International Journal of Global Community
Volume IV No. 2 (July), 2021

The Urgency of Reforming the Pattern of Criminal Prosecution by the Prosecutor's Office in Implementing Progressive Decisions

Asrul Alimina[1], Syamsul Bachri[2], Musakkir[2] and Abrar Saleng[2]

[1]Department of Training and Education, Indonesian Attorney General, Jakarta
[2]Faculty of Law, Hasanuddin University, Makassar

Corresponding Author: ashruelaliem@gmail.com

Abstract

With the ineffective legal situation in Indonesia, a critical study is needed to address the issue. Therefore, it is necessary to reform the pattern of prosecution by the Prosecutor's Office. Various aspects of the functions of the public prosecutor have raised concerns, especially the mention of the severity of sentence in criminal charges, which opens up opportunities for unprofessional conduct by public prosecutors and judges. The reformation of the process of criminal charges is a way out of the problem as it places the public prosecutor within his authority without undermining the authority of the judge with regards to the party that determines the severity of the sentence. This research uses a combined approach. First, it uses the comparative approach by comparing the concept of prosecution that is practiced in Indonesia and those of some English-speaking countries. Also, it uses the conceptual approach to view the doctrines or theories related to the issues raised. The results of this research supports the reformation of the prosecution process currently been applied by the Prosecutor's Office as a way of implementing of progressive ideas/decisions to achieve justice.

Keywords: criminal prosecution, prosecutor, progressive law

Introduction

The Indonesian Prosecutor's Office, also known as *Adhyaksa,* has a long history of formation. Its name comes from the word *dhyaksa*, which means court judge, and the word *adhyaksa*, which means supreme judge. These two concepts have been implemented since the era of the Majapahit Kingdom, and they later transformed into the present day Prosecutor's Office, with the authority also changing according to the state structure and the prevailing government system from time to time. At that time, law policy and enforcement rested on officials based on the King's acknowledgment of their ability in the field of law. The roles of the *adhyaksa* and *dhyaksa* had a significant influence on the glory of the Majapahit Kingdom in maintaining its stability by strict law enforcement.

The meaning of *prosecutor's office* is taken from the meaning of *openbaar ministarie* according to Article 55 Reglement op de Rechterlijke Organisatie en het Beleid der Justitie (RO), which is a statutory regulation on judicial organization and policy (only applicable in Java and Madura). The term *openbaar ministarie* during the occupation of Japan was replaced or translated as the prosecutor's office, which is defined as the state public prosecutor's institution. Meanwhile, the term *prosecutor's office* was used officially by the Japanese Occupation Army Law.

The origin of the Prosecutor's Office of the Republic of Indonesia as a state institution that has a role in law enforcement can be traced, briefly, to the post-World War II phase. Following the declaration of independence, the Preparatory Committee for Indonesian Independence (PPKI) made several decisions, including the draft of the 1945 Constitution, which is the legal basis for the birth of the Prosecutor's Office. Article II of the Transitional Rules of the 1945 Constitution states that:

> "All existing State Bodies and Regulations are still in effect as long as new ones have not been made according to this Constitution."

The meaning of the word "existing" must be interpreted as "existing at the time of the founding of the Republic of Indonesia", namely on August 17, 1945. In order to strengthen and reinforce Article II of the Transitional Rules of the 1945 Constitution, regarding all state bodies and regulations established before the formation of the Republic of Indonesia, Government Regulation No. 1945 came into force on August 17, 1945. Article 1 states as follows:

> "All State Bodies and Regulations that existed until the establishment of the Republic of Indonesia on August 17, 1945, as long as new ones have not been enacted according to the Constitution are still valid, provided that they do not conflict with the Constitution."

The practice of fighting crime in Indonesia is carried out by referring to the formal criminal law, which is included in the realm of public law. Formal criminal law refers to the concept of resolving crimes by the state through its officers, police, prosecutors and judges; it is carried out in an integrated manner. The process starts with an enquiry into an event that is suspected of being a criminal act. Then, from the event that is suspected of being a criminal act, the person responsible for the act is determined; this stage is usually called the investigation stage, and it is carried out in coordination with the prosecutor.

