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The Role of Prosecutors in The Pre-Prosecution Stage to Ensure The Quality of Justice-Based Case Documents (Case Study of The Manggarai District Attorney's Office)

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Abstract. *The pre-prosecution stage plays a strategic role in determining the quality of prosecution and the attainment of justice in the criminal justice system. In practice, prosecutors at the Manggarai District Attorney's Office are required to ensure the completeness and validity of case files in accordance with applicable legal provisions. Normatively, prosecutors have the authority to control the investigation process based on the Criminal Procedure Code (KUHAP), but in reality, various obstacles are still found, such as limited investigation quality, poor coordination between law enforcement officials, and a formalistic work culture. These conditions indicate a gap between das sollen and das sein, so this study aims to analyze the role and obstacles prosecutors face in ensuring the quality of justice-based case files. This study employed an empirical legal research method with a sociological-juridical approach. Data were obtained through interviews and documentation studies to understand the implementation of pre-prosecution proceedings directly within the prosecutor's office. This approach was used to assess the alignment between applicable legal provisions and their implementation in criminal case handling. The research results indicate that the implementation of pre-prosecution at the Manggarai District Attorney's Office has essentially been carried out in accordance with the provisions of the Criminal Procedure Code. However, its implementation is still influenced by structural and cultural factors that impact the independence and professionalism of prosecutors. Therefore, strengthening coordination between law enforcement officials, increasing human resource capacity, and internalizing the values of justice are necessary to realize a more effective, professional, and integrity-based prosecution system.*

Keywords: *Case File Quality; Justice; Manggarai District Attorney's Office; Pre-Prosecution; Prosecutor.*

1. Introduction

Criminal law enforcement is a key pillar in realizing a state based on the rule of law that guarantees legal certainty, benefit, and justice for the community. In the Indonesian legal system, criminal law enforcement is not only defined as the process of imposing penalties on perpetrators of crimes, but also as a mechanism for protecting human rights, both for victims, suspects, and the wider community.[1]Therefore, every stage of the criminal justice system must be carried out professionally, accountably, and with a focus on the values of justice. One crucial stage that often escapes public attention but is crucial for the quality of criminal law enforcement is the pre-prosecution stage.

Procedurally, criminal law enforcement in Indonesia proceeds through the stages of investigation, prosecution, and court hearing. Investigation is the initial stage undertaken by investigators to seek and collect evidence to shed light on the crime and identify the suspect. At this stage, investigators compile investigation reports, secure evidence, and take other legal action in accordance with criminal procedural law. Once the investigation is deemed complete, the case file is submitted to the prosecutor as public prosecutor for review. If the file is deemed to meet legal requirements, the public prosecutor will proceed to the prosecution stage by drafting an indictment and submitting the case to the court. Next, during the court hearing, the judge assesses the evidence, witness testimony, the defendant's testimony, and the arguments of the parties before issuing a verdict. Thus, the quality of a court decision depends heavily on the quality of the investigation and prosecution process, particularly on the completeness and accuracy of the case file.

The pre-prosecution phase holds a strategic position in the criminal justice system because it lies at the intersection of investigation and prosecution. At this stage, the public prosecutor's role is not merely to receive case files from investigators but also to control the quality of cases that will be submitted to court.[2]Based on Article 65 letters a and b Law Number 20 of 2025 concerning the Criminal Procedure Code, hereinafter referred to as (KUHAP)[3], the public prosecutor is authorized to conduct pre-prosecution by receiving and examining case files from investigators and coordinating between investigators and the public prosecutor to complete the investigation results. This authority

[1] Binsar Z. Ritonga, and Eko Soponyono, (2023), "Establishment of Criminal Execution Institutions as a Form of Integral Criminal Justice System", Indonesian Legal Development Journal, vol. 5, No. 1,https://doi.org/10.14710/jphi.v5i1.136-153, p. 138.
[2]Melfa Emirsya, Joelman Subaidi, & Ferdy Saputra, (2025), "Application of the Dominus Litis principle by Public Prosecutors in General Crimes based on Law of the Republic of Indonesia Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia", Scientific Journal of Law Faculty Students, Malikussaleh University, Vol. 8, No. 3,https://doi.org/10.29103/jimfh.v8i3.22997, p. 9.
[3] Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP).

demonstrates that the prosecutor is not passive, but rather active in ensuring that a case has met the formal and material requirements to be prosecuted legally and fairly.

