law enforcement procedure is executed with professionalism, objectivity, and adherence to the concept of due process.

The study results indicate that the regulation and role of the Public Prosecutor under the New Criminal Procedure Code (KUHP) have been substantially reinforced compared to prior rules. The Public Prosecutor is now seen as an essential component of the whole law enforcement process, rather than only a participant after the completion of the inquiry. The enhancement seeks to establish more efficient collaboration between investigators and public prosecutors to ensure that the quality of investigation, prosecution, and evidence presentation in court is conducted in a cohesive way.

The discourse is thereafter examined via the lens of the Theory of Authority posited by Philipus M. Hadjon. This idea posits that the power of government officials originates from attribution, delegation, and mandate. The three sources of power provide the foundation for evaluating the role of the Public Prosecutor within the criminal justice system established under the New Criminal Procedure Code.

1. Attribution of Authority

Attribution refers to the conferral of authority that is directly derived from law to an organ or state official. The Public Prosecutor's ability to prosecute individuals for assault resulting in death is conferred directly by statute. Consequently, every action of the Public Prosecutor must be executed in accordance with lawful power as stipulated in the New Criminal Procedure Code (KUHP Baru). This power encompasses the receipt of case files, assessment of the investigation's thoroughness, evaluation of the case's eligibility for court submission, and execution of prosecutions in line with relevant legal statutes. The conferral of such power fortifies the Public Prosecutor's position as *dominus litis*, enhancing their legal foundation in the management of criminal matters.

2. Delegation and Authority

Delegation and mandate are mechanisms for the transfer of power within governmental administration. In a cohesive criminal justice system, investigators persist in executing the investigative role as the entity that gathers evidence and reveals criminal occurrences. The investigation findings are thereafter submitted to the Public Prosecutor for evaluation and determination of their appropriateness prior to court submission. This connection illustrates a process of power delegation that preserves the functional equilibrium between investigators and public prosecutors. Consequently, the coordination instituted in the New Criminal Procedure Code does not diminish the power of investigators; rather, it enhances the collaboration between the two entities in achieving an effective and integrated criminal justice system.

3. Fundamental Tenets of Effective Governance (AAUPB)

Philipus M. Hadjon's thesis underscores that all exercises of power must adhere to the General Principles of Good Governance (AAUPB). In performing prosecutorial responsibilities, the Public Prosecutor must adhere to the principles of legal clarity, precision, professionalism, proportionality, and the safeguarding of the rights of both suspects and defendants. The enhancement of the Public Prosecutor's powers under the New Criminal

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

Procedure Code aims not to extend power indiscriminately, but to guarantee that the law enforcement process is executed objectively, openly, and devoid of authority abuse. Consequently, all prosecution actions must be founded on credible evidence and executed in compliance with relevant legal protocols.

The findings of this research are pertinent not just to Philipus M. Hadjon's Authority Theory but also to Andi Hamzah's Prosecution Theory. That argument posits that the Public Prosecutor embodies the *dominus litis* concept, signifying the entity that has exclusive authority to conduct prosecutions on behalf of the state. In instances of assault leading to death, this power mandates the Public Prosecutor to do a comprehensive examination of the legal circumstances and evidence to ascertain the suitability of pursuing the accusation. The Public Prosecutor must differentiate between forms of purpose, carelessness, and components of murder to prevent mistakes in the application of statutes that may influence the court's ruling. Consequently, the enhancement of the Public Prosecutor's role in the New Criminal Procedure Code not only bolsters the prosecutorial function as a representation of state interests but also fortifies initiatives to achieve legal certainty, justice, and utility within the Indonesian criminal justice system.

CONCLUSION

The research findings indicate that optimizing the role and function of the Public Prosecutor within the New Criminal Procedure Code-based criminal justice system enhances the Public Prosecutor's position as *dominus litis*, extending involvement beyond the prosecution stage to include participation from the investigation stage through more integrated coordination with investigators. The enhancement is achieved by the execution of quality control functions, collaborative case review mechanisms, and the augmentation of the Prosecutor's power in overseeing the case management process. Despite the fact that the homicide cases examined in this research are adjudicated under the previous Criminal Code due to their occurrence prior to the enactment of the National Criminal Code and the new Criminal Procedure Code, the framework established by the new Criminal Procedure Code has guided reforms in the prosecution system to enhance its efficacy, professionalism, and focus on human rights protection. The regulation and status of the Public Prosecutor under the New Criminal Procedure Code (KUHAP) enhance their function as the case overseer and as a collaborator with investigators within the integrated criminal justice system. Enhancing cooperation from the investigative phase is anticipated to diminish the practice of file exchanges, elevate the quality of evidence, and facilitate a more cohesive law enforcement procedure. According to the analysis utilizing Philipus M. Hadjon's Authority Theory and Andi Hamzah's Prosecution Theory, the enhancement of authority must adhere to the principles of legality, professionalism, accountability, and the safeguarding of the rights of suspects and defendants, thereby ensuring that the objectives of law enforcement are attained in a balanced manner.

SUGGESTION

According to the study results, it is essential to enhance the collaboration between investigators and public prosecutors from the first phases of the investigation, as stipulated in the New Criminal Procedure Code, via collaborative case evaluations and ongoing contact. Furthermore, it is imperative to augment the capabilities of human resources for law enforcement personnel through education and training on the utilization of the Prosecutor's authority as delineated in the New Criminal Procedure Code (KUHAP), ensuring that the execution of the *dominus litis* function, investigation oversight, and prosecution process is conducted with professionalism, efficacy, and adherence to the principles of an integrated criminal justice system. Additional operational implementing rules are necessary to ensure the uniform application of the New Criminal Procedure Code in law enforcement, particularly in circumstances of fatal assaults.