The public will determine whether the results of the investigation have met the requirements before it is submitted for trial. The process then enters the next stage, namely the prosecution stage, which is conducted by the public prosecutor. The case is transferred to the court to be heard, and the court decides whether or not the defendant is guilty. The process, which is according to the Criminal Procedure Code (KUHAP), first ratified in 1981, is as follows: the reading of the indictment by the public prosecutor, the defense of the defendant/legal counsel of the defendant, the answer to the defense by the public prosecutor, examination of evidence, including mitigating evidence, and the decision of the panel of judges at the first level *(judex factie)*. The public prosecutor or the defendant may appeal against the decision if they do not accept it. They can file an appeal at the high court (*judex factie*) or cassation at the Supreme Court *(judex Juris)*, whose decision has a permanent legal force *(inkracht van gewijsde)*. Such a criminal justice system adheres to the concept of legal conflicts between individuals and society (public), which are resolved by the state.

The Criminal Procedural Code as it is today is no longer adequate. New concepts are needed to respond to increasingly complex and urgent challenges, but without deviating from the basic function, namely substantive law enforcement while still providing protection for everyone's rights, both the victim and the defendant. The aspects that are considered crucial are the sections on criminal charges by the public prosecutor and criminal decisions by the panel of judges who examine and adjudicate on criminal cases.

The charge of criminal prosecution that includes the severity of sentence is felt to lack a sense of justice for the community, plus it will lead to excessive bureaucracy, resulting in delays in the trial. Therefore, the trial process takes longer than it should. Also, stating the severity of sentence on a criminal charge has been used as the basis by the public prosecutor to take legal action of appeal and cassation; it certainly contributes to the accumulation of cases in the Supreme Court (Musakkir, 2013: 11).

The accumulation of cassation cases, of course, requires a solution. It is recognized that there are many factors that cause the accumulation of cases, which increases from year to year. Therefore, a breakthrough is needed to close at least one faucet or path, so that the flow of cases from the district court and high court levels to the Supreme Court is slowed down. In this regard, the reformation of the functions of the public prosecutor is certainly one way out.

In addition, such criminal prosecution (where the criminal charge includes the severity of sentence) also opens up opportunities for irregularities by the public prosecutor and judge, because apart from being vulnerable to transactional cases, the latter will find it difficult to control and detect which part of the process is problematic and should be fixed. Data from an online news site quotes the statement of a member of the Prosecutor's Commission (Komjak): "From January-June 2016, 500 complaints were received. Of these, as many as 210 reports were about unprofessional prosecutors". Changes to the public prosecution model are expected to reduce the chances of the public prosecutor to engage in unprofessional conducts. On the commemoration of the 55th anniversary of Bhakti Adhyaksa, President Joko Widodo stated that the Prosecutor's Office must be able to create good law enforcement officers at every level. The law will run well in the hands of good law enforcers who do not extort, trade cases, or even use suspects as a source of money.

Method

This study uses the conceptual approach to view the doctrines or theories related to the problems and also uses the comparative approach by making comparison with other countries. The data used consist of primary and secondary data. Primary data were obtained through questionnaires and interviews with law enforcement officers, including prosecutors who work in the jurisdictions of several high courts in Indonesia, judges who work in the jurisdiction of the district court, people who deal with law/convicts, and lawyers from various regions. The sampling technique used was purposive sampling. All the data collected, both from primary and secondary data sources, were processed, analysed and presented descriptively to answer the research problems as well as proffer solutions.

Discussion

1. Functions and Authority of The Prosecutor

Universally, the position and functions of the prosecutor's office in various countries have many similarities; the office performs law enforcement functions in a country. The prosecutor's office is one of the sub-systems of law enforcement in the integrated criminal justice system. It has a central position and is part of the current government order.

