

## **The Existence of A Commission Prosecutor As The Embodiment of Public Participation Within The Framework of The Supervision of The Attorney General**

<sup>1</sup>Hardi Lestari Adi Hafid

<sup>1</sup> Student Master of Legal Studies Postgraduate Program of Muslim University of Indonesia  
Corresponding Author: Hardi Lestari Adi Hafid

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**Abstract:** The purpose of this study is to analyze the implementation of Supervision conducted by the prosecutor's commission on the performance of the Prosecutor, and analyzing the factors that hinder the implementation of the Supervision of the Prosecutor's Commission against the Attorney. Penelitian ini menggunakan pendekatan hukum empiris. The results of this study indicate that the Prosecutorial Commission is a non-structural government institution in carrying out its duties and authority is independent, free from any influence of power. The Prosecutor Commission is under and responsible to the President. The duties and authorities of the Attorney General's Commission concern three (3) issues: oversight, monitoring and assessment. performance of the prosecutor's office.

**Keyword:** *Existence Of The Commission, Public Participation*

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Date of Submission: 06-02-2018

Date of acceptance: 03-03-2018

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### **I. INTRODUCTION**

The Unitary State of the Republic of Indonesia is a constitutional state based on Pancasila and the 1945 Constitution, the enforcement of law and justice is one of the absolute requirement in achieving the national goal, that is to realize the life style of nation, state and society which is just and prosperous in accordance with the values. the values contained in Pancasila which became the philosophy of the purpose of life of Indonesian people from the past until now, according to law number 16 year 2004 article 1 paragraph (1), about the attorney of the Republic of Indonesia.

The Prosecutor Commission is a non-structural institution which in carrying out its duties and authorities independently, freely, from the influence of power and, as contained in presidential regulation number 18 of 2011 on the commission of the prosecutor's office has the authority of supervising, monitoring and evaluating the performance of prosecutors and prosecutors in carrying out its duties as well as the condition of the organization of the completeness of facilities and infrastructure and human resources in the prosecutor's office.

Supervision is one way to realize the check's and balance's in the life of the state, so that the implementation of state power remains controlled so as not to harm society as an important element in the state. Supervision is needed to improve the management of government through systematic and comprehensive systematic government organization, including structure, culture, and apparatus. Institutional arrangement is the essence of the implementation of good governance within the government environment applicable to the central government and local governments.

In carrying out its functions, duties and authorities, the Public Prosecution Service as a government institution exercising the power of government in the prosecution field must be able to realize legal certainty and adhere to religious norms, modesty and morality as well as to explore human values, law and justice living in the community.

The role of the Attorney General's Office as a law enforcement agency is very determining the success of the Attorney General's Office. In various applicable laws and regulations we may conclude that the duties and powers of the Prosecutor's Office include, the Public Prosecutor, the Investigation of a Criminal Act, Representing the State / Government in Civil Procedures and State Administration, Providing Legal Consideration to Government Agencies and representing the Public Interest.

Despite having a strategic role in the process of law enforcement, existentially the Prosecutor's Office still narrates the serious issue of weak performance and behavior of the Attorney General's office in carrying out its duties and authorities. Alleged violation of behavior and abuse of authority conducted by apparatus and / or prosecutor institution still visible and very disturbing sense of community justice. Such conditions ultimately lead to public distrust of the Attorney General's office. Not only was it deemed incapable of being a public

representative in upholding justice, the AGO was also considered slow in handling cases that contained public attention, and was even considered to be unclean and lacking in dignity. The ago lacks integrity and professionalism widely perceived by the public.

One of the causes of these conditions is the lack of supervision efforts conducted against the AGO. The internal supervision system conducted by the Attorney General for Supervision (Jamwas) of the Attorney General's Office of the Republic of Indonesia still has many weaknesses that are not maximized especially from the views of the justice seeker community. The public tends not to believe in internal controls conducted by the AGO. Prosecution Prosecutors and prosecutors are almost closed. In addition, the spirit of corps defense, reluctance and pity, often blamed as the cause of the weakness of the prosecution of the prosecutor naughty. These circumstances ultimately led the justice seekers to see that the oversight of the Attorney General's Office has not been working as it should.