To ensure the quality of prosecution, the criminal justice system recognizes a pre-prosecution mechanism as a connecting stage between investigation and prosecution. Pre-prosecution is the public prosecutor's authority to examine the formal and material completeness of case files before the case is submitted to the court. At this stage, the public prosecutor assesses the completeness of the administration, the clarity of the suspect's identity, the appropriateness of the application of the articles, and the strength of the supporting evidence. If deficiencies are found, the public prosecutor provides instructions to the investigator to make corrections and complete the files through the case file return mechanism. Once all requirements are met, the public prosecutor declares the case files complete and ready to be submitted to the court. This pre-prosecution mechanism functions not only as an administrative procedure but also as an instrument of legal and ethical control to ensure that cases submitted to the court meet legal standards and principles of justice. From the perspective of dominus litis[4]This stage places prosecutors as the main controllers of the direction and quality of criminal law enforcement.

The operational mechanism of the prosecutor's authority as Public Prosecutor in the pre-prosecution stage is realized through two main instruments, namely P-19 and P-21. P-19 is a letter returning the case file from the public prosecutor to the investigator accompanied by instructions regarding matters that must be completed or corrected. Meanwhile, P-21 is a notification letter from the public prosecutor to the investigator stating that the case file is complete and ready to be processed to the prosecution stage. These two mechanisms are important instruments in guaranteeing the quality of case files and ensuring that the judicial process can run smoothly without technical or administrative obstacles.[5]

The poor quality of case files not only impacts the failure of prosecutions but also has serious implications for the protection of human rights and the public's sense of justice. Carelessly compiled case files have the potential to lead to criminalization, wrongful arrests, or, conversely, the acquittal of perpetrators due to lack of evidence. From this perspective, the quality of case files is not merely a technical administrative issue, but also a matter of justice. Therefore, the role of prosecutors in the pre-prosecution phase is crucial as gatekeepers of the criminal justice system.

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[4]Tiar Adi Riyanto, (2021), “Functionalization of the Dominus Litis Principle in Criminal Law Enforcement in Indonesia”, Lex Renaissance, Vol. 6, No. 3,https://doi.org/10.20885/JLR.vol6.iss3.art4, p. 486.

[5]Victhor Mouri, et. all., (2023), “The Role of Prosecutor-Researchers in Determining the Completeness of a Case File”, ARMADA: Multidisciplinary Research Journal, vol. 1, no. 12,https://doi.org/10.55681/armada.v1i12.1089, pp. 1446-1456.

In modern criminal law doctrine, prosecutors are no longer understood simply as "prosecutors," but as case controllers (dominus litis), who determine whether a case is worthy of proceeding to trial. The principle of dominus litis positions prosecutors as central actors responsible for the direction and quality of criminal law enforcement.[6]In this context, the pre-prosecution stage is a concrete manifestation of the principle of dominus litis, as it is through this mechanism that prosecutors assess the legal and sociological viability of a case. Thus, the success or failure of criminal law enforcement depends heavily on the extent to which prosecutors are able to carry out their role professionally and with a justice-oriented approach from the pre-prosecution stage.

In practice, the implementation of pre-prosecution still faces various obstacles, including within the Manggarai District Attorney's Office. Based on the phenomenon that occurs, there are still cases that must be returned to investigators because they do not meet formal and material requirements. Several cases of common crimes, such as assault, theft, and child protection, show weaknesses in the preparation of examination minutes, limited evidence, and a lack of in-depth understanding of the elements of the crime. In some cases, case files even have to be returned more than once because the revisions made do not fully comply with the public prosecutor's instructions. This condition indicates still weak coordination between investigators and public prosecutors, differences in legal interpretation, and limited human resources and supporting facilities in the regions.

Furthermore, the high caseload and limited timeframe also impact the effectiveness of pre-prosecution. Prosecutors are often faced with demands to resolve cases quickly, while the quality of investigations is suboptimal. If the pre-prosecution stage is merely an administrative formality, the quality control and fairness functions of criminal law enforcement will be significantly diminished. Yet, high-quality case files are the primary foundation for achieving substantive justice and protecting the rights of the parties in the judicial process.