The role of the Prosecutor's Office as the sole prosecution agency was officially pronounced for the first time by Japanese law *Osamu Seirei* No. 1/1942, which was later replaced by *Osamu Seirei* No. 3/1942, No. 2/1944 and No. 49/1944. The existence of the Prosecutor's Office is at all levels of the court, namely *Saikoo Hooin* (high court), *Koootooo Hooin* (high court) and *Tihooo Hooin* (district court). It is formally outlined that the Prosecutor's Office has the following powers:

a. Look for (investigate) crimes and violations.

b. Demand cases.
c. Execute court decisions in criminal cases.
d. Take care of other works that are required by law

The position of assistant resident was abolished and all duties and powers of the assistant resident in the prosecution of criminal cases were given to the prosecutor and the *tio kensatsu kyokuco* or chief prosecutor at the district court, under the supervision of *koo too kensatsu kyokuco* or head of the high prosecutor's office. Next, with Osamurai No. 49, prosecutors were included in the authority of Cianbu or the Department of Security with duties as investigators, prosecutors' employees and carrying out judges' decisions.

With the announcement of the government of the Republic of Indonesia on October 1, 1945, all offices of the Prosecutor's Office, which used to be in the Department of Security or Cianbu were moved back to the Department of Justice or Shihoobu. With the return of the Prosecutor's Office to the Ministry of Justice, the duties of the prosecutors assigned during the Japanese occupation did not change. Therefore, Government Regulation No. 2 of 1945 concerning the Continuous Applicability of All State Agencies and Existing Regulations at the Establishment of the Republic of Indonesia on 17 August 1945 stipulates that as long as a new one has not been formed according to the Constitution, all previous laws and regulations remain in effect until they are replaced. Since the proclamation of independence, the duties of the *openbaar ministerie* or open court in each district court according to HIR *(Herziene Inlandsch Reglemeent)* are carried out by the magistraat. Therefore, the word *magistraat* in HIR was replaced with the title prosecutor (See RIB/HIR Rgelemen Indonesia, 2019: 3 – 4; Perbawa, et al.: 9-11).

Based on the Law on the Structure and Powers of the Supreme Court and the Attorney General's Office, the Attorney General is given the authority to supervise prosecutors and the police in carrying out investigations on crimes and violations as stated in Article 3 of Law no. 7 of 1947:

> "Supervision similar to that mentioned in Article 2 paragraphs 3 and 4 by the Attorney General is carried out on the prosecutors and the police in carrying out investigations for crimes and violations".

According to Law No. 7 of 1947, the Prosecutor's Office and the Supreme Court, the highest judicial bodies, are also under the executive. Article 1 paragraph 2 stipulates as follows;

> "Besides the Supreme Court is the Attorney General's Office, which consists of one Attorney General and several High Prosecutors, all of whom are appointed and dismissed by the President. If necessary, the Minister of Justice will appoint several other Prosecutors."

Law of the Republic of Indonesia Number 7 of 1947 was later revoked and replaced by Law No. 19 of 1948, which was enacted on June 8, 1948. The law is about the structure and powers of judicial and prosecution bodies, and it authorized the Prosecutor's Office to carry out investigations, prosecution of crimes and violations as well as criminal decisions (Article 12). However, Article 72 states that the entry into force of this law will be announced by the minister of justice. However, the minister of justice has never announced the enactment of this Law. Tresna R. states that the reason for this may be as follows (in Committee for Compiling/Completing the History of the Prosecutor's Office R.I 66):

> "perhaps because of various obstacles, such as the P.K.I. Madiun on September 18, 1948, the outbreak of the war of independence of the Republic of Indonesia II with the start of the attack by the Dutch on December 18, 1948, the diplomatic struggle in 1949 to restore the power of the Republic of Indonesia, the formation of the RIS and the reshuffle into a Unitary State in 1950, when the enactment of Law No. was announced by the Minister of Justice".

The next phase is the phase where there was a fundamental change as a direct result of political change with the issuance of a decree by President Soekarno on July 5 1959. This was the beginning of the start of the guided democracy period, i.e. a democratic system in which all decisions are centered on the leadership of the country, which was then held by President Soekarno. The consequence of the political changes that occurred was that there was a reformation of government institutions as well as of the Prosecutor's Office with the establishment of the Prosecutor's Department under the leadership of the minister/prosecutor, through Presidential Decree of the Republic of Indonesia Number 204 of 1960 concerning the Establishment of the Prosecutor's Department, dated August 15, 1960 and declared retroactive since July 22, 1960; this date later came to be celebrated as Bhakti Adhyaksa Day every year.

