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Maintaining order: Public prosecutors in post-authoritarian countries, the case of Indonesia

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Maintaining Order:
Public Prosecutors in Post-Authoritarian Countries,
the case of Indonesia

*To my late father, Abah H. Abdul Syukur (1941-2006)
Completing this book was nothing compared his tireless struggle
to educate and take care of our family*

Maintaining Order

*Public Prosecutors in Post-Authoritarian
Countries, the case of Indonesia*

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volgens besluit van het College voor Promoties
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geboren te Malang, Indonesië

in 1981

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Table of Contents

ACKNOWLEDGEMENTS	V
LIST OF FIGURES AND TABLES	XI
ACRONYMS AND GLOSSARY	XIII
1 THE INDONESIAN PROSECUTION SERVICE (<i>KEJAKSAAN REPUBLIK INDONESIA</i>): INTRODUCTION, ACADEMIC BACKGROUND, THEORETICAL FRAMEWORK, AND RESEARCH METHODOLOGY	1
1.1 Introduction	1
1.2 Academic Background and Problem Statement	4
1.3 Theoretical Framework	8
1.3.1 The Rule of Law in the Criminal Justice System	9
1.3.2 Organisational Setting, Bureaucracy and Performance	14
1.3.3 The Role of the Public Prosecutor in Criminal Procedure	19
1.4 Research Methodology	23
1.4.1 Research Approach	23
1.4.2 Gaining Access	26
1.4.3 Ethical Dilemmas and Safety Issues	28
1.5. The Structure of the Thesis	30
2 THE ORIGINS AND POSITION OF THE INDONESIAN PROSECUTION SERVICE: FROM COLONIAL TIMES TO POST-MILITARY REGIMES	33
2.1 Introduction	33
2.2 Searching for the Origins of the Prosecution Service	34
2.3 The <i>Vereenigde Oostindische Compagnie</i> (VOC) and the Dutch East Indies	36
2.4 The Japanese Military Administration	44
2.5 The Indonesian Revolution	46
2.6 Parliamentary Governments	50
2.7 The Guided Democracy	53
2.8 The New Order Military Regime	57
2.9 Post-military Regimes: The <i>Reformasi</i> (1999-2019)	64
2.10 Conclusion	69

3	THE BUREAUCRACY OF THE INDONESIAN PROSECUTION SERVICE: MILITARY CULTURE, HIERARCHICAL CONTROL AND HUMAN RESOURCE MANAGEMENT	73
3.1	Introduction	73
3.2	The Één en Ondeelbaar Doctrine and Organisational Culture	74
3.3	The Prosecution Service Structure and Hierarchical Control	78
3.3.1	The Supreme Prosecution Office and its Authority	81
3.3.2	The High Prosecution Office	85
3.3.3	The District Prosecution Office	90
3.4	Human Resource and Budget Management	93
3.4.1	Recruitment and Training	93
3.4.2	Promotion and Transfer	96
3.4.3	Supervision	101
3.4.4	The Budget	104
3.5	A Reform Effort	110
3.6	Conclusion	114
4	THE INDONESIAN PROSECUTION SERVICE WITHIN THE CRIMINAL JUSTICE SYSTEM: ITS TASKS, POWERS, AND RELATIONSHIP WITH OTHER CRIMINAL JUSTICE ACTORS	117
4.1	Introduction	117
4.2	Legal Resources: Tasks and Powers within the Prosecution Service	118
4.2.1	The Public Prosecutor in Criminal Cases	119
4.2.2	The Public Prosecutor as State Attorney in Civil Law and Administrative Disputes	123
4.2.3	The Public Prosecutor as State Intelligence	127
4.3	The Prosecution Service and other Indonesian Criminal Justice Actors	133
4.3.1	The Criminal Investigators	137
4.3.1.1	The Police	139
4.3.1.2	The PPNS and Special Investigators	143
4.3.2	Advocates and Legal Aid Providers	145
4.3.3	The Ministry of Law and Human Rights	149
4.3.4	The Courts	152
4.4	Conclusion	155
5	THE INDONESIAN PROSECUTION SERVICE IN ACTION: THE INTERPRETATION OF CRIMINAL PROCEDURE AND PROSECUTORIAL DISCRETION	159
5.1	Introduction	159
5.2	Pre-Trial Process	161
5.2.1	Preliminary Investigation (<i>Penyelidikan</i>)	161
5.2.2	Investigation (<i>Penyidikan</i>)	164
5.2.3	Coercive Measures (<i>Upaya Paksa</i>)	169