2. Research Methods

The method used in this research is empirical juridical (socio-legal research). This combines a normative study of the laws and regulations governing prosecutors' authority in the pre-prosecution stage with an empirical study of the practice of implementing this authority at the Manggarai District Attorney's Office. Normatively, this research examines provisions in the Criminal Procedure Code, the Prosecutor's Law, and internal Prosecutor's Office regulations relevant to pre-prosecution and the quality of case files. Empirically, this research examines

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[6]Muhammad Hikmat Sudiadi, (2024), "Implementation of the Dominus Litis Principle in the Modern Criminal Justice System in Indonesia", Journal of Interdisciplinary Legal Perspectives, Vol. 1, No. 1,https://doi.org/10.70837/9re7s725, p. 10.

how these norms are implemented in practice, particularly in ensuring the quality of justice-based case files. This approach was chosen so that the research does not stop at the normative level alone, but is also able to describe the reality of law enforcement in the field.[7] According to Peter Mahmud Marzuki, normative legal research is a process of finding legal rules, legal principles, and legal doctrines to answer the legal issues faced.[8]

3. Results and Discussion

3.1. The Role of Prosecutors in the Pre-Prosecution Stage to Ensure the Quality of Justice-Based Case Files

The pre-prosecution phase is a strategic stage in the criminal justice system that determines the quality of subsequent law enforcement. At this stage, prosecutors play a central role in scrutinizing and overseeing the investigation process to ensure that the case files submitted by investigators meet the requirements for submission to the court.[9]At the Manggarai District Attorney's Office, the implementation of prosecutorial authority in the pre-prosecution stage is an important factor in ensuring that every case submitted for prosecution meets the aspects of legality, professionalism, and justice.

From the legal substance aspect, the prosecutor's authority in the pre-prosecution stage is regulated in Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP).[10], Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, Regulation of the Attorney General of the Republic of Indonesia Number: PER-036/A/JA/09/2011 concerning Standard Operating Procedures for Handling General Criminal Cases[11], Constitutional Court Decision Number 55/PUU-XI/2013, and Constitutional Court Decision Number 29/PUU-XIV/2016. These provisions emphasize that prosecutors have the authority to examine the completeness of case files, both in terms of formal and material, before declaring the files complete. This authority reflects the prosecutor's function as a case controller (dominus litis) who determines

[7]Soerjono Soekanto & Sri Mamudji, Normative Legal Research: A Brief Review, PT. Jakarta: Raja Grafindo Persada, 2003, p. 13.
[8]Peter Mahmud Marzuki, Legal Research, Jakarta: Kencana Prenada, 2010, p. 35.
[9]Angela A. Supit, (2016), "Pre-prosecution in the Criminal Procedure Code and the Impact of the Enactment of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia", Lex Crimen, vol. 5, no. 1, p. 3400.
[10]Law Number 20 of 2025 concerning the Criminal Procedure Code.
[11]Regulation of the Attorney General of the Republic of Indonesia Number: PER-036/A/JA/09/2011 concerning Standard Operating Procedures for Handling General Criminal Cases.

whether a case is worthy of proceeding to the prosecution stage or requires revision first.[12]

The principle of dominus litis in the future of Indonesian criminal law policy is intended to address criminal acts that occur through prosecution as a form of community protection to achieve community welfare, considering that policies or efforts to address crime (criminal policy) are essentially an integral part of efforts to protect the community (social defense) and efforts to achieve community welfare (social welfare)".[13]Therefore, the policy of having the authority to prosecute is also part of efforts to protect society (social defense) and efforts to achieve social welfare.

In relation to the application of the Dominus Litis principle, if we read the articles in the Criminal Procedure Code Number 20 of 2025, there is a picture that the investigation system in the new Criminal Procedure Code is open with the role of the public prosecutor as a supervisor of the actions carried out by the Police as investigators, these articles include:

1. Article 58 and Article 59 Paragraphs (1), (2) and (3) of the Criminal Procedure Code Number 20 of 2025

The provisions contained in Article 58 of the Criminal Procedure Code Number 20 of 2025 state:

"The handling of each criminal act is carried out by investigators with the involvement of public prosecutors by coordinating according to their respective authorities within the framework of an integrated criminal justice system."

The provisions contained in Article 59 Paragraph (1) of the Criminal Procedure Code Number 20 of 2025 state:

"Coordination between investigators and public prosecutors in handling each criminal act as referred to in Article 58 is carried out in an equal, complementary and mutually supportive manner.".

Then Article 59 Paragraph (2) of the Criminal Procedure Code Number 20 of 2025 also states:

"Coordination between the Investigator and the Public Prosecutor begins with the sending of a notification letter of the commencement of the Investigation sent by the Investigator to the Public Prosecutor."

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[12]Muhammad Azzrul Radhiansyah and Luthfillah Arrizqi Zainsyah, (2025), "The Dominus Litis Authority of Prosecutors in Indonesian Criminal Justice: The Problem of Back and Forth Files and Its Implications for the Protection of Human Rights", Lex Journal: Legal and Justice Studies, vol. 9, no. 4,https://doi.org/10.25139/lex.v9i4.11115, pp. 903-939.
[13]Arief, Barda Nawawi. (2002). Anthology of Criminal Law Policy. Bandung: Citra Aditya Bakti.

