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COORDINATION OF ABILITY OF PROSECUTORS IN THE CRIMINAL
JURISDICTION SYSTEM IN INDONESIA

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ABSTRACT

Functional differentiation in the implementation of law enforcement functions during pre-prosecution raises problems in achieving legal objectives. The weak ability to coordinate the pre-prosecution process and the number of issues in the Criminal Code KUHAP (*Kitab Undang-undang Hukum Pidana*) related to pre-prosecution is an obstacle to achieving legal objectives. The research objective was to analyze the ability of the coordination of prosecutors in pre-prosecution in the criminal justice system in Indonesia. Qualitative approach with data collection techniques interviews with prosecutors, literature study with descriptive constructionist analysis. The research findings show that the source of the weak coordination of prosecutors in the pre-prosecution is an understanding of the legal structure that refers to legal legism. The weakness of coordination is due to the provisions in the Criminal Procedure Code regarding time limits, frequency, and weak sanctions for investigators which have an impact on optimizing the coordination function of prosecutors in pre-prosecution to realize legal objectives.

The focus on developing a legal structure that is more open to legal certainty and new arrangements regarding the functional differentiation of prosecutors as public prosecutors can maintain legal certainty. Exploration A combination of dynamic norm systems, behavior systems and value systems that are further derived from the philosophy of life of the Indonesian people.

INTRODUCTION

The success of the prosecution's pre-prosecution function is influenced by its ability to coordinate the pre-prosecution role with other law enforcers. the pre-prosecution process is one of the processes of the criminal justice system that is owned by the prosecutor's authority. In general, efforts to realize pre-prosecution in accordance with a fair and humane criminal justice system in a state of law, require the support of statutory instruments that guarantee the implementation of law enforcement in accordance with the functions and authorities of each law enforcement apparatus towards upholding law, justice and protection of dignity. and human dignity, order and legal certainty. (Wisnubroto and Widiartana, 2005).

Therefore, law enforcement officers who have the ability to coordinate pre-prosecutions without compromising integrity, autonomy and independence are needed to carry out prosecutions as an effort to realize the will of the law. Based on this view, law enforcement does not only enforce the formal mechanism of a legal rule, but also strives for the realization of the virtues contained in the rule of law through the availability of law enforcement human resources who understand their roles and functions. Law enforcers, namely the National Police of the Republic of Indonesia (Investigators), the Attorney General's Office of the Republic of Indonesia (Public Prosecutors), Judicial Institutions including Advocates play important roles and functions in upholding the rule of law and human rights HAM (*Hak Asasi Manusia*)

Along with the level of development of society, the pattern of law enforcement, procedures, mechanics, specialization and differentiation is so high, the organization of law enforcement such as pre-prosecution becomes so complex and very bureaucratic. The more modern a society is, the more complex and bureaucratic the law enforcement process will be. As a result, it is not only humans who play an important role in the law enforcement process, but also organizations that regulate and manage the operationalization of the law enforcement process. (Sutiyoso, 2010)

In the enforcement of criminal law, there is an adage that has long been echoed, namely: the law must be enforced even though the world will be destroyed (*Fiat Justicia Et Pereat Mundus*). Although this is difficult to achieve, this adage can encourage or whip law enforcement officials. Criminal justice as a place to resolve criminal cases which has a special characteristic, namely consisting of sub-systems which are independent institutions but must work in an integrated manner in order to enforce the law according to the expectations of the justice-seeking community.

In general, it can be described that the criminal justice process starting from investigations, investigations, arrests, detention, pre-prosecution, prosecution, trial examination, to conviction requires the support of law enforcement human resources who have the ability to realize their role. Institutions that handle each stage are different, but must be able to work synergistically which is called an integrated criminal justice system, which is a system that maintains a balance of protection of interests, both the interests of the state, society and individuals, including the interests of perpetrators of criminal acts and crime victim.

The operation of law enforcement officials requires a law that states who the law enforcement apparatus is assigned to enforce criminal law by the state, how to enforce it, what are the duties and obligations, and what are the sanctions if the implementation is not in accordance with the manner or task and authority. The law of criminal procedure becomes the guide for law enforcement officers in carrying out their duties and the authority of each state apparatus working in the criminal justice system. (Prodjodikoro, 1970) Criminal procedural law which functions to seek material truth in its implementation requires a Criminal Justice system with law enforcers who are aware of its role.