5.2.4 Pre-Trial Hearings (<i>Pra-peradilan</i>)	172
5.2.5 The Pre-Prosecution Process (<i>Pra-Penuntutan</i>)	176
5.3 Prosecutorial Discretion in Criminal Case Dismissal	181
5.3.1 A Criminal Case Dismissal for Technical Reasons (<i>SKPP</i>)	183
5.3.2 A Criminal Case Dismissal for Public Interest (<i>Seponering</i>)	187
5.4 The Trial Process	191
5.4.1 Indictment (<i>Dakwaan</i>)	192
5.4.2 Presenting Evidence at Trial	195
5.4.3 Requisitoir and Court Decisions	197
5.4.4 Appellate Procedure	200
5.4.5 Execution	204
5.5 Conclusion	206
6 THE INDONESIAN PROSECUTION SERVICE AND THE POLITICAL ORDER: CONCLUSIONS ON THE PERFORMANCE OF PUBLIC PROSECUTORS IN THE POST-AUTHORITARIAN STATE	211
6.1 Introduction	211
6.2 The Indonesian Prosecution Service within the Constitution and its Political Context	212
6.3 The Nature of the Indonesian Prosecution Service	215
6.4 Public Prosecutors in the Criminal Procedure: Crime Fighters and Guardians of Political Order	218
6.5 Towards the Rule of Law Approach in the Prosecution Process: Policy Recommendations	222
6.6 Suggestions for Further Research	224
SUMMARY	227
SAMENVATTING (SUMMARY IN DUTCH)	231
RINGKASAN (SUMMARY IN BAHASA INDONESIA)	237
BIBLIOGRAPHY	241
LISTS OF LEGISLATIONS, REGULATIONS AND COURT DECISIONS	273
CURRICULUM VITAE	281

List of Figures and Tables

Figures

Figure 1: The four criminal process models	21
Figure 2: The existing organisational structure of the Prosecution Service	80
Figure 3: State budgets for the IPS, police and judiciary – adapted from the Indonesian Ministry of Finance Report 2011-2016	105
Figure 4: Cost breakdown – the prosecution process for general crimes	108
Figure 5: The position of the IPS within the criminal justice system	138
Figure 6: Prosecutor's decision on incomplete investigation files	180

Tables

Table 1: The functions of criminal procedure and their features	22
Table 2: Coercive measures in the SV, IR, and HIR	43
Table 3: Duration of detention during the criminal process	171
Table 4: Dismissal of general crimes cases for legal reasons	185

Acronyms and Glossary

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> or Indonesian Armed Forces
ARD	<i>Algemeene Recherchedienst</i> , or General Criminal Investigation Service
BADIKLAT	<i>Badan Pendidikan dan Pelatihan</i> or Prosecutor Training Body Camp
BAKORPAKEM	<i>Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat</i> or the Board for the Monitoring of Mystical Beliefs
BAP	<i>Berkas Acara Pemeriksaan Penyidikan</i> or Investigation Files
BAPERJAKAT	<i>Badan Pertimbangan Jabatan dan Kepangkatan</i> or Board of Advisers on Position and Rank
BARESKRIM POLRI	<i>Badan Reserse Kriminal Kepolisian Republik Indonesia</i> or Indonesian National Police Criminal Investigation Body
BKR	<i>Badan Keamanan Rakyat</i> or Armed Forces
BNN	<i>Badan Narkotika Nasional</i> or National Anti-Narcotics Agency
DPR	<i>Dewan Perwakilan Rakyat</i> or House of Representative or Parliament
DRP	<i>Dinas Reserse Pusat</i> or Directorate of Central Investigation
Één en Ondeelbaar	One and indivisible
<i>Ekspose perkara</i>	Public Prosecutor's Case Expose
FORKOPIMDA	<i>Forum Komunikasi Pimpinan Daerah</i> or the Regional Coordination Council
<i>Gelar Perkara</i>	Case Expose
GOLKAR	<i>Golongan Karya</i> , or the Functional Group Party
HIR	<i>Herziene Inlandsch Reglement</i> or Amended Indonesian Legal Procedure
HPP	<i>Hakim Pemeriksa Pendahuluan</i> or Examining Judge (<i>Rechter Commissaris</i>)
ICJR	Institute for Criminal Justice Reform (Indonesian NGO)
ICW	Indonesia Corruption Watch
IPS	Indonesian Prosecution Service or <i>Kejaksaan Republik Indonesia</i>