In response to public demands and pessimistic attitudes towards the inability of the Public Prosecution Service in improving the quality of performance and behavior, as a result of the weak internal supervisory and guidance functioning of the Public Prosecution Service, has encouraged the establishment of a commission to ensure the implementation of law enforcement duties in the Attorney based on its duties and authorities running not only professionally and accountably, but also dignified. Therefore, based on the mandate of Article 38 of Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia (Law of the Prosecutor), the President of the Republic of Indonesia is granted the authority to form an independent commission functioning in the context of external oversight, which is known by the Prosecutorial Commission.

## **II. FORMULATION OF THE PROBLEM**

Based on the above description, the authors formulate the following problems, how to realize the Efficiency of the Prosecutorial Commission as a public participation in the context of oversight of the prosecutor's office? and What factors are inhibiting the Prosecution Service's Oversight Monitoring Efforts on the Prosecutor?

## **III. THEORETICAL FRAMEWORK**

### **Theory of Legal Oversight**

One of the principles of the modern state is oversight and accountability (La Ode Husen, 2009: 10), also proposed by Jimly Assiddiqe namely transparency and social control. One of the postwar reforms that occurred after 1998 was the lack of openness and social control in the taking decisions concerning the life of the people. Lord Acton said that Power has a tendency to be misused (corrupt). The misuse must be restricted, therefore the supervisory aspect becomes an important spot of attention today.

According to Sunaryati Hartono, Development of a responsible State law (verantwoordings rechtsstaat). As a result of the shift, the pillars of state power as initiated by Montesquieu consisting of the Executive, Legislative and Judiciary have increased with the fourth pillar of oversight bodies such as the Ombudsman and other oversight bodies.

While controlling according to the sense of the commission of the prosecutor's office is one of the tools of strength of management / organization in addition to the facts of human resources, financial, as the task of supervision becomes a force as a supervisory task becomes a force as a tool of control over organizational movements and all its contents, about whether the organization is running accordingly with predefined rules. Whether the duties work in accordance with the rules and whether their performance is already "successful". Controlling in Islamic view is done to perpetuate corruption, correct the wrong and justify the right. Supervision (control) in the teachings of Islam (Shariah Law) is the control that comes from self-sourced from tauhid and belief to Allah SWT.

### **Theory of Legal System**

The judicial system in a country is each affected by the legal system adopted by that country. According to Eric L. Richard, the main legal system in the world is as follows, Civil Law, civil law based on codified civil codes. This system is derived from Roman law which is practiced by continental European countries, including its former colonies. Common Law, a law based on custom.kebiasaaan based on precedent or judge made law. This system is practiced in Anglo Saxon countries, such as Britain and the United States. Islamic Law, a law derived from the Qur'an and Hadith, Socialist Law, the legal system practiced in socialist countries, Sub-Saharan Africa Law, a legal system practiced in the African country located south of Mount Sahara, and Far Fast Law, the Eastern legal system - is a complex legal system of money that is a blend of Civil Law, Common Law and Islamic Law as the fundamental basis of society.

### **Theory of Legal Functions**

Where there is a society there is a law (*ubi societas ibi ius*). The law exists in every society, at any time, anywhere, and whatever the circumstances of that society. This means that the existence of the law is very universal, regardless of the circumstances of the law itself is strongly influenced by the style and color of society (the law also has distinctive characteristics, depending on the development and changes that occur in a community). In the history of legal jurisprudence, there are two notions of the function and role of law in society: First, to say that the function of law is to follow and justify the changes that take place in society, meaning law as a means of social control. So it seems, the law is in charge of maintaining the order or pattern of life that exists. This notion was pioneered by a jurist of history and culture from Germany which was introduced by Friedrich Carl von Savigny (1799-1861). Second, it states that the law serves as a means to make changes in society. This notion was spearheaded by British jurist Jeremy Bentham (1748-1852), to be popularized by American Jurists with the conception of "law (must also) serve as a tool for social change" (law as a tool of social engineering). In carrying out its functions as a means of control and social change, the law has the aim to create an orderly, peaceful, just and equitable community order that is supported by legal certainty so that the interests of individuals and communities can be protected.