The criminal justice system is considered successful if most of the reports and complaints of the public who are victims of crime can be "resolved". Criminals can be brought to trial and found guilty and convicted. The series of tasks are related to one another and are inseparable as a component of the criminal justice system, including the courts and correctional institutions which are also responsible for carrying out these tasks. The resolution of crimes in society and justice being enforced are closely related to the duties of the two components of the system, namely the Police and Prosecutors (at the pre-judicial stage) and the court (at the

judicial stage). The relationship between the Police and the Prosecutor is evident in the pre-prosecution process in general criminal investigations.

Regarding the position of law enforcers in the criminal system Atmasasmita (2011) argues that the position of law enforcers can be explained based on a management or administrative approach. The fourth law enforcement apparatus as a management organization has a working mechanism, both horizontal and vertical relations according to the organizational structure applicable in the organization. The system used is an administrative system; and a social approach that views the four law enforcement officers as an inseparable part of a social system so that the community as a whole is responsible for the success or failure of the four law enforcement officers in carrying out their duties. The system used is a social system.

The Criminal Procedure Code instruments have regulated the respective duties, functions and roles of the investigation and prosecution process including the relationship of these institutions to the process of carrying out their duties, functions and roles. However, it is not denied that in practice its implementation creates various problems which result in prolonged settlement of cases in a criminal justice process. The provision prior to the enactment of the Criminal Procedure Code, namely HIR (Het Herziene Inland Reglement), states that the authority to investigate all criminal acts is the prosecutor (magistraat), while the police act as "assistant attorney" (hulp magistraat) as stated by Hamzah (2010)

In fact, it is clear in the HIR that the police are assistant prosecutors in the investigation process. This means that the investigating institution is fully under the authority and power of the prosecutor's office, so that within the Prosecutor's body there is a police officer who is headed by the Central Detective Agency. (Sutherweim, 1991) stated the fact that the prosecutor only functions as a case file researcher and it is difficult to give an assessment of whether a case deserves to enter the prosecution process or not. The entire series of investigations was only carried out by the Police.

This is the same as the position of the Attorney General's Office (Procureur Generaal bij de Hoge Raad), which is under one roof together with the Supreme Court/Mahkamah Agung (MA). This position is reminiscent of the legal position (recht positie) of the Attorney General and the Attorney General's Office in the Netherlands which is valid until now (Effendi, 2013). Through the full investigative authority mechanism under the authority of the Attorney General's Office, the pre-prosecution institution is not known.

This pre-prosecution mechanism has a direct impact on the limited active role of the public prosecutor in following or directing the course of an investigation. The role of the public prosecutor is minimized to the extent of examining the investigation results file and providing instructions if there are deficiencies. As a result, the investigation process only becomes the area of the investigator's jurisdiction and there is no check and balance in the exercise of this authority, which should have been carried out by the public prosecutor as dominus litis or case controller. This situation will certainly have a direct impact on the rights of suspects and victims, because without a check and balance in the use of an authority, there will be a large space for the abuse of authority and / or abuse for investigators in carrying out investigations.

The concept of functional differentiation implies that the Criminal Justice System in Indonesia, especially in the investigation and prosecution phase, is divided into compartmentalized forms as an excess of the adoption of the concept of functional differentiation. These parcels measure from a pre-claim. The pre-prosecution

mechanism is a coordination space between investigators and public prosecutors that must be reached after the investigator has finished carrying out an investigation. The results of the investigation by the investigator in the form of a case file will be submitted to the public prosecutor for examination. If the public prosecutor thinks the case file is complete, then the process will go to prosecution stage, but the public prosecutor is incomplete, the public prosecutor will give instructions to the investigator for the case file. (Zikry, et.al., 2014). Coordination between investigators and public prosecutors is personal and close because investigations are starting to be carried out, prosecutors can be directly involved together with the police. This kind of situation is similar to the proper investigation and prosecution at the Corruption Eradication Commission (hereinafter referred to as the KPK) where the investigator and public prosecutor are currently under one roof (one roof system) (Rozi, 2017). Wright (2008) added that many actors are involved in criminal law enforcement.