IR	<i>Inlandsch Reglement</i> or the Native Legal Procedure
IS	<i>Indische Staatsregeling</i> or the Dutch East Indies Constitution.
<i>Jaksa</i>	Public Prosecutor / Native Prosecutor in the Colonial time
<i>Jaksa Fungsional</i>	Prosecutor's Operator
<i>Jaksa Agung</i>	Chief Prosecutor is both of the Prosecutor General and Attorney General
<i>Jaksa Peneliti</i>	Examining Prosecutor
<i>Jaksa Struktural</i>	Prosecutor's Manager
JAM	<i>Jaksa Agung Muda</i> or Deputy Chief Prosecutor
KAPOLRI	<i>Kepala Kepolisian Republik Indonesia</i> or The National Police Chairman
<i>Kejaksaan Agung</i>	Supreme Prosecution Office
<i>Kejaksaan Negeri</i>	District Prosecution Office
<i>Kejaksaan Tinggi</i>	High Prosecution Office
KODAM	<i>Komando Daerah Militer</i> , or the military headquarters in the area
KOMJAK	<i>Komisi Kejaksaan</i> or The Prosecution Commission
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> or National Human Rights Commission
KOMPOLNAS	<i>Komisi Kepolisian Nasional</i> or The National Police Commission
KOPKAMTIB	<i>Komando Operasi Pemulihan Keamanan dan Ketertiban</i> or Operations Command for the Restoration of Security and Order
KORPRI	<i>Korps Pegawai Republik Indonesia</i> , or the Indonesian Civil Servant Corps
KPK	<i>Komisi Pemberantasan Korupsi</i> or Corruption Eradication Commission (CEC)
KUHAP	<i>Kitab Undang-Undang Hukum Acara Pidana</i> or the code of Criminal Procedure
KUHP	<i>Kitab Undang-undang Hukum Pidana</i> or the criminal code
LAPAS	<i>Lembaga Pemasyarakatan</i> or Prison
LBH	<i>Lembaga Bantuan Hukum</i> or Legal Aid Institute
LeIP	<i>Lembaga Kajian dan Advokasi untuk Independensi Peradilan</i> or Indonesian Institute for Independent Judiciary
LKPS	<i>Latihan Kemiliteran Pegawai Sipil</i> or Military Civil Service Training
LP	<i>Laporan Polisi</i> or Police Report
MA	<i>Mahkamah Agung</i> or Supreme Court
<i>Magistraat</i>	Magistratur or the Judicial officer