2. Progressive Prosecutions and Other Countries' Practices

In our legal concept, the term *authority* is used in the concept of public law. Within *authority*, there are powers *(rechts-bevoegdheden)*. Authority is the power to carry out a public legal act, for example issuing permits on behalf of the minister; the authority is in the hands of the minister (delegation of authority) (Atmosudirjo, 1994: 78 - 79).

Meanwhile, from an etymological point of view, prosecution comes from the word *demand*, which means to ask loudly (require that it be fulfilled), to collect (debt, etc.), to sue (to be made a case), bringing or complaining to court, trying hard to get (right to something), trying or making efforts to achieve (getting and so on) a goal, trying to get knowledge (science and so on). Prosecution means the process, method, act of demanding something, and demands mean the result of

demanding; something that is demanded (such as a loud request); lawsuit; indictment (Source: kbbi.web.id).

According to the criminal procedural law, prosecution is regulated in Article 1 lift 7 of Law No. 8 of 1981 and Article 1 lift 3 of Law No. 16 of 2004:

> "Prosecution is the action of the public prosecutor to delegate the case to the competent district court in terms of and according to the method regulated in the Criminal Procedure Code with a request that it be examined and decided by a judge in court."

From the explanation of the criminal procedural law, the prosecution stage begins with delegating the case to the district court that is authorized to examine and hear it. However, in practice, prosecution does not start with the transfer of the case to the district court by the public prosecutor, but it begins with the submission of the suspect and evidence from the investigating agency to the public prosecutor (Sofyan, 2012; Bachri, 2017: 1). This relates to the administrative system at the Prosecutor's Office.

Meanwhile, a criminal case is a case that contains a risk of being punished in the form of suffering that is deliberately imposed on people who commit acts that meet the elements of an offense and by their nature enter the realm of public law, namely regulating the relationship between citizens and the state.

As explained earlier, the Prosecutor's Office is a government institution that bears state power in the field of prosecution and other authorities based on the law. It must explore the values of humanity, law, and justice that exist in society. Meanwhile, the authority of prosecution given to the public prosecutor is also stated in Article 137 of the Criminal Procedure Code:

> “The public prosecutor has the authority to prosecute anyone who is accused of committing a criminal act within his jurisdiction by delegating the case to a court that is competent to adjudicate”

The public prosecutor is an official who is authorized by law to act as a prosecutor and implementer of court decisions that have obtained permanent legal force. They also have other powers based on the law. In the practice of the criminal justice system in Indonesia, the authority to carry out prosecutions is not exclusively owned by the Prosecutor's Office. According to Article 30 paragraph (1) letter a of Law No. 16 of 2004, the Prosecutor's Office, after receiving notice of commencement of investigation from the investigators (police), monitors the investigation and assesses the investigation results in order to determine whether the case file should be brought before a court.

3. Reformation of Prosecution by the Prosecutors Office based on Progressive Decisions

The prosecution policy in Indonesia is stipulated in Article 140 paragraphs (1) and (2) of Law Number 8 of 1981 concerning the Criminal Procedure Code. The article gives discretion to the public prosecutor to determine whether the results of the investigator's investigation of an alleged crime may proceed to the trial stage by immediately formulating indictments to be transferred to trial examination or stopping the prosecution process. Paragraphs (1) and (2) of the article states as follows:

> Article 140 paragraph (1)
>
> "In the event that the public prosecutor is of the opinion that based on the results of the investigation prosecution can be carried out, he shall immediately draw up an indictment."
>
> Article 140 paragraph (2)
>
> "In the event that the public prosecutor decides to stop the prosecution because there is not enough evidence or the event does not constitute a criminal act or the case is closed for the sake of law, the public prosecutor shall state this in a decree"

The public prosecutor may decide to stop the prosecution as stated above for three reasons: First, when there is not enough evidence. For this reason, it is clear that the case will not be transferred to the trial stage because in the opinion of the public prosecutor, the results of the investigator's investigation do not meet the requirements for trial, namely there should be a minimum of two pieces of evidence that can lead to conviction by the judge. This ensures that the act that the accused is indicted for can be proven by the public prosecutor. The second reason is if the incident is not a criminal act. For this reason also, the public prosecutor must stop the case because only criminal cases must be transferred to the court for trial. The third reason is that the case must be closed for the sake of law. This is related to the loss of the right to make demand from the public prosecutor, for example, the case has expired or has been terminated by other district courts.