Another weakness is that the Police and the Attorney General's Office do not have 'coordination' skills, so that files and suspects seem to be 'pushed', meaning that the case is thrown here and there. Such practices are inconsistent with the essence of integrated criminal justice (Integrated Criminal Justice System). Ideally, since the investigator issued the SPDP, the prosecutor has been intensively involved in assisting the investigation process, so that from the start the prosecutor can oversee the investigation process or supervise who other witnesses need to be questioned. The impact of inadequate coordination between the Police and the Attorney General's Office, of course, can lead to criminalization cases, 'undue delays', life suspects, wrong arrests and the practice of "buying and selling" cases are things we hear almost every day in law enforcement in Indonesia. . Conde-Pumpido (2013) suggests the need for prosecutors to exchange information and coordinate prosecution activities. Monar (2013) suggests various kinds of measures adopted to facilitate communication and interaction between systems without changes in each system as part of the criminal justice system at the national level. This shows that efforts to encourage the criminal justice system according to legal objectives are a major concern. Affirmed in the system, among others, the trust between judges and prosecutors, which causes friction among law enforcers. Wright (2008) shows legal limits on jobs related to criminal law enforcement.

This is indeed caused by various factors, both the substance of the law, the structure, and also the culture of the law enforcement apparatus. One thing that is certain from the emergence of these problems is because of the enormous use of power and is not accompanied by an effective control mechanism over that power. Seeing the limited work interaction between Investigators and Public Prosecutors above, it is not surprising that there are back and forth cases, this is similar to the working system in a photocopier. This is because the level of confidence of the investigator towards the perpetrator is different from that of the public prosecutor.

The investigator feels confident because the investigator directly examines the perpetrator by looking at his expression accompanied by evidence which the investigator thinks can support. But on the other hand, the Public Prosecutor only looks at the case files without knowing (maybe not there) the real truth of what happened. This is normal if the public prosecutor does not have the same belief as the investigator, because the work methods of investigators and public prosecutors have not been integrated from the start.

The consequence that can occur is that it can be dangerous if a case is forced by the Public Prosecutor to be brought forward with the consideration of maintaining good relations with investigators, then criminalization can occur. If the case is not proven

later in court, for example the testimony made in the BAP turns out to be false or not acknowledged by the witness, this can cause the juridical construction of a case to change. In addition to creating legal uncertainty and justice, weak competence and coordination, which is indicated by the back and forth of cases, does not reflect the simple, fast and low cost principles of justice which are the principles in judicial administration. In carrying out their duties, the relationship between the Police and the Prosecutor appears in the pre-prosecution process in general criminal investigations. The pre-prosecution process is a link between the investigation process carried out by the investigator and the prosecution process carried out by the public prosecutor, so that the pre-prosecution process is a very important part for the public prosecutor to study and examine formal and material legal facts that have been collected by the investigator in case files, then the public prosecutor determines whether or not they can be delegated to court. Whereas the public prosecutor also has authority in the investigation process because the prosecutor is part of the follow-up investigation and the prosecutor will also carry out the prosecution process in court.

In handling general crimes, the pre-prosecution process is the gateway for public prosecutors to determine the next trial process. The success of an investigative process will determine the success of the prosecution process. Likewise, the success of the prosecution will determine the success of the examination in court, which in the end the defendant is found guilty of committing a criminal act. On the other hand, the failure of the investigation will result in the failure of the subsequent processes or stages. Roth (2008) emphasizes that the public prosecutor also plays an important role in the investigation.

The pre-prosecution process is a link between the investigation process carried out by the police and the prosecution process carried out by the public prosecutor, so the pre-prosecution process is a very important part for the public prosecutor to study and examine formal and material legal facts that have been collected by the investigator in case files that end in the process of evidence in court proceedings. The results of imperfect investigations, for example those carried out by means of violence, constitute an input that does not provide legal clarity and certainty for justice seekers and for victims in demanding justice.