Mochtar Kusumaatmadja said that to know what the meaning and function of law in society then "it can be restored to the basic question: what is the purpose of the law." The main purpose of the law is order. The need for this order is a fundamental condition for the existence of an orderly society. In addition to order, the other objective of law is the achievement of justice of different contents and sizes, according to society and time.

## **IV. DISCUSSION**

If we delve deeper, Law No. 16 of 2004 on the Attorney General's Office has actually given the authority to oversee the apparatus of the Public Prosecution Service, and their supervisory function is internal. In addition, the implementation of supervisory functions in the Attorney General has also been running, either in stages or inherent through functional supervision and Junior Attorney General Supervision (JAM-Was). The supervision conducted is related to the many suspicions of violation of behavior and abuse of authority by the prosecutor causing the decreasing of trust and respect of the society to the Attorney General's office. The supervisory function in this case is certainly necessary to create checks and balances in the implementation of State power and the principle of checks and balances as well as to maintain accountability.

Talking about the principle of checks and balance certainly reminds us of the doctrine of restriction and separation of powers originally proposed by John Locke and by Montesquie has expanded his understanding. In the context of separation or power sharing, John Locke shares power over: first, power forms legislation; second, the power of enforcing the law (executive); and third, federative power. John Locke further states that when power is placed on different hands can be achieved a balance (Balancing the power of government by placing several parts of it different hands). Influenced by John Locke's thinking, Montesquie proposed the theory of separation of state power in three areas: first, legislative power, which constituted the law; second, the executive power, which implements the law; and third, the judicial power, which exercises judicial power.

Montesquie, submits the various functions of the State to the function of making laws, the functions of decision-making and the execution of the laws, and the latter includes the executive and federative powers as pointed out by John Locke.<sup>7</sup> And to guarantee freedom, these three functions of the State shall not be in the same hands.

In the 20th century, the three pillars of the State referred to by Montesquie, namely the legislative, executive and judicial powers are increasingly losing public confidence and credibility, since there are quite a number of members of Parliament, Heads of State, Ministers and executive officers and judges who do not perform their duties as it should be.

Therefore, according to Sunaryati Hartono, so far the European concept of the State of Law changed, where the State of Law should improve the welfare of the people, namely Rechtsstaat also must be Wohlfartsstaat (Germany). The State of Law is also a State in which its state apparatus should also be accountable for the performance of its duties to the public (Verantwoordings). The extension of the definition and the development of the limitation and separation of powers are also seen in Article 1 Paragraph (2) of the 1945 Constitution which states that sovereignty is in the hands of the people and its implementation is directly distributed functionally to constitutional or horizontally divided by separating it separation of power).<sup>9</sup> Of course this affects the organizational structure of the State in Indonesia.

In general, supervision within the government apparatus (including the Attorney General) aims to create a clean and authoritative government apparatus that is supported by a management system that is efficient and effective and supported by community participation that is constructive and orderly in the form of community control objective, healthy and responsible. In addition, supervision is also aimed at the implementation of orderly administration, the growth of healthy work discipline and for the existence of kelugasan in carrying out the function or activity and the growth of embarrassment culture in each apparatus.

One of the criticisms came from the National Law Commission and the Indonesian Justice Monitoring Society Faculty of Law Univeersitas Indonesia. Based on the results of these two institutions research, oversight in the body of the Attorney has not run as it should, in addition to the spirit of defending the excessive corps, the prosecution of the naughty Prosecutor is hampered by the factor of reluctance and pity. Despite the obvious mistake, the supervisory team was reluctant to crack down for feeling sorry for the attorney.

In this regard, if we consider Presidential Regulation No. 7/2005 concerning the National Medium-Term Development Plan of 2004-2009, in Part B, the National Development Priorities for 2004-2009 has determined the targets, priorities and principal directions of national development policy, among others on the Agenda of Realizing a just and democratic Indonesia.