REFERENCES

- Amaral, F. A., Loeffler, C. E., & Ridgeway, G. (2024). Prosecutorial discretion not to invoke the criminal process and its impact on firearm cases. *Journal of Criminal Justice*, 95, Article 102313.
- Boateng, F. D., Pryce, D. K., Dzordzormenyoh, M. K., Hsieh, M.-L., & Cuff, A. (2024). Empirical examination of factors that influence official decisions in criminal cases against police officers. *American Journal of Criminal Justice*, 49, 462–484.
- Bowman, R., Lowrey-Kinberg, B., & Gould, J. (2024). An integrated model of prosecutor decision-making. *Law & Society Review*, 58, 452–480.

OPTIMIZATION OF THE ROLE AND FUNCTION OF THE PUBLIC PROSECUTOR IN THE NEW CODE OF CRIMINAL PROCEDURE-BASED CRIMINAL JUSTICE SYSTEM REGARDING ASSAULT CASES RESULTING IN DEATH (A STUDY AT THE PESAWARAN DISTRICT ATTORNEY'S OFFICE)

Benny Karya Limantara et al

- Crummett, D. (2020). Prosecutorial discretion and republican non-domination. *Ethical Theory and Moral Practice*, 23, 965–985.
- Elvia, M., & Satyanegara, E. (2025). Analisis yuridis tindak pidana penganiayaan yang mengakibatkan kematian (Studi Perkara Nomor 281/Pid.B/2024/PN Kbu). *Arus Jurnal Sosial dan Humaniora (AJSH)*, 1(5).
- Hardi, F. S. (2025). Akuntabilitas jaksa sebagai *dominus litis* dalam kesalahan materiil surat dakwaan dan pemulihan hak terdakwa (*The Accountability of Prosecutors as Dominus Litis in Cases of Material Errors in Indictments and Restoration of the Accused's Rights*). *Jurnal Hukum Pidana Indonesia*, 2(2).
- Hartono, B., Limantara, B. K., & Alfaruki, I. (2025). The judicial considerations in determining criminal sanctions for complicity in promoting online gambling sites (A study of Decision No. 967/Pid.Sus/2024/PN Tjk). *TOFEDU: The Future of Education Journal*, 4(8).
- Hartono, B., Seftiniara, I. N., Ramadan, S., & Limantara, B. K. (2024). *Hukum pidana*. UBL Press.
- Henok, A. H., Panggabean, M. L., & Saragi, P. (2026). Strengthening the authority of the public prosecutor as *dominus litis*: An integrated and accountable Indonesian criminal justice system. *Kosmik Hukum*, 26(1).
- Le, L. C., Mai, S. T., Hoang, Y. H., Nguyen, D. Q., Pham, T. N., & Luong, H. T. (2025). Mandatory prosecution in the changing time: A systematic literature review. *Criminal Justice Ethics*, 44(1), 78–106.
- Limantara, B. K., & Dharmawan, Y. Y. (2025). *Bahasa, hukum, dan lingkungan: Integrasi pidana lingkungan hidup dalam perspektif pendidikan dan linguistik terapan*. Ganesha Kreasi Semesta.
- Limantara, B. K., & Sudirman, A. S. (2026). Urgensi pertanggungjawaban pidana pelaku penyalahgunaan data pribadi dalam pinjaman koperasi (Studi Putusan Nomor: 1134/Pid.Sus/2024/PN TJK). *Unes Journal of Swara Justisia*, 10(2).
- Nelson, M. J., & Samarth, T. (2022). Judging prosecutors: Public support for prosecutorial discretion. *Research & Politics*, 9(4).
- Ningsih, P. A. V. P., & Marsal, I. (2025). Politik hukum pembentukan rancangan Kitab Undang-Undang Hukum Acara Pidana: Peluang dan hambatannya dalam penegakan hukum di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5).
- Rajgopal, K. (2024). A dynamic theory of prosecutorial roles in adversarial trials. *Asian Journal of Law and Society*, 11(2), 152–177.
- Saputra, R., Lufsiana, & Negara, D. S. (2025). *Reformasi hukum acara pidana: Menyongsong KUHAP baru*. Langgam Pustaka.
- Saputra, T., & Hutagalung, J. M. (2022). Pentingnya surat pemberitahuan dimulainya penyidikan (SPDP) bagi para pihak demi terciptanya *due process of law*. *IBLAM Law Review*, 2(2).
- Sinaga, S. B., Raharjo, A., Ardhanariswari, R., & Wahyudi, S. (2025). The prosecutor as *dominus litis* in controlling case under the draft of Criminal Procedure Code (RKUHAP). *Jurnal Bina Mulia Hukum*, 10(1).
- Webster, E. (2020). The prosecutor as a final safeguard against false convictions: How prosecutors assist with exoneration. *Journal of Criminal Law and Criminology*, 110(2), 245–294.
- Widdicombe, B. (2024). Nine critical factors in prosecution decision-making. *The Journal of Criminal Law*, 88(5–6), 374–388.
- Willis, J. J., Koen, M. C., & Roubanian, G. (2025). Crisis, continuity, and change: A case study of a local prosecutor's office under COVID-19 and its implications for reform. *American Journal of Criminal Justice*, 50, 1102–1120.