The position of the Prosecutor is considered to be the holder of *dominus litis* according to the Criminal Procedure Code, but can only monitor and provide instructions on the results of case file examination conducted by the Police. KUHAP prohibits the Attorney General as the Public Prosecutor from being directly involved in the investigation conducted by the Police. According to KUHAP, the relationship between the police as investigators and the prosecutor is limited to functional coordination. This is because the principle of the Criminal Procedure Code which adheres to functional differentiation is the root cause of the frequent friction between investigative institutions (Saputro 2016). Burbyka et al (2016) highlighted the problem of weak coordination among law enforcers. Coordination of the prosecutors is considered a component of the criminological function of the prosecution. Vervaele (2014) argues that the power to investigate, prosecute and punish (*ius puniendi*) is not only given by law, but is also subject to orders and control by law. Stevens (2008) in his research suggests substantial evidence that is secured by police investigators, to indict a suspect can often release the guilty suspect and punish the innocent individual. Some of the suspects have never been prosecuted because of the prosecutor's misconduct regarding their role.

The position of the public prosecutor in general crimes depends on the police investigator. The public prosecutor only formally examines case files, does not know

the process of compiling files and procedures for obtaining evidence. This becomes a problem if at trial the defendant withdraws his testimony at the BAP. The public prosecutor must account for or prove the indictment. There are frequent back and forth of case files between police investigators and public prosecutors. In fact, this could have been avoided from the start if the public prosecutor was involved in the process of drafting the case file. Meanwhile, the position of the prosecutor in Corruption was involved in the preparation of case files from the start when the initial investigation process was from the prosecutor's office. However, the prosecutor must also be professional and proportional in determining the status of a person as a suspect, so that it is not as if he is looking for someone's fault. If insufficient evidence is not found, it should be stopped immediately. If the evidence is sufficient to ensnare someone as a suspect, the process must be continued immediately. This is where the *dominus litis* principle really plays a central role in professionalism and proportionality.

The problems of law enforcement above are of course inseparable from problems arising from the criminal justice system process, in particular the author wants to highlight one part of the series of processes, namely the pre-prosecution process and is limited to sending the first stage files by investigators or researching case files by prosecutors. general. Atmasasmita (2011) emphasizes the emphasis on coordination and synchronization of the components of the criminal justice (Police, Attorney General's Office, Courts, and Correctional Institutions). Muladi (1994) explains more specifically Structural synchronization is the simplicity and harmony in the framework of the relationship between law enforcement agencies. Reksodiputro (2007) explains that in order to achieve the objectives of the Criminal Justice System, the components in it are obliged to cooperate, especially agencies (agencies) known as a. Police; b. Attorney; Court; and the correctional institution. The four agencies (bodies) are agencies that each stand independently administratively. -the value that underlies the integrated criminal justice system model demands the harmonization of the relationship between subsystems administratively. One of these efforts according to Chen & Lin (2020) is that top down performance evaluation of prosecutors is needed. A hierarchical and competitive scoring system aims to motivate and increase attorney loyalty.

The approach to understanding how the criminal justice system in pre-prosecution carried out by prosecutors in order to achieve legal objectives is not enough just by understanding the legal system from the perspective of a normative approach. An integrated approach is needed to obtain an explanation of the coordinating competence of prosecutors in carrying out their functions. Burbyka et al (2016) emphasized that the coordination activities of the prosecutors in fighting crime are related to the criminological function of the prosecution, which is hardly the subject of special studies. Based on the background explanation above, the research objective is to analyze the coordination competence of law enforcers in the Indonesian criminal justice system in relation to the objectives of law.

Review Literature

Coordination Competence

In general, the coordination function of law enforcers is limited by legislation and legal objectives. According to Burbyka et al (2016) coordination activities are needed in modern law enforcement practices. Prosecutors' coordination activities minimize crime in accordance with a coherent system. In practical terms, coordination helps to address gaps in normative regulation and provides effective work activities. Specifically, the main objective of the prosecution authority is to safeguard and protect the rights, freedoms and legitimate interests of individuals as

well as the rights and freedoms of legal entities from criminal and other illegal encroachment; 2) the prosecution authority is not militarized increasing demands on professional and moral quality, education, 3) coordinating other law enforcement activities with the authorities on this issue. Hoge et al (1977) explained that competency assessment is a general evaluation for the accused and the criminal justice system. Stevens (2008) argues that the prosecutor's job is to present cases in court and admit guilt. Quirke (2009) points to the need for coordination and cooperation between the national investigation and prosecution authorities supported by the system. Conway (2013) suggests the importance of prosecutors' competence. Under the mandatory principle, the prosecutor with evidence must proceed with prosecution