Conversely, the public prosecutor may decide to continue the case and take it to the trial stage, which is usually called the prosecution stage. It involves the examination of witnesses and other pieces of evidence. The criminal prosecution stage is discussed in detail below.

In the Criminal Procedure Code currently in force in Indonesia (KUHAP), criminal charges are only mentioned in two articles as follows: Article 182 paragraph (1) letter a of the Code states that "After the examination is declared complete, the public prosecutor submits a criminal charge", and Article 197 paragraph (1) letter e makes the following statement: "criminal charges as contained in the indictment", which in practice must be made in writing. This refers to Article 182 paragraph (1) letter c of the Criminal Procedure Code, which

states as follows: "Charges, defence and reply to the defence shall be in writing and after being read out, they are immediately handed over to the judge or chairperson of the trial and copies to the parties concerned ".

The format of the letter of indictment from the public prosecutor is given below:

1. Defendant's identity
2. Detention
3. Indictment
4. Facts revealed at the trial
5. Witness testimony, expert testimony, letters, instructions, and statements of the defendant
6. Evaluation of what is revealed at trial/fact analysis
7. Juridical description
8. The facts must be in accordance with the elements of the article in the indictment
9. Aggravating and mitigating factors
10. Criminal charges and evidence

In the tenth section, namely “Criminal charges and evidence”, in judicial practice so far, the public prosecutor states the severity of sentence for the crimes committed by the defendant; for example for corruption cases, the public prosecutor states that the defendant is liable to 10 (ten) years imprisonment.

In the final process of prosecution by the public prosecutor, it is expected that the severity of sentencing be stated. In essence, the authority of the panel of judges is undermined by the public prosecutor in the form of negative supervision. This situation has serious consequences in the next trial stage and also has an impact on law enforcement officers, especially prosecutors and judges. It ultimately affects the judiciary as an institution of judges and the prosecutor's office as an institution of the prosecutor/public prosecutor. The author offers a concept of criminal prosecution where the public prosecutor does not mention the severity of sentence in the charge but only states the following:

1. The public prosecutor has proven that the defendant has committed a criminal act that fulfils the elements of the law so the defendant should be brought to justice.
2. That the defendant be declare guilty and a sentence imposed on him in the fairest way possible (without mentioning the severity).
3. Declare evidence confiscated and so on.

With regard to indictment without mentioning the severity of sentence, the consequence is that the full assessment of the right or wrong of the defendant is handed over to the Judge as well as the punishment because legal remedies are only carried out if the decision of the panel of judges is contrary to the laws and

regulations or if they declare the defendant to be free or free from all legal charges.

The reality that we see in the community is that current criminal prosecutions are vulnerable to abuse of authority for the benefit of certain elements who exploit the loopholes in the law. This of course involves the public prosecutor and judge as well as other parties, who form a link that is difficult to penetrate and prove. However, this has become a public secret. Wasingatu Zakiyah (Zakiyah et.al, 2002 : 97) explains one of the negative impacts of the current criminal prosecution concept:

> "In the examination at the prosecutor's office, the prosecutor in charge may offer a lighter charge if the suspect gives a certain amount of money. This pattern usually involves the prosecutor and the suspect or his family and the lawyer who accompanies him during the examination."

Not stating the severity of punishment provides room for transparency and frees the prosecutor from the possibility of transactional punishment.
This is in line with comparisons with other countries where judicial processes are more progressive and more efficient in practice. Other countries, such as the United States of America, have developed a mechanism for terminating sentences called "Sentencing Guidelines" (Grawert 2018, et al : 101). Ames Grawert and Priya Raghavan stated that:

> Its for this reason that the Brennan Center has argued that any reform bill that Congress considers—FIRST STEP Act or otherwise—must include strong sentencing reform provisons.

The necessity of reforming sentencing in the United State of America:

> No bill can reduce the unnecessarily and dangerously large federal prison population without tackling the laws that put people there in the first place. Worse, in our view, settling for a compromise that excludes sentencing reform would amount to a step backwards and risk undemining the broader strategy to end mass incarceration.

