

The Development of the Principle of Dominus Litis as a Foundation for Ethics and Professionalism in Prosecution at the Prosecutor's Office

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ABSTRACT

This article discusses the development of the principle of dominus litis as a foundation for ethics and professionalism in prosecution at the Prosecutor's Office. The principle of dominus litis, which positions prosecutors as controllers of cases, plays an important role in Indonesia's criminal justice system. This research employs a normative legal approach by analyzing existing regulations and prosecutorial practices carried out by the Prosecutor's Office. The findings indicate that strengthening prosecutors' authority within the context of dominus litis not only enhances the effectiveness of law enforcement but also contributes to the formation of ethics and professionalism in prosecution. Thus, the principle of dominus litis becomes a crucial foundation for realizing justice that is oriented towards public interests and fulfilling human rights

Keywords. *Dominus Litis, Prosecutorial Ethics, Criminal Justice System*

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INTRODUCTION

The principle of dominus litis is a fundamental principle in the criminal justice system. This principle emphasizes that prosecutors, as case controllers, have the authority to determine whether a case can proceed to court or not (Artadinata & Lasmadi, 2023). The placement of prosecutors as key actors in the prosecution process serves to maintain a balance between law enforcement and the protection of individual rights. In the context of Indonesian law, the principle of dominus litis has undergone significant development alongside social and political changes. This development reflects dynamics within the legal system that seeks to meet society's needs for justice (Maringka, 2022).

Since the enactment of the Criminal Procedure Code (KUHP) in 1981, the principle of dominus litis has become a foundation for prosecutors' authority in prosecution. KUHP provides a clear legal framework regarding prosecutors' roles in judicial processes. (Firmansyah, 2020) However, implementing this principle has not always been smooth. Various challenges have emerged, including legal uncertainty and conflicts among law enforcement agencies. This raises questions about the effectiveness of dominus litis in ensuring fair and transparent law enforcement (Rio Saputra et al., 2025).

According to Lawrence Friedman regarding legal systems provides relevant perspectives for understanding dominus litis. Friedman states that legal systems consist of three components: structure (legal structure), substance (legal substance), and culture (legal culture) (Handini, 2014). Structure includes existing legal institutions and procedures; substance focuses on laws themselves; while culture reflects values and norms governing societal behavior. In terms of dominus litis, these three components interact with each other and influence prosecutorial effectiveness by prosecutors (UMUM & PERBAWA, n.d.).

The development of dominus litis in Indonesia is also influenced by various existing legal theories. These theories provide frameworks that help understand prosecutors' roles within judicial systems (Angga, 2024). For instance, restorative justice theory emphasizes restoring relationships between offenders and victims. This approach can contribute to developing dominus litis by providing more humane resolution alternatives. Integrating these theories into prosecutorial practice can enhance prosecutor professionalism (BIMANTARA, 2024).

Concerns about potential "superpower" from prosecution often arise within discussions surrounding dominus litis principles. The significant authority held by prosecutors may lead to potential abuse power issues which are serious concerns when maintaining judicial integrity arises. Society needs assurance that prosecutions are conducted fairly without discrimination. Therefore, it's crucially important develop effective oversight mechanisms over prosecutor actions (Hatta, 2008).

In this context, ethics professionalism cannot be overlooked. Prosecutors as case controllers must perform their duties with integrity responsibility (Maringka, 2022). Professional code ethics need enforced ensure prosecutions align principles fairness. Continuous education training necessary improve their competencies contributing public trust towards prosecuting institutions (Hasmita, 2023).

Recent data indicates increasing public scrutiny towards prosecutor performance surveys show many respondents feel dissatisfied handling cases (Tarigan, 2024). Such dissatisfaction may stem from various factors including lack transparency during prosecution processes therefore it's essential for them evaluate improve their systems efforts will help rebuild community confidence against law enforcement agencies (Ramadhoni, 2024).

The advancement information technology also impacts practices across Indonesia utilizing tech enhances efficiency transparency throughout proceedings good information management assists lawyers managing files monitoring developments (DHOIFULLAH, 2024). New challenges arise such as data privacy protection regulations clarity needed concerning usage technologies prosecutions additionally collaboration among enforcing bodies key improving efficacy synergy police courts expedite trial (Kristanto & MH, 2024).