The position of law enforcement officers in the Criminal Justice System

The administration of criminal justice is a mechanism for the operation of criminal law enforcement officers starting from the process of investigation and investigation, arrest, detention, prosecution, to examination in court proceedings. In other words, the operation of the police, prosecutors, judges and prison officials, which also means the processing or operation of criminal procedural law. These efforts are made, in order to achieve the goals of criminal justice. In order to achieve these objectives in criminal justice, each legal officer (Police, Attorney, Judge), although their duties are different, they must work in a single system. This means that the entire work of each legal officer must be functionally related. several institutions, each of which has the authority and duties in accordance with their respective fields and the applicable regulations. Although in criminal justice there are various components, the goals of all these institutions are over-coming of crime and prevention of crime. The criminal justice system must be built from social processes in society. This means that the criminal justice system in this case must pay attention to developments in society

The legal system has a structure, in this case the legal system is constantly changing, but parts of the system change at different rates, and each part changes not as fast as certain other parts. there is a long-term continuous pattern (Lawrence M. Fridman, 2000) . The structure of the legal system, in other words, is a framework or series, the part that remains enduring, the part that gives a kind of form and limitation to the whole. One part of this structure is the position and role of law enforcers, police, prosecutors and courts.

The role of law enforcers is limited and supervised as part of an integrated criminal justice system. According to the Due Process Model, the criminal process must be controlled to prevent abuse of power and authoritarianism in the context of maximum efficiency (Atmasasmita, 2011). officers in carrying out their duties are based on existing game rules that have been determined. Furthermore, Atmasasmita (2011) added that law enforcers are in the corridor of prevention (preventive measures) and eliminate as far as possible errors in judicial administration mechanisms, Placing individuals as a whole and foremost in the process the judiciary and the concept of restricting formal authority pays close attention to the combination of stigma and loss of independence which is considered a deprivation of a person's human rights which can only be done by the state, placing a person considered guilty if the decision is carried out procedurally and carried out by those who have the duty, "Presumption of innocence", Equality before the law, "equality before the law"; and more concerned with morality and the use of criminal witnesses.

To gain an understanding of the structure that shows the role and function of law enforcers in the criminal justice system, a management and social approach is used

(Atmasasmita, 2011). Hazard et al., (1989) stated that the administrative approach views the four law enforcers as a management organization that has a working mechanism, both horizontal and vertical relationships in accordance with the organizational structure that applies in the organization, the system used is an administrative system.

RESEARCH METHODOLOGY

The research approach used qualitative with case studies in the criminal justice system held in Indonesia related to coordination among law enforcers. Some of the cases that became, namely, the collection of materials in this study were also obtained from the prosecutor's office, including: the Pandeglang District Attorney, the Karawang District Attorney, the Trenggalek District Attorney and the General Criminal Division of the Republic of Indonesia Prosecutor's Office.

The specification of this research is descriptive-analytical, namely research that provides a systematic, factual and accurate description and analysis of the coordination of law enforcers in pre-prosecution in the Indonesian criminal justice system. Data collection techniques using literature study. This study was conducted to obtain secondary data by studying the conceptions of theories and opinions or findings related to the subject matter. The research was conducted by studying and analyzing primary data, namely through interviews to hear the opinions and thoughts of law enforcement officials, including: Public Prosecutors who pre-prosecute at the Public Prosecutor's Office of the Republic of Indonesia who were the sources in this study. the constructionist analysis approach, the researcher refers to theoretical and empirical truths and their meaning in the practices of implementing the prosecutor's function in the pre-prosecution

DISCUSSION

In Indonesia, the Attorney General's Office as one of the sub-systems of the Indonesian criminal justice system is a government agency that carries out state power in the field of prosecution, has duties and functions in the criminal justice process, one of which is in the pre-prosecution process. Prosecutors acting for and on behalf of the State, have broad powers, whether a case will be prosecuted in court or not. it is possible to take discretion in resolving cases. The prosecutor is a "half judge" (semi-judge) or a "quasi judicial officer). That is why prosecutors may withdraw the charges or terminate the case process, even discretionary decisions are in the form of terminating prosecutions, case waivers, and transactions. Particularly in investigating criminal acts of corruption, apart from being a public prosecutor, the AGO acts as an investigating institution. So thus in carrying out its functions, the Attorney General's Office must work independently and free from any intervention, including from the government. Santos (2018) stated regarding independence prosecutors.