It is feared that no legislation can reduce the excessive federal prison population without tackling the process that places inmates there in the first place. Ames Grawert and Priya Raghavan also added that agreeing to a compromise that excludes sentencing reform would be a step backwards and risk undermining the broader strategy of ending the problem of mass detentions.

The sentencing guidelines established by the USA Sentencing Commission are designed to:

1. include the purpose of punishment (i.e., punishment only, prevention, disability, and rehabilitation);
2. provide certainty and justice in meeting the objectives of sentencing by avoiding unwarranted disparities among offenders with similar characteristics convicted of committing similar crimes, while still providing adequate judicial flexibility to consider relevant aggravating and mitigating factors;
3. reflect, to the extent applicable, advances in knowledge about human behavior as they relate to criminal justice processes.

As a comparative study, the situation in Indonesia was compared with that of the United States. The USA Sentencing Commission was given the responsibilities of evaluating the impact of sentencing guidelines on the criminal justice system, recommending to Congress appropriate modifications of substantive criminal law and sentencing procedures, and establishing research and development programs on sentencing issues. In Hong Kong, which also has its own sentencing technique, the situation is summarized by The Law Reform Commission of Hong Kong in The Report of The Law Reform Commission of Hong Kong on Community Service Orders. In the report, several patterns are mentioned, namely probation (probation period), conditional and absolute discharge, fines, suspended sentence, young offenders.

The situation in the two countries above is the focus of the comparison. The comparison is meant to solve problems regarding sentencing in Indonesia in an effort to achieve judicial reform that is in accordance with the principles of justice. Such reform will help to achieve transparency and speedy trial, leading to legal certainty.

The limitation in the criminal law process in Indonesia should no longer be tolerated. New legal concepts are needed to respond to the challenges of the dynamics of cases and their large number while ensuring fast settlement and law enforcement that protects the rights of every individual. According to the author, the action of the public prosecutor in stating the severity of sentence provides a sense of injustice in the community plus it leads to excessive bureaucracy, resulting in delays in the trial, so the trial process takes longer than it should. Stating the severity of sentence has been used as basis by the public prosecutor to take legal action of appeal and cassation, which clearly contributes to the accumulation of cases in the Supreme Court. The author considers it very crucial to carry out reformation of the criminal prosecution section involving the public prosecutor and the criminal decision section involving the panel of judges who examine and adjudicate on a criminal case.

Such reformation is a way of achieving progressive decisions, as the quality of law is based on constant reformation. “Legal science is always in the making*”*. (Rahardjo, 2009: 9). In this regard, Rahardjo stated as follows:

> Progressive law is a liberation movement because it is fluid and always restless in the search from one truth to the next.

Denny Indrayana (hukumonline.com) then elaborates progressive legal ideas into 13 characters. Among other things, progressive law is not only text but also context. Progressive law places certainty, justice and expediency in one line. So, laws that are too rigid will tend to be unfair. Arief Sidharta (*ibid*) also suggests that the composition of progressive law is not only obedient to bureaucratic procedural formalities but also material-substantive. But no less important is the character of progressive law which holds fast to conscience and rejects material slaves. "The law must be conscientious". In this regard, to achieve progressive law, the Prosecutor's Office also plays a strong role.

Conclusion

As explained above, criminal charges from the public prosecutor have contributed to the degradation of the independence of judges in deciding criminal cases, with the emergence of a decision culture that only follows the criminal demands of the public prosecutor. Patterns like this certainly require a reformation of the concept of criminal charges as presently constituted. Reformation is intended to place the public prosecutor as the party who will convince the judge that a criminal act has been committed by the defendant without entering the jurisdiction of the judge to determine the severity of the sentence. This will ensure that the judge is truly independent in his judgment and considerations in making decisions and that the public prosecutor is no longer a quasi-judge, i.e. the party who determines the severity of the sentence. The reforms that have been rolled out in Indonesia have brought a more democratic pattern of state life, and this has also brought about changes in the existing legal system, from a closed model to an open model by prioritizing justice in society.***

Bibliography

Atmosudirjo, S. Prajudi (1994). *Seri Pustaka Ilmu Administrasi VII, Hukum Adminisrasi Negara* (Library series of Administrative Sciences VII, State Administrative Law). Ghalia Indonesia, Jakarta.

Bachri, Syamsul (2017). Legal Policy of Basic Education in National Education System, Journal of Law, Policy and Globalization, Vol.65.

Attorney General's "Lima Windu Sejarah Kejaksaan Republik Indonesia 1945-1985. Jakarta.

Effendi, Marwan. (2005). *Kejaksaan R.I. Posisi dan Fungsinya dari Perspektif Hukum* (The Attorney General's of R.I. Its Position and Function from a Legal Perspective). Gramedia Pustaka Utama, Jakarta.

Grawert, Ames and Priya Raghavan (2018). Criminal Justice Reform Must Start with Sentencing Reform. University of California.

Haeranah (2012). Principles of Criminal Law. Rangkang dan PUKAP Indonesia.

Hamzah. (2019). Human Rights Protection on Determination for the Suspect of Corruption Crimes, Journal of Law, Policy and Globalization, Vol.87.

Karim, Said. (2015). Law Enforcement Efforts Against Contempt Of Court As The Judge‟ s Shield In Indonesian Justice System, International Journal Of Scientific and Technology Research, 2015, Vol 4, Issue 8.

MaPPI-FHUI. (2015). "Anthology of the Attorney General of the Republic of Indonesia", Research Agency of the Faculty of Law, University of Indonesia.

Musakkir (2013). *Putusan Hakim yang Diskriminatif Dalam Perkara Pidana - Suatu Tinjauan Sosiologi Hukum dan Psikologi Hukum* (Discriminatory Judges' Decisions in Criminal Cases, An Overview of Legal Sociology and Legal Psychology). Rangkang Education, Yogyakarta.

Perbawa, Gede Putera, Prija Djatmika, and Ismail Navianto (2014). *Kebijakan Hukum Pidana Terhadap Eksistensi Asas Dominus Litis Dalam Perspektif Profesionalisme Dan Proporsionalisme Jaksa Penuntut Umum* (Criminal Law Policy Against Existence The Dominus Litis Principle in the Prosecutor's Professional Perspective). Arena Hukum Vol. 7(3):325-342

Rahardjo, Satjipto. (2009). *Hukum Progresif, Sebuah Sintesa Hukum Indonesia* (Progressive Law, A Synthesis of Indonesian Law). Genta Publishing, Yogyakarta.

Saleng, Abrar (2109). Reviewing Restorative Principles of Corporate Punishment in Corruption Crime, Journal of Law, Policy and Globalization, Vol.88.

Sofyan, Andi Muhammad (2012). *Upaya Kejaksaan Negeri Untuk Mengembalikan Kerugian Keuangan Negara Akibat Tindak Pidana Korupsi* (The State Prosecutor's Effort To Return The State Financial Loss Due To The Crime Of Corruption).

Zakiyah, Wasingatu, Iva Kasuma, Danang Widoyoko, Ragil Yoga Edi (2002). *Menyingkap Tabir Mafia Peradilan* (Removing the Veil of the Judicial Mafia). Indonesia Corruption Wach, Jakarta.

Website:

AM. Mujahidiin, Hukum Progresif : Jalan Keluar Dari Keterpurukan Hukum Di Indonesia, Himpunan Makalah, Artikel Dan Rubrik Yang Berhubungan Dengan Masalah Hukum Dan Keadilan Dalam Varia Peradilan IKAHI Mahkamah Agung Republik Indonesia, https://perpustakaan. mahkamahagung.go.id/assets/resource/ebook/19.pdf

Academics and Legal Leaders Discuss Progressive Law, https://www.hukumonline.com/berita/baca/lt52986ef4ed801/akademisi-dan-tokoh-hukum-bahas-hukum-progresif/

Hukum Online. https://www.hukumonline.com/berita/baca/lt529c62a965ce3/menggali-karakter-hukum-progresif
Kamus Besar Bahasa Indonesia on line : http://kbbi.web.id/

Statute:
RIB/HIR Rgelemen Indonesia
Law No. 8 of 1981 the Criminal Procedure Code
Law No. 16 of 2004 concerning the Indonesian Attorney General