Referring to the provisions of Article 58 and Article 59 Paragraphs (1) and (2) of the Criminal Procedure Code Number 20 of 2025 above, from the author's perspective, these articles constitute the basis of the relationship between investigators and public prosecutors in an integrated criminal justice system. This relationship is only coordinating. This means that the Public Prosecutor does not directly follow how the investigation is carried out. According to the principle of Dominus Litis, the Public Prosecutor must actively participate in how the investigation is carried out because it will be accountable in court. Moreover, there is no clear reference regarding investigations that are carried out in an equal, complementary, and mutually supportive manner.

2. Article 60 Paragraphs (1), (2) and (3) of the Criminal Procedure Code Number 20 of 2025

The provisions of the article read:

"(1) Notification of the commencement of an investigation by the investigator to the public prosecutor must be sent within a maximum period of 7 (seven) days after the investigation begins."

"(2) Within a maximum of 3 (three) days from the time the prosecutor receives the notification letter regarding the commencement of the investigation as referred to in paragraph (1), the investigator will coordinate with the appointed public prosecutor to follow the progress of the investigation."

"(3) During the course of the investigation, the investigator can coordinate with the public prosecutor in completing case files, extending detention, and/or notification of termination of the investigation."

Based on the provisions contained in Article 60 Paragraphs (1), (2) and (3) of the Criminal Procedure Code Number 20 of 2025 which the author has explained above, from the author's perspective, the provisions in this article change a concept contained in the Criminal Procedure Code regarding the coordination relationship between public prosecutors and investigators. This provides an understanding that the new Criminal Procedure Code has an open system with no sharp gap between investigators and public prosecutors. Public prosecutors are expected to be able to monitor the performance carried out by investigators. However, Article 60 Paragraph (1) provides sufficient time for investigators to notify the public prosecutor who should notify as soon as possible. It is feared that with this sufficient time, investigators can influence the course of the investigation. Furthermore, in Article 60 Paragraph (3) there is the language "can coordinate", meaning that investigators may not coordinate with the public prosecutor regarding the completeness of the files. This causes files to be passed back and forth from investigators to public prosecutors so that the case process becomes long and complicated.

3. Article 61 of the Criminal Procedure Code Number 20 of 2025

The provisions of the Article read:

"(1) After the investigation is completed, the investigator submits the results of the investigation along with the case files to the Public Prosecutor to conduct a case file examination within a maximum period of 7 (seven) days from the date the case files are received from the investigator."

"(2) If the Public Prosecutor assesses that the case files received from the Investigator are incomplete, the Public Prosecutor will return the case files to the Investigator accompanied by instructions regarding matters that must be completed based on the results of the coordination."

"(3) Investigators are required to complete the case files through additional investigations in accordance with the results of coordination with the Public Prosecutor within a maximum period of 14 (fourteen) days from the date of receipt of the return of the case files from the Public Prosecutor."

"(4) If the case file is declared complete by the Public Prosecutor, the Investigator will hand over the Suspect and evidence to the Public Prosecutor for prosecution."

From the explanation of the provisions of Article 61 according to the author's perspective, it explains that the back and forth of the case is a result of the active role of the public prosecutor in the investigation stage. In the investigation stage, the investigator only has a coordinating role, especially in Article 59 Paragraph (3) the investigator can coordinate with the public prosecutor can use electronic media, what is feared here is that the investigator can always use this media using communication media for the course of the investigation so that the role of the public prosecutor here is only as a recipient of the file even though if there is a shortage the public prosecutor can return the file with instructions, but that does not describe that the public prosecutor who holds the principle of Dominus Litis ideally must be active from the investigation stage to the implementation of the court decision.

Furthermore, Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia in its general explanation states that the enactment of this Law is for the renewal of the Attorney General's Office so that its position and role as a government institution can better carry out state power in the field of prosecution that is free from the influence of any party's power.

In the provisions contained in Article 1 Point 2 of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, it is stipulated that:

"A prosecutor is a civil servant with a functional position who has special characteristics and carries out his duties, functions and authority based on the law."

The provisions governing the application of the principle of dominus litis for prosecutors are rules (laws) that must be followed in carrying out inherent duties and authorities, which are absolute and independent, making prosecution the main task so that this principle will strengthen and establish prosecutors as public prosecutors in carrying out prosecutions of criminal cases that occur, and only prosecutors can proportionally and professionally determine whether or not the criminal case that occurs will be resolved.