However, the fact is that the autonomy and independence of prosecutors often face intervention or are involved in the interests of other parties, including other law enforcers, which causes the prosecution function to be inconsistent with the mandate of the law. The coordination experienced a shift in meaning and the AGO worked with intervention from other parties, including the government, in prosecution, even from mass actions. The prosecutor's action to monitor the progress of the investigation after receiving notification of the commencement of investigation received from the investigator and providing instructions to be completed by the investigator to be able to determine whether or not the case file can be transferred to the prosecution stage is hampered by weak coordination skills as indicated by the increasingly high intervention of prosecutors in pre-prosecution handling.

Regarding the role and function of the prosecutor as public prosecutor, although the prosecutor is seen as a dominant holder, in this pre-prosecution, the prosecutor has not played an important role as a part of the Indonesian Criminal Justice System. There is confusion over the role of prosecutors in the pre-prosecution. What is the position of the Prosecutor from Dominus Litis in the Criminal Procedure Code when combined with an integrated criminal justice system which contains the principle of functional differentiation. The point is, if we depart from the understanding that dominus litis is case controller, then to what extent can the stages of the investigation process be seen as dominus litis of the Attorney General's Office of the Republic of Indonesia. This question is a consequence, when the relationship between the Police and the Prosecutor's Office during the investigation stage is limited to functional coordination. The Criminal Procedure Code which adheres to the principles of specialization, differentiation and competence, not only differentiates and divides duties and authorities, but also provides a partition of accountability for the scope of duties of investigations, investigations, prosecutions and examinations in an integrated court session.

However, in practice the role of the prosecutor is not yet fully appropriate as the holder of dominus litis. The consequences that arise from the principle of functional differentiation that are not yet fully understood are illustrated in several cases that resulted in free decisions from the Panel of Judges. The withdrawal of the BAP a Quo of the witness / defendant took place at the trial. The revocation of the BAP of the witness / defendant occurred as a result of pressure or fabrication of the case at the stage of the investigation carried out by the Police as the investigator. This condition resulted in the weakness of the proof of the Public Prosecutor, the Prosecutor had failed in handling the a quo case. Some of the cases that have occurred include:

- a. Supreme Court free decision Number 936 K / Pid.Sus / 2012 a.n Arief Hariyanto (withdrawal of the BAP, because the investigator exerted pressure during the examination);
- b. Free decision of the Supreme Court Number 1875 / K / Pid / 2011 a.n Senali bin Nawar (revocation of the BAP, because the investigator used torture during the examination);
- c. Free decision of the Supreme Court Number 600 / K / Pid / 2009 a.n Rijan als Ijan (revocation of the BAP, because the investigator tortured him during the examination);
- d. Supreme Court free decision Number 2026 / K / Pid / 2011 a.n Toni bin Umar (revocation of the BAP, because the investigator was tortured during the examination).

The principle of functional differentiation raises significant problems in the future, especially for the Attorney General's Office. The Attorney General's Office which only checks on the basis of case files alone, without being allowed to carry out direct investigations can create an obstacle when carrying out evidence in court. The ability of the prosecutor to carry out his function for pre-prosecution is actually less effective.

Prosecutors should be able to carry out their roles to the maximum in accordance with their authority and ensure that evidence is acceptable. The public prosecutor should be able to carry out an investigation directly (opspring) or at least be able to carry out further investigations (nasporing) on the examinations that have been carried out by the investigator. This is intended so that the public prosecutor knows

how investigators obtain evidence in a case, as well as proving that it is true that the suspect is a party deemed worthy of being brought to trial. A Prosecutor is required to be able to work based on an open structure.

The weakness of prosecutors in coordinating pre-prosecution begins with an understanding of pre-prosecution in the narrow sense (cases are sent to court) and investigations conducted by investigators. The weakness comes from the law itself, because the Criminal Procedure Code limits investigations only to the authority of the Police. The obstacle in implementing the pre-prosecution is the legal aspect itself. In line with Wright (2008) that positive legal strategies are less successful, related to the duties of prosecutors.

The public prosecutor's office has the task and authority to complete certain case files and to do this can carry out additional examinations before being delegated to the court, which in the implementation is coordinated with the investigator. The implementation of the prosecutor's function only refers to the legism which greatly glorifies the written law. This reference causes the coordination function in the pre-prosecution to become weak to bring to trial. In line with Vervaele (2014) that there are orders and controls by law to investigate, prosecute and punish (*ius puniendi*). Control is the essence of rule of law and "Rechtsstaat", which is the guarantee of the nation state, both freedom and security of citizens

There are several weaknesses in the pre-prosecution stage, one of which is the Criminal Procedure Code, namely the deadline for pre-prosecution, there is no regulation on how many times pre-prosecution can be carried out by the investigator to the public prosecutor in completing the BAP, there is no penalty for the investigator if the case file is not submitted to the public prosecutor. The reconstruction of the Criminal Procedure Code allows for changes to the bureaucratic institutions of the Attorney General's Office, so that law is orderly, justice is not only procedural but rather leads to substantial justice. Reconstruction is directed at encouraging the integration of the norm system with the behavioral system, which creates a value system that directs the coordinating behavior of prosecutors according to legal objectives. Coordination of law enforcers in the perspective of the Due Process Model in pre-prosecution determines the objectives of the law.

Therefore, coordination competence is an important aspect that needs to be possessed so that legal objectives can be achieved, in accordance with Article 17 of Law Number 8 of 1981 concerning KUHAP Article 17 which reads: "An arrest warrant is made against a person who is strongly suspected of committing a criminal act based on preliminary evidence that Enough ", meaning that the arrest order was not carried out arbitrarily. The role of law enforcers lies in the limits of formal power and modification of the use of this power model which is dominant in the judicial power model and always refers to the constitution, namely Preventive, Presumption of innocence, Formal adjudicative, Legal guilt, effectiveness. The role of lawmakers actually determines the behavior of law enforcers as part of criminal politics, namely determining the direction of criminal law policy and criminal law enforcement to be pursued and at the same time being the goal of law enforcement.

The reality of the life of the judiciary in Indonesia, the view that still emphasizes the "role-domination" among the law enforcement apparatus is precisely the view that is still fradmentary or at least dividing. Togetherness and a sincere and sincere and positive spirit of cooperation among law enforcement officials to carry out the task of upholding legal justice is still lacking. The incident in the implementation of the Criminal Procedure Code in which there is a tug of war between the police

investigator and the prosecutor's office in handling a case (making an investigation report) is an example of a thinker and pragmatist nature and still settles on the legal practitioner. Likewise with the attitude of judges in general which often occurs with protection behind the principle of "freedom of judicial power". Decisions that are passed often ignore the defense notes of the legal advisors or the indictments of the public prosecutors.

The success of creating a criminal justice system in an integrated model is determined by the ability of the personnel to coordinate both the police, prosecutors, courts and correctional institutions which are supported by law in an open structural system. Changes in the legal structure to reinforce the position of prosecutors in pre-prosecution are the result of a combination of a dynamic norm system, a system of behavior and a value system that is based on Pancasila as the philosophy of life of the Indonesian nation and in accordance with the development of Indonesian society.

CONCLUSION

The success in carrying out the prosecutor's function in pre-prosecution according to legal objectives is constrained by the problem of weak coordination due to the structure of a closed understanding of the law which refers to legism. The weakness of the Criminal Procedure Code in regulating pre-prosecution is an obstacle to coordination.

Theory implications

Focus on developing a more open legal structure by combining dynamic norms, behavior systems and value systems that are rooted in the philosophy of life of the Indonesian people to reinforce the position of prosecutors in pre-prosecution

Practical Implications

Reconstruction of the role of prosecutors needs to be carried out by taking into account aspects of justice and protection of the community as well as having legal certainty in the context of legal objectives. The duties of public prosecutors in the pre-prosecution of the criminal justice system in Indonesia must be adjusted in the form of new regulations so that the implications of functional differentiation between police investigators and prosecutors as public prosecutors can maintain legal certainty for suspects.

Suggestion

Further research is needed to explore the values that serve as a source of dynamic norm system design, behavior systems and value systems that direct the behavior patterns of prosecutors in coordinating pre-prosecution duties according to the role and objectives of the law. Exploration A combination of dynamic norm systems, behavior systems and value systems that are further derived from the philosophy of life of the Indonesian people.

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