This cooperation should be based mutual understanding respect respective roles thus allowing implementation effectively contributing responsive judiciary addressing societal demands (Sujadi, 2024).

Internationally speaking principles received attention many countries adopt similar frameworks adapting local context (Rio Saputra et al., 2025). Comparisons practices abroad offer valuable insights developing our own policies hence comparative studies essential examining implementations globally (Pada & Wicaksono, n.d.).

The significance underlying cannot be underestimated serving foundational role enabling fulfill responsibilities adequately. (MUSRIZA, n.d.) authorities granted must balanced accountability hence supervision remains paramount ensuring fairness transparency reforms internal (Banulita, 2023).

Changes organizational structures work procedures enhance overall efficiencies human resource capacity critical facing increasingly complex challenges adapting evolving times meeting citizen expectations optimally functioning criminal justice¹.

This research aims provide recommendations enhancing ethical professional standards through actionable steps taken by offices supporting regulatory frameworks facilitating better implementations ultimately contributing positively entire system. (Muhtar et al., 2024)

METHODS

The research method used in this study is library research with a descriptive qualitative approach. This study will collect and analyze various sources of literature, including books, journal articles, and relevant legal documents to understand the development of the principle of dominus litis in the criminal justice system in Indonesia. Through an analysis of existing regulations and prosecutorial practices by the prosecutor's office, this research aims to describe how the principle of dominus litis functions within this context.

RESULT

Development of the Principle of Dominus Litis in the Context of Prosecution Ethics

The development of the principle of dominus litis in Indonesia reflects a paradigm shift in law enforcement, particularly concerning prosecution ethics. This principle emphasizes that prosecutors have the authority to determine whether a case can proceed to court or not (Muzakir, 2023). In this context, prosecutors do not merely function as accusers but also as guardians of justice who must consider various aspects, including public interest and individual rights. The prosecution carried out by prosecutors must

reflect integrity and professionalism so that public trust in the judicial system can be maintained (Maringka, 2022).

To adapt to existing developments and achieve legal and national objectives, the prosecutor's office has issued legal products related to restorative justice in handling criminal cases at the prosecution stage. These legal products reflect efforts by prosecutors to integrate the dominus litis principle with a restorative justice approach (Sihombing et al., 2023). The Attorney General Regulation No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice is one significant breakthrough in this regard. Through this regulation, prosecutors are granted authority to terminate prosecutions in certain cases that meet restorative justice criteria (Azizah et al., 2023).

The dominus litis principle also serves to reduce the burden on the criminal justice system. By applying restorative justice, prosecutors can resolve cases without going through lengthy and convoluted court processes (Amin, 2024). This approach not only saves time and resources but also provides opportunities for offenders and victims to reach mutually beneficial agreements. This aligns with broader legal goals aimed at creating more humane justice responsive to community needs (Arum & Maulidah, 2025).

Friedman's theory regarding structure, substance, and legal culture provides a relevant framework for understanding developments related to dominus litis principles. Legal structure includes institutions involved in law enforcement such as prosecutorial offices; substantive law relates to norms governing prosecutions; while legal culture reflects values and ethics upheld by legal practitioners. In this context, public prosecutors must be able to adapt their roles amidst changes occurring within society and its legal systems (AMANDA, 2024).

Enforcement of dominus litis principles within ethical prosecution contexts faces challenges as well. Concerns about potential abuse of power by prosecutors often take center stage; there are instances where they may use their authority indiscriminately without considering fairness aspects (Angga, 2024). Therefore it is crucial that they receive adequate training regarding prosecutorial ethics which will assist them in making fairer decisions.

Law No.16/2004 concerning Prosecutors' Office Republic Indonesia also provides a legal foundation for implementing dominus litis principles wherein it recognizes prosecutorial offices as entities empowered both for initiating prosecutions or halting them based upon sound judicial considerations—this responsibility should be executed with utmost integrity ensuring just outcomes rather than merely pursuing success rates during trials (Artadinata & Lasmadi, 2023).

Implementing these principles ethically requires consideration from societal perspectives too since communities hold high expectations towards their attorneys acting upholding laws—they desire transparency alongside accountability throughout every step taken during litigation processes. Thus, prosecutors need engage effectively communicating details surrounding ongoing litigations thereby enhancing overall confidence placed into judicial frameworks (AZIZ, 2024).