With the agenda to realize a just and democratic Indonesia it has also compiled 5 (five) main goals with policy priorities and direction, where the targets are to improve justice and law enforcement that is reflected and the creation of a just, consistent, non-discriminatory legal system and which provide protection and respect for human rights as part of efforts to restore public confidence in legal certainty. Particularly in efforts to eradicate corruption, the priority of law enforcement is given to the eradication by prosecuting perpetrators of corruption and corruption refunds to the State. And attention is given to efforts to improve the empowerment of the Corruption Eradication Commission (KPK) and Corruption Court as well as the empowerment of the Supervisory Commission of the Prosecutor as an external oversight of the public against the performance of the Prosecutor apparatus.

Considering and considering the situation in line with the National Medium Term Development Plan of 2004-2009, the President of the Republic of Indonesia, Susilo Bambang Yudhoyono, based on the authority granted by Article 38 of Law Number 16 Year 2004 regarding the Attorney General of the Republic of Indonesia considers it necessary to establish a commission to improve the performance quality of the Prosecutor's Office. To that end the President has issued a Presidential Regulation on February 7, 2005, Presidential Regulation No. 18 of 2005 on the Commission of the Prosecutor of the Republic of Indonesia.

The urgency of the presence of the Attorney Commission is not only deemed to have the need and demand to develop supervision on the apparatus of the Public Prosecutor as a whole, but furthermore that is intended to improve the performance quality of the Public Prosecution Service as referred to in Article 38 of Law Number 16 Year 2004 regarding the Attorney General of the Republic of Indonesia.

The existence of the Prosecutor Commission which has been intended in the 2004-2009 National Medium Term Development Plan and as set forth in Article 38 of Law Number 16 Year 2004 regarding the Attorney General's Office, including one barometer? which determines the success or failure of legal reform in our country, especially in the ago. In connection with the strengthening, function and authority of the Prosecutor Commission, before the Attorney General's Commission was formed Denny Indrayana, once reminded of the action of the Prosecutor Commission in its implementation will face problems that are not light. Some potential problems to be faced by the Prosecutor Commission are the underlying legal weaknesses underlying the establishment of the Prosecutorial Commission. That weakness is a legal form.

Meanwhile, Suhadibroto from the National Law Commission stated that the responsibility of the Supervisory Commission of the Prosecutor's Office to the President can cause problems considering that the Attorney General also functions as Adhyaksa Corps Leader and Principal Assistant of all prosecutorial officers, including the prosecutors, so that the Attorney General may have other opinions based on the considerations more comprehensive and not in line with the opinion of the Supervisory Commission of the Prosecutor

The Prosecutor Commission of the Republic of Indonesia was born in the era of the development of democracy, and the strengthening of demands for citizen participation in the administration of government in Indonesia. Similar to other Commissions born after reform, the existence of the Prosecutorial Commission is a manifestation of the ideals of democracy, justice and good governance.

The idea of the establishment of the Commission of the Prosecutor did not escape the empirical condition of the Prosecutor's Office in carrying out its duties and functions of law enforcement. Attorney is considered not optimal in providing protection and sense of justice for the people through prosecution activities, and on the other side of this institution is still covered by various internal problems that affect the level of public confidence. A buse of power seems to be an integral part of the law enforcement process.

The Prosecutor Commission is present and established in the hope of guarding the law enforcement process in a professional and fair manner, as well as encouraging institutional reform to be more accountable, transparent and in line with the principles of good governance. The great idea of the performance improvement efforts of the Public Prosecutor Office is actualized through the duties, authorities and rights of the Prosecutor Commission as stipulated in Presidential Regulation No. 18 Year 2011 on the Prosecutorial Commission.