MAHKEJAPOL	A consultative forum of law-enforcement offices; <i>Mahkamah Agung</i> (Supreme Court), <i>Departemen Kehakiman</i> (Department of Justice), <i>Kejaksaan Agung</i> (Supreme Prosecution Service), and <i>Polisi</i> (Police). Now, the term MAHKEJAPOL has been changed into MAHKUMJAKPOL, since the Ministry of Justice has been renamed The Ministry of Law and Human Rights (<i>Menteri Hukum dan Hak Asasi Manusia</i>)
Malari	<i>Malapetaka Lima belas Januari</i> or the Fifteenth of January Riot
MAPPI FH UI	<i>Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia</i> or Indonesia Judicial Monitoring Society, University of Indonesia Law School
MK	<i>Mahkamah Konstitusi</i> or Constitutional Court
MLHR	Ministry of Law and Human Rights or <i>Kementerian Hukum dan Hak Azasi Manusia</i> (KEMENKUMHAM)
MoU	Memory of Understanding
MPR	<i>Majelis Permusyawaratan Rakyat</i> or People's Consultative Assembly
NGO	Non-governmental Organisation
NIP	<i>Nomor Induk Pegawai</i> or civil servant ID number
NRP	<i>Nomor Registrasi Pokok</i> or military registration number
<i>Officier van Justitie</i>	The Dutch Public Prosecutor
OM	<i>Openbaar Ministrie</i> or the Dutch Prosecution Service
Orde Baru	New Order
P-19	IPS form that is attached to a document, when a prosecutor passes files back to investigators
PAMGAL	<i>Pengamanan dan Penggalangan</i> or Security and Preconditioning
<i>Pangreh Pradja</i>	Native Police
PARMIN	<i>Partisipasi Kriminal</i> or Criminal Participation
PEMDA	<i>Pemerintah Daerah</i> or Local Government
<i>Penahanan</i>	Detention
<i>Penangkapan</i>	Arrest
<i>Penetapan Tersangka</i>	Suspect Determination
<i>Pengacara</i>	Advocate / Attorney / Lawyer
<i>Pengeledahan</i>	Search
<i>Penyelidikan</i>	Preliminary Investigation
<i>Penyidik khusus</i>	Special Investigator
<i>Penyidikan</i>	Investigation
<i>Penyitaan</i>	Confiscation
PERJA	<i>Peraturan Jaksa Agung</i> or Chief Prosecutor Regulation

PERKAP	<i>Peraturan Kepala Kepolisian</i> or National Police Chairman Regulation
PERMA	<i>Peraturan Mahkamah Agung</i> or Supreme Court Regulation
PERPPU	The Government Regulation in Lieu of an Law
PERSADA UB	<i>Pusat Pengembangan Riset Sistem Peradilan Pidana Universitas Brawijaya</i> or UB Centre for Criminal Justice Research
PERSAJA/PJI	<i>Persatuan Jaksa-Jaksa</i> or Association of Prosecutors, the term PERSAJA has been changed into PJI (<i>Persatuan Jaksa Indonesia</i>) or Indonesian Prosecutor Association in 1993.
Petrus	<i>Penembak Misterius</i> or Mystery Shooters
PK	<i>Peninjauan Kembali</i> or Review
PNBP	<i>Penerimaan Negara Bukan Pajak</i> , or Non-Tax State Revenues
PPATK	<i>Pusat Pelaporan Analisis Transaksi Keuangan</i> or Centre for Financial Transaction Reports and Analysis
PPKI	<i>Panitia Persiapan Kemerdekaan Indonesia</i> or Indonesian Independence Preparatory Committee
PPNS	<i>Penyidik Pegawai Negeri Sipil</i> or Civil Service Investigator
PPPJ	<i>Pendidikan dan Pelatihan Pembentukan Jaksa</i> or public prosecutor's candidacy training
<i>Pra-Penuntutan</i>	Pre-prosecution
<i>Pra-Peradilan</i>	Pre Trial Hearings
<i>Procureur-Generaal</i>	Chief Prosecutor
PROPAM	<i>Profesi dan Pengamanan</i> or the Police Internal Affairs
PULBAKET	<i>Pengumpulan Bahan Keterangan</i> , or Evidence Collection
RAPIM	<i>Rapat Pimpinan</i> or The Leadership Meeting
RENDAK	<i>Rencana Dakwaan</i> or Indictment Plan
RENTUT	<i>Rencana Tuntutan</i> or Sentencing Demand Plan
<i>Requisitoir</i>	<i>Tuntutan</i> or a Sentencing Demand
<i>Rezeki</i>	Money obtained via illegal or corrupt activities
RIB	<i>Reglemen Indonesia yang Diperbarui</i> or Amended Indonesian Legal Procedure
RO	<i>Reglement op De Rechterlijke Organisatie en Het Beleid der Justitie S.1847: 23</i> or Law on the judicial organisation
RR	<i>Reglement op bet beleid van de Regering in Nederlandsch-Indie</i> or <i>Regeringsreglement</i> or the Dutch East Indies Constitution
RUPBASAN	<i>Rumah Penyimpanan Barang Sitaan</i> or State's confiscated goods storage houses

SBY	Soesilo Bambang Yudoyono, Former