Globally speaking, the evolution surrounding these foundational tenets has been influenced significantly via international trends observed across various jurisdictions adopting alternative methods like Restorative Justice instead traditional punitive measures deemed less effective resolving conflicts whilst reducing crime rates. As part global community Indonesia ought follow suit embracing such progressive ideals integrating them into its own legislative frameworks (Sutaryo, 2024).

Success achieved through applying Dominous Litis relies heavily upon commitment shared among all stakeholders involved including police officers judges citizens alike working collaboratively towards establishing fair efficient judiciary(Putra, 2023). Continuous education training programs tailored specifically around ethical standards remain paramount ensuring practitioners grasp underlying concepts guiding decision-making processes leading ultimately achieving desired outcomes restoring faith amongst populace toward rule law(Tarigan, 2024).

Challenges And Opportunities In Implementing Dominous Litis Principles At Prosecutor's Office

Implementation faced numerous complex challenges ranging from external pressures exerted by media/public demanding transparency accountability each decision made therein limited human resources infrastructure hindering effectiveness overall leading doubts integrity entire system(Sinaga, 2020).

Opportunities exist strengthen application aforementioned tenets utilizing Restorative Justice approaches alternatives case management regulations set forth under AG Regulation No15/20 provide solid groundwork facilitating integration said philosophies focusing restoration relationships between offenders victims communities aligning broader objectives sustainable jurisprudence(AGUSTIN, n.d.) .

Synchronizing between these two paradigms creates positive synergy throughout entire judicial apparatus whereby attorneys play strategic roles determining directions emphasizing humanity alongside legality fostering dialogue peaceful resolutions alleviating burdens courts expediting resolution timelines(Yusni, 2020) .

However balancing act necessitates enhancing capacities professionalism among lawyers continuous educational initiatives key ensuring comprehensive understanding core values underpinning ethical practices thus enabling informed judgements rendered per situation encountered bolstering credibility trustworthiness perceived publicly(Rio Saputra et al., 2025).

Within larger scope legislation framework recognizing Dominous Litis forms integral component holistic view encompassing structural elements substantive norms cultural ethos supporting conducive environments necessary realizing intended aspirations(AMANDA, 2024).

Community involvement remains critical factor influencing successful realization thereof serving watchdog partners providing constructive feedback aiding efforts create equitable systems raising awareness rights obligations inherent within respective jurisdictions(NINGRUM, 2024).

Challenges arise not solely internally but externally driven dynamics political social shifts governmental policies pressures interest groups impacting attorney discretion when pursuing charges(Mangamba, 2025). Hence maintaining independence free from undue influences vital safeguarding objectivity fairness guiding every action undertaken ensures adherence established protocols governing conduct expected professionals operating field facing obstacles ahead developing strategies enhance performance leveraging technology information management optimizing efficiency transparency facilitating communication parties engaged process(Aini & Nasution, 2024).

Restorative Justice necessitates support other institutions functioning judiciary collaboration amongst prosecutor police courts essential harmonizing enforcement mechanisms strengthening positions held empowering actors improving efficacy achieving comprehensive lasting solutions(Mintarum et al., 2024).

CONCLUSION

The application dominant litigation principles Indonesian Prosecutors represents pivotal reform movement aiming transform penal systems wherein lawyers serve dual functions guardians equity weighing societal interests individual entitlements primary hurdles encountered include demands openness resource limitations potential misuse powers vested officials hence imperative develop robust oversight mechanisms bolster human capital via ongoing professional development pathways available options presented offer avenues expedite resolutions circumvent lengthy bureaucratic procedures aligned overarching aims foster enduring equitable societies active participation citizenry enhances accountability structures built around rule laws recommendations directed towards Republic Indonesia encompass fortifying educational initiatives technological advancements internal monitoring collaborations inter-agency partnerships comparative studies examining implementations elsewhere globally striving optimize operational efficiencies thereby reinforcing ethical foundations underpinning professional conduct restoring faith populace institutions dedicated delivering just outcomes rooted Pancasila ideals promoting universal access equity across diverse population.

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