The Prosecutor Commission of the Republic of Indonesia was first established under Presidential Regulation No. 18/2005 on the Prosecutorial Commission, as a follow up of the enactment of the Prosecutor Law. The existence of this Prosecutor Commission has been determined in the Law of the Prosecutor, but its formation is left entirely to the President. This is seen in Chapter IV of the Transitional Provisions, Article 38 of

the Prosecutor Law stipulated that "To improve the quality of prosecutorial performance, the President may establish a commission whose composition and powers are regulated by the President"

The Attorney General's Law itself does not in itself set out in detail and comprehensively on the Prosecutorial Commission. Although not explicitly stated in the provisions of the law as an oversight body (external), the supervisory function is closely attached to the Prosecutorial Commission viewed from its main duty, namely monitoring, supervision and assessment as regulated in Presidential Regulation No. 18/2005 on the Commission of the Prosecutor of the Republic of Indonesia which has been amended by Presidential Regulation No. 18/2011 on the Prosecutor Commission of the Republic of Indonesia (Presidential Decree No. 18 of 2011).

In Article 2 paragraph (1) of Presidential Regulation no. 18 of 2011 stated that the Prosecutor Commission is a non-structural institution in carrying out its duties and authority is independent. Furthermore, in paragraph (2) it is affirmed that the Prosecutor Commission is under and responsible to the President. Such arrangements indicate that the Prosecutorial Commission in the Indonesian state administration system has a position and position as a government organ, as it is under and responsible to the President. Although as part of the organ of government, the Prosecutorial Commission remains a non-structural institution which in carrying out its duties and authority is independent.

As a non-structural institution, the Prosecutorial Commission functionally has an auxiliary role to the Attorney's office. Although its function is related to the function of the prosecutor's office, but the Prosecutor's Commission does not perform the function of the prosecutor's office. The Prosecutor's Commission is not a law enforcement institution, but a normative ethics enforcement institution, which is related to the issues of honor, dignity and behavior and the performance of prosecutors and administrative officials of the prosecutor's office. In other words, as an auxiliary body, the Prosecutor Commission was formed to support the duties of the Prosecutor's Office. Precisely, the Prosecutor Commission is a strategic partner of the Prosecutor's Office in ensuring a fair law enforcement process. As a strategic partner of the Attorney General's Office, the Prosecutor's Commission has a major role not only as an agency that oversees the conduct and performance of prosecutors and administrative staff, but also serves to examine the disciplinary process of prosecutors and administrative staff, in addition to the authority to reward prosecutors and administrative staff who excel. Another important role is to provide an assessment of the organization and management, facilities and infrastructure, human and financial resources.

The Prosecutorial Commission has no independence yet. Institutionally the Prosecutorial Commission is in the executive domain because it is under and accountable to the President as stipulated in Article 2 paragraph (2) of Presidential Regulation no. 18, 2011. While administratively, the Secretariat of the Prosecutor Commission which supports the implementation of the duties and authorities of the Prosecutorial Commission is still under and responsible to the Minister of Politics, Law and Security as regulated in Article 14 paragraph (2) and paragraph (4) of Perpres No. 18 in 2011. As a result the Prosecutor Commission has no independence in determining budget and personnel especially in order to support the work done by the Prosecutor Commission.

In order to improve the performance of the Prosecutor's Office in carrying out the duties and authorities granted by the law as mandated by Presidential Regulation no. 18 of 2011, the Prosecutor Commission as a strategic partner of the Prosecutor's Office is given the task of supervising, monitoring and assessment of three matters as regulated in Article 3 of Presidential Regulation no. 18 of 2011, namely:

- a. the performance and behavior of the Prosecutor and / or the Prosecutor's Office in the performance of its duties and authorities regulated in laws and regulations;
- b. the behavior of prosecutors and / or officials of the Public Prosecutor Office both inside and outside the official duties; and
- c. organizational conditions, work procedures, completeness of facilities and infrastructure, and human resources within the Prosecutor's Office. To carry out the task, the Prosecutorial Commission under Article 4 of Perpres no. 18 of 2011, is authorized
- d. receive and follow-up reports or public complaints about the performance and behavior of the Prosecutor and / or the Prosecutor's Office in carrying out its duties and authorities;
- e. forwarding reports or public complaints to the Attorney General for follow-up by the internal apparatus of the Prosecutor's Office;
- f. requesting a follow-up examination by the Prosecutor General regarding the public reports on the performance and behavior of the Prosecutor and / or the Prosecutor's Office;
- g. conduct a re-examination or additional examination of the inspection conducted by the internal apparatus of the Prosecutor's Office;
- h. take over the inspection that has been done by the internal apparatus of the Prosecutor; and
- i. proposes the establishment of the Council of Attorney's Code of Conduct.