Article 8 Paragraph (2) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia states that in carrying out his duties and authorities, the Prosecutor acts for and on behalf of the state and is responsible according to hierarchical channels. This provides an understanding that in carrying out duties on behalf of the state, the Prosecutor as a public prosecutor is responsible according to hierarchical channels, namely to officials who assign duties and responsibilities in a hierarchical manner: the Head of the District Attorney's Office, the Head of the High Prosecutor's Office, and the Attorney General.

The actions of the prosecutor before prosecuting a criminal case in court are as follows:[14]

1. Study and examine the criminal case files received from the investigator. Determine whether they are strong enough and whether there is sufficient evidence that the defendant has committed a crime. If, in the investigator's opinion, the case files are incomplete, immediately return them to the investigator for completion; and

2. After obtaining a clear and definite picture of the crime committed by the defendant, the prosecutor will then prepare an indictment. The prosecutor must prove the indictment in court. If the charges are proven, the prosecutor will then prepare the charges. The indictment is the basis for preparing the charges.

Based on the explanation that the author has presented above, regarding the application of the Dominus Litis principle based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, it is clear that in an application of the Dominus Litis principle (case controller) at the prosecution stage in this case when linked to the duties and authorities of the prosecutor's office is to carry out prosecutions that are free from the influence of the power of any party.

[14]Hartanti, Evi. (2009). Criminal Acts of Corruption. Jakarta: Sinar Grafika, p. 78.

The Constitutional Court, as the sole interpreter of the constitution and the guardian of the constitution, explicitly positions the prosecutor as the public prosecutor in various legal considerations as Dominus Litis in criminal cases. This is based on Constitutional Court Decision Number 55/PUU-XI/2013, which states:

"The function of the Prosecutor's Office and the profession of prosecutor as the organizer and controller of prosecution or as dominus litis has an important role in the case handling process which is essentially aimed at building a life order based on law, and upholding human rights."

Apart from the Constitutional Court decision above, there is also Constitutional Court Decision Number: 29/PUU-XIV/2016 which states:

"As the sole holder of the authority to prosecute (Dominus Litis), the Prosecutor is obliged to transfer the case to the District Court with a request to immediately try the case accompanied by an indictment, but the Prosecutor can also stop the prosecution if the case does not have sufficient evidence, the case being examined turns out not to be a criminal case, or the case is closed by law (vide Article 140 of the Criminal Procedure Code)".

According to the perspective of the drafters of the two Constitutional Court decisions outlined above, the Constitutional Court explicitly stated the principle of dominus litis, clearly and clearly considering the position of the prosecutor as a public prosecutor as Dominus Litis who has a crucial role in the criminal justice system. The public prosecutor is positioned as the owner of the case who has a real interest so that a case is prosecuted, examined, and tried in court. In addition, the Constitutional Court also considers that as a party with a real interest, the public prosecutor can also stop the prosecution so that a case is not prosecuted, examined, and tried in court.

Although so far there have only been 2 (two) Constitutional Court decisions that explicitly consider the position of the public prosecutor as Dominus Litis in the criminal justice system, according to the compiler it is sufficient to acknowledge that the principle of dominus litis is the position of the prosecutor/public prosecutor in the criminal justice system to create legal certainty in every decision and strengthen the criminal justice system which should be integrated.

In practice at the Manggarai District Attorney's Office, case file review begins with the initial receipt of the files from investigators. Once the files are received, the public prosecutor conducts a thorough administrative and substantive examination. The formal examination includes reviewing the suspect's identity, investigation warrant, investigation report, arrest warrant, detention order, seizure order, and other supporting documents. This examination aims to ensure that all investigative procedures have been carried out in accordance with criminal procedure law.

In addition to formal aspects, public prosecutors also conduct material investigations into case files. Material investigations focus on the fulfillment of the elements of the crime charged, the quality of the evidence, the consistency of witness and suspect testimony, and the relevance of the legal event to the applicable article. At the Manggarai District Attorney's Office, prosecutors are required to be meticulous and precise in assessing whether the case construction prepared by investigators fully and objectively reflects the criminal event.

Substantive review of case files is crucial to ensuring the quality of prosecution. If prosecutors fail to carefully assess the substantive aspects of a case, the case files submitted to the court are potentially weak in terms of evidence and could result in an acquittal or dismissal of all charges.[15]Therefore, in practice, prosecutors at the Manggarai District Attorney's Office strive to conduct in-depth investigations into each case, including by studying in detail the chronology of events, causal relationships, and the roles of each party in the crime that occurred.

If deficiencies or discrepancies are discovered during the investigation, the public prosecutor will return the case file to the investigator with instructions in a letter coded P-19. This instruction represents a concrete form of prosecutorial control over the investigation process.[16]At the Manggarai District Attorney's Office, the P-19 mechanism is used as a formal means of communication between the public prosecutor and investigators to correct deficiencies in case files, both from formal and material aspects.

Instructions provided through a P-19 typically include requests to complete evidence, examine additional witnesses, clarify the suspect's role, improve the application of the article, or complete administrative documents. In practice, the quality of the public prosecutor's instructions is crucial to the effectiveness of the pre-prosecution process. Clear, systematic instructions based on sound legal analysis will facilitate investigators' revision of case files.[17]

At the Manggarai District Attorney's Office, public prosecutors generally strive to compile detailed and structured P-19 instructions. This is done to minimize the repeated return of files. Frequent returns of files not only delay the resolution of cases but can also create legal uncertainty for suspects, victims, and the public. Therefore, prosecutors are required to identify all file deficiencies from the outset.

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[15]Victhor Mouri, et. all., (2023), “The Role of Prosecutors and Researchers …., pp. 1446-1456.
[16]Ibid.
[17]Budhi Purwanto, (2025) “Reconstruction of the Regulations for Handing Over Criminal Case Files from Investigators to Public Prosecutors in Criminal Law Enforcement Based on Pancasila Justice Values”, (Doctoral thesis, Sultan Agung Islamic University Semarang).

The prosecutor's control over the investigation is also reflected in their monitoring of the follow-up to the P-19 instructions. The public prosecutor not only submits the case file to the investigator but also monitors the progress of the file revision. In some cases, the public prosecutor can provide technical assistance to the investigator, particularly regarding the fulfillment of the elements of the offense or strengthening of evidence. This practice demonstrates that the prosecutor's role is not passive, but rather active in ensuring the quality of the case.[18]

Once all deficiencies are deemed to have been met, the public prosecutor declares the case file complete by means of a letter coded P-21. P-21 is an official declaration that the investigation results have met the formal and material requirements for submission to the court.[19]At the Manggarai District Attorney's Office, the issuance of P-21 is carried out after going through an internal evaluation process, including discussion of the case in an exposure forum or internal case title if necessary.

The issuance of a P-21 has significant legal implications because it marks the transfer of responsibility for the case from the investigator to the public prosecutor. Therefore, the public prosecutor must ensure that all legal requirements have been met before issuing a P-21. Mistakes at this stage can result in a failed prosecution and undermine the principle of justice.

3.2. Obstacles and Efforts of Prosecutors in the Pre-Prosecution Stage to Ensure the Quality of Case Files at the Manggarai District Attorney's Office

1. Obstacles faced by prosecutors in the pre-prosecution stage to ensure the quality of case files at the Manggarai District Attorney's Office

The implementation of prosecutors' authority in the research and control of case files during the pre-prosecution stage faces various obstacles and challenges that can reduce the effectiveness and efficiency of the criminal justice process. These obstacles are multidimensional, encompassing aspects of legal substance, legal structure, legal culture, as well as technical and operational factors. A comprehensive understanding of these obstacles is crucial for formulating appropriate strategies and policies to optimize prosecutors' authority during the

[18]Ahmad Sofian, (2025), “Strengthening the capacity of prosecutors through coordination in the investigation and prosecution process in the Criminal Procedure Code Bill: A comparative study of the United States, the Netherlands and Indonesia”, PAMPAS: Journal of Criminal Law, vol. 6, no. 2,https://doi.org/10.22437/pampas.v6i2.42540, pp. 183-217.
[19]Victhor Mouri, et. all., (2023), “The Role of Prosecutor Researchers….”, pp. 1446-1456.

pre-prosecution stage.[20]The following are several aspects of obstacles to the prosecutor's authority in researching and controlling case files, including:

a. Legal Substantive/Regulatory Aspects

From the aspect of legal substance/regulation, the obstacles faced include the lack of uniformity in interpretation of the provisions in the Criminal Procedure Code, Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the Attorney General's Regulation, Constitutional Court Decision Number 55/PUU-XI/2013, and Constitutional Court Decision Number 29/PUU-XIV/2016.

Although the Criminal Procedure Code (KUHAP) Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Regulation, Constitutional Court Decision Number 55/PUU-XI/2013, and Constitutional Court Decision Number 29/PUU-XIV/2016 have regulated the pre-prosecution stage in detail, in practice there are still differences in interpretation regarding various aspects, including the standard for completeness of case files, time limits in the pre-prosecution process, and additional examination mechanisms. This lack of uniformity in interpretation can lead to inconsistencies in pre-prosecution practices between one district attorney's office and another, or even between one prosecutor and another within the same district attorney's office.[21]

b. Legal Structure Aspects

One of the main obstacles in the implementation of the prosecutor's authority is the phenomenon of returning case files repeatedly (back and forth) betweenThis phenomenon occurs when the public prosecutor returns the case file to the investigator because it is deemed incomplete. Then, after the investigator completes the file and returns it to the public prosecutor, the public prosecutor returns the case file again because there are still deficiencies.[22]This back and forth process can occur many times, even in some cases up to three times or more.

In addition, significant obstacles are also seen in the limited coordination betweenPublic prosecutors and investigators. Although coordination is a legal obligation stipulated in various laws and regulations, in practice, coordination does not always run smoothly. This limited coordination can be caused by

[20]Muhammad Yusni, (2020), "The Problematics of the Implementation of the Dominus Litis", Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences, vol. 3, no. 4,https://doi.org/10.33258/birci.v3i4.xxx, p. 2991.
[21]Dedy Chandra Sihombing, et. all, (2023), “Strengthening the authority of prosecutors……”, pp. 63-75.
[22]Muhammad Azzrul Radhiansyah and Luthfillah Arrizqi Zainsyah, (2025), “The Authority of the Prosecutor's Dominus Litis….”, pp. 903-939.

various factors, including limited time and resources, differing priorities between the prosecutor's office and the police, and the lack of effective coordination mechanisms. This limited coordination can lead to miscommunication or misunderstandings between public prosecutors and investigators, which in turn can hinder the effectiveness of the pre-prosecution phase.[23]

The jurisdiction of the Manggarai District Attorney's Office also encompasses two police regions, the Manggarai Police and the East Manggarai Police. This situation also impacts the effectiveness of coordination and the implementation of case handling duties. This situation can complicate coordination between the Manggarai District Attorney's Office and the Manggarai and East Manggarai Police, especially in cases requiring direct meetings or communication. Furthermore, the demographic characteristics of the Manggarai community, which predominantly resides in rural areas, can also pose challenges in gathering evidence or examining witnesses. To overcome these obstacles, comprehensive and coordinated efforts are required from various parties.

From a legal structural perspective, the challenges faced include limited human resources and infrastructure. Many district attorneys' offices, including the Manggarai District Attorney's Office, face a limited number of prosecutors capable of handling their increasing caseload. This limited number of prosecutors can result in prosecutors not having sufficient time to conduct in-depth case file research, thus compromising the quality of the research. Furthermore, prosecutors at the Manggarai District Attorney's Office, in addition to acting as public prosecutors in handling general criminal cases, also carry out duties in various fields, such as intelligence, as investigators in the field of special crimes in handling corruption cases, and as state attorneys in civil and state administrative matters. This can also hinder the effectiveness of the prosecutor's authority in the pre-prosecution stage.[24]

Furthermore, technical and operational obstacles also pose challenges in implementing prosecutorial authority. One technical obstacle is the complexity of certain cases, which require specialized expertise in case file research. Cases such as corruption, economic crimes, or crimes involving information technology often require a deep understanding of specific technical aspects. Prosecutors' limited expertise in these technical aspects can make it difficult to assess the completeness and sufficiency of evidence, thus hampering the effectiveness of case file research.[25]The very significant budget shortfall also greatly affects the

[23]Dedy Chandra Sihombing, et. all, (2023), "Strengthening the authority of prosecutors as dominus litis as an effort to optimize criminal law enforcement oriented towards restorative justice", Locus: Journal of Legal Science Concepts, vol. 3, no. 2,https://doi.org/10.56128/jkih.v3i2.42, pp. 63-75.
[24]Ibid.
[25]Djuniarti Djuniarti, (2022), "Various Forms of Additional Examination by the Prosecutor's Office….", pp. 47-56.

smoothness of carrying out the state duties carried out by the prosecutor's office because in addition to focusing on handling cases to achieve justice, prosecutors are also required to think about and adjust the use of proportional costs in each stage of case handling.

c. Cultural Aspects/Legal Culture

From a legal cultural perspective, obstacles include differences in work culture between the prosecutor's office and the police. Both the prosecutor's office and the police are large institutions with significant authority in their respective fields, which can lead to sectoral egos within each institution, which can then influence their work methods and approaches in handling cases. These sectoral egos can lead to tension or conflict between prosecutors and investigators, which in turn can hinder coordination and cooperation in the pre-prosecution stage. Furthermore, the public's lack of understanding of the importance of the pre-prosecution stage can also be a barrier, as the public often perceives the pre-prosecution process as an unnecessary delay in the judicial process.[26]

Based on this description, the obstacles faced by prosecutors in the pre-prosecution phase at the Manggarai District Attorney's Office are not merely technical in nature, but also reflect more complex issues encompassing legal substance, legal structure, and legal culture. These three aspects are interrelated and simultaneously influence the effectiveness of prosecutors in exercising their authority to ensure the quality of fair case files.

2. Prosecutors' Efforts to Overcome Obstacles at the Pre-Prosecution Stage to Ensure the Quality of Case Files at the Manggarai District Attorney's Office

Public Prosecutors are hampered by various obstacles in conducting pre-prosecution proceedings. These obstacles will hinder the case's handling, requiring efforts to overcome them. The efforts made by Public Prosecutors to overcome these obstacles in conducting pre-prosecution include:

a. Incomplete case files

The Public Prosecutor's efforts include reminding investigators to immediately complete the incomplete BAP and to immediately return the BAP to the Public Prosecutor. The Public Prosecutor can issue a P-20 letter, the contents of which are to remind or request the investigator's attention to immediately complete the additional investigation and immediately return the case file to the Public Prosecutor. The P-20 also functions as a form of supervision and control by the Public Prosecutor over the smooth running of the investigation process so that coordination between investigators and the public prosecutor is maintained.

[26] Muhammad Yusni, (2020), "The Problematics of ....", p. 2989.

b. Obstacles: Investigators are unable to comply with the instructions given by the Public Prosecutor

The efforts made by the Public Prosecutor are to communicate and coordinate with investigators periodically and intensively to discuss the cases being handled, and the Public Prosecutor explains and explains in detail and clearly regarding the instructions he has given to investigators.

c. Differences in Legal Interpretation between Investigators and Public Prosecutors

These differences in legal interpretation are usually resolved through direct coordination between the two parties. This coordination can be conducted verbally through face-to-face meetings or in writing through official letters. This step is taken to seek mutual understanding so that the legal process continues smoothly. If differences of opinion remain during the coordination process, the prosecutor and investigator will usually hold a joint meeting to further discuss the articles or legal elements in question. Through this discussion, both parties attempt to find a middle ground to avoid protracted debate and ensure a smooth resolution of the case.

d. Workload Constraints and Human Resource Limitations

The prosecutor explained that when the number of cases is high, the prosecutor's office usually prioritizes cases that must be resolved first. Cases with the closest handling deadline will be prioritized to avoid missing the deadline. The prosecutor's office has also begun to utilize technological advances to help overcome limited human resources. One of these is the use of a Case Management System (CMS), a digital system used to organize and store case files online. Based on data from the Manggarai District Attorney's Office's CMS, the number of General Crime cases for which SPDPs were received by prosecutors throughout Indonesia in 2025, the General Crimes division of the Manggarai District Attorney's Office received 77 SPDPs, 72 files (P-18 and P-19), 62 files (P-21), 61 cases of prosecution, 67 cases of execution, and 3 cases of restorative justice.[27]The Prosecutor's Office maintains thoroughness in its work. Each case file is reviewed at least twice before being submitted to the court to ensure there are no data errors or mistakes in its preparation. This demonstrates that despite facing a heavy workload and limited human resources, the Prosecutor's Office continues to strive to maintain quality and accuracy at every stage of case handling.

[27]CMS Website of the General Crimes Section of the Manggarai District Attorney's Office.

4. Conclusion

The implementation of prosecutors' authority in the research and control of case files during the pre-prosecution stage at the Manggarai District Attorney's Office is an important part of the Indonesian criminal justice system, which is based on the Criminal Procedure Code (KUHAP), the Prosecutor's Law, and the Attorney General's Regulation. The analysis shows that this authority has generally been implemented in accordance with applicable legal provisions. The KUHAP provides clear guidelines for prosecutors in assessing the formal and material completeness of case files, providing instructions to investigators, and determining the suitability of cases for transfer to the prosecution stage. In addition, the application of the dominus litis principle has been realized through the active role of prosecutors in controlling cases, including through file research mechanisms, case presentation forums, and the implementation of P-19 and P-21 procedures as a means of monitoring and controlling the quality of case files. The implementation of pre-prosecution authority at the Manggarai District Attorney's Office still faces various obstacles and challenges. These obstacles include repeated returns of case files, limited coordination with investigators, differing interpretations of file completeness standards, and limited human resources and supporting facilities. Furthermore, differences in work culture between the prosecutor's office and the police also affect the effectiveness of synergy in case handling. These substantial, structural, cultural, and technical obstacles indicate that although the implementation of prosecutorial authority has been carried out in accordance with regulations, ongoing improvement efforts are still needed to enhance the quality and effectiveness of the pre-prosecution process.

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