With these duties and authorities it is seen that the Prosecutorial Commission has an institutional role in creating a professional and dignified Prosecutor's Office. Such an important role is increasingly meaningful when the Prosecutorial Commission is given the authority to conduct additional reexamination or examination and even take over the examinations that have been conducted by the internal prosecutor's watchdog.

Although currently the Commission of the Prosecutor Office through Presidential Regulation no. 18 of 2011 has been given the task and authority is so broad, but the implementation of these duties and authority still there are some weaknesses both derived from the regulation of the duties and powers of the Commission of the Prosecutor itself and related institutions.

□ Firstly, although the Prosecutor Commission is authorized to receive and follow up reports or public complaints about the performance and behavior of the Prosecutor and / or Prosecutor's Office in carrying out its duties and authorities, but to the authority the Prosecutor Commission only forwarded reports or public complaints to the Attorney General for follow- by the internal prosecutor's apparatus. Such a mechanism can be ascertained precisely the process of handling the complaints report of the community grew longer. Moreover, the Prosecutor Commission is not authorized to conduct its own examination of complaints of reports or public complaints, but merely passing on the reports or complaints of those communities to be examined by the Internal Supervisory Office of the Prosecutor. Even if the Prosecutor Commission is authorized to re-examine or supplement and even take over the examination, the inspection process can only be done on condition. Thus there is a limiting factor when the Prosecutor Commission intends to reexamine or supplement and even take over the examination. Such an arrangement ultimately positioned the role of the Prosecutorial Commission to be less meaningful in its efforts to strengthen the AGO.

□ Second, on various reports or public complaints regarding prosecutor attitudes and / or prosecutor's office, the Prosecutorial Commission only conducts a review and the results are passed on to the Attorney General in the form of recommendations in the form of clarification and examination to be followed up by the internal prosecutor's apparatus. Follow-up on the recommendation of the Commission of the Prosecutor then depends on the response and commitment of the internal apparatus of the Prosecutors. Of the many recommendations submitted by the Attorney General's Commission to the Attorney General, it is not necessarily the recommendations followed up to be proportional to the recommendations already made. That is, the response from the internal supervision of the reports of people who enter through the Prosecutor Commission is still low. This indicates that internal supervisory parties are still unable to cooperate properly and pay less attention to the recommendations of the Prosecutorial Commission. This situation becomes difficult when the follow-up to the recommendation is not accompanied by a standard joint control tool to determine the progress of the follow-up to the recommendation. In the end all of the inputs and judgments are only useful and only have an effect in the form of corrective action, if the supervisor who is authorized to conduct internal supervision is responsive and willing to use it, otherwise it is in vain the performance of the Prosecutor Commission. Although the Prosecutor Commission may report to the President if the Attorney General does not perform the recommendations, it seems unheard of by the Prosecutorial Commission. The logical consequence is that the role of the Prosecutorial Commission is not effective and is far from public expectations.

□ Thirdly, the Prosecutorial Commission in carrying out its duties and authorities, is also authorized to request information from government agencies, organizations or members of the public regarding the performance and behavior of prosecutors and / or prosecutors as set forth in Article 8 of Perpres. 18 of 2011. The phrase "relating to the performance and conduct of the Prosecutor and / or the Prosecutor's Office" in that article becomes a crucial phrase that limits the authority of the Prosecutor Commission to request information relating to the performance of its duties and authorities. This means that the authority to solicit such information is only concerned with the performance of supervisory duties, monitoring and evaluation on the performance and behavior of prosecutors and / or prosecutors. Therefore, *mutatis mutandis*, such authority can not be used when the Prosecutor Commission request information related to the implementation of other duties ie monitoring and assessment of the organization, work procedures, facilities and / or human resources. Such arrangements have the potential to cause problems for the Prosecutorial Commission in performing its roles, particularly those relating to the interpretation of the authority to request such information with the Prosecutor.

Considering these weaknesses, strategic steps are needed in order to revitalize the duties and powers of the Prosecutorial Commission in order to play an effective and efficient role of the Prosecutor's Office in realizing the strengthening of the Prosecutor's Office as a professional and dignified institution. The need for revitalizing the duties and powers of the Prosecutorial Commission is important because it will not be possible to realize a professional and dignified Prosecutor's Office when the Prosecutor Commission itself is still concerned about the weakness of its duties and authorities.

Establishment of the Supervisory Commission of the Public Prosecution Service as an institution which essentially becomes the limiting authority and also the driving force of professionalism, is a definite step which is sure to improve the image of the Public Prosecution Service in the eyes of the public, the presence of the Supervisory Commission may also be seen as a reflection of public participation to deceive the Attorney. a form of public participation is to submit a complaint report on the performance and attitudes / attitudes of Attorney / Prosecutor's Office. Forms of public participation in Presidential Regulation No. 18 of 2011 Concerning the Prosecutor Commission we can see in Article 11 letter a which states that in carrying out its duties the Commission of the Prosecutor has the authority "to receive reports of public complaints about the behavior of

Prosecutors and Prosecutor in performing their duties both inside and outside official.<sup>110</sup> But the handling mechanism of the complaints report is not further regulated. The handling of reports of complaints by the internal supervision of the Public Prosecutor Office has always been submitted directly to the Attorney General's Office or through Tromol Pos 5000.<sup>111</sup> the purpose of supervision is directed solely to the implementation of the complaint report handling accurately, orderly and accountable to the complainant or the public in accordance with legislation. The process of handling community complaints reports has been slow, for example, reports or complaints submitted by the General Bureau may take a month to the Attorney General of Supervision. So sometimes has not been acted upon cases reported by the complainant has been examined as a defamation suspect. Not to mention the process of examination by the mechanism of PP number 30 of 1980 on the Regulation of Civil Service Discipline is very long. With the presence of the Public Prosecutor Commission, the public complaints report has been two doors, namely through the Prosecutor Commission and directly to the Attorney General.

Reports from the community submitted through the Prosecutor Commission are forwarded to the Attorney General for follow-up by the internal control of the Prosecutor's Office. So still by using the existing mechanism is ensured precisely the process of handling public complaints reports actually grew longer. Learning from the experience of handling the complaints report of the community with a long time, so in the future there needs to be made a more effective and accommodative complaints report submission mechanism. Besides the existing mechanism is more optimized again also it's time to submit complaints reports through the public website so that reports can be up in a matter of minutes. In addition, there is a need for a deadline for a complaint report to be acted upon by the Prosecutorial Commission or the internal control of the Prosecutor's Office. To increase public confidence in the handling of community complaints reports, the Prosecutorial Commission and internal oversight of the Prosecutor's Office should be proactive in conveying the progress of the complaint report to the complainant.

## V. CONCLUSION

1. Based on its theoretical function, the Prosecutorial Commission can be categorized as independent supervisory bodies. The independence of the Prosecutorial Commission is seen in its function of overseeing the performance and behavior of prosecutors and administrators of the prosecutor's office freely without any intervention from other parties. It also independently provides an assessment of the organization and management, facilities and infrastructure, human and financial resources. It's just that the meaning of the independence of the Prosecutor Commission is limited to functional independence in carrying out the duties and authorities given by the legislation. But institutionally and administratively,
2. Therefore, in the future, it is necessary to rethink the effort of revitalizing the independence of the Prosecutorial Commission to maximize its duty and authority in order to improve the performance of the Public Prosecution Service as the embodiment of the mandate of Presidential Regulation no. 18 of 2011. Independence of the Prosecutorial Commission is necessary to further ensure the establishment of the rule of the law as the essence of the rule of law and ensure the establishment of a professional and dignified prosecutor institution.

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Hardi Lestari Adi Hafid. Et al. "The Existence of A Commission Prosecutor As The Embodiment of Public Participation Within The Framework of The Supervision of The Attorney General." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 23 no. 2, 2018, pp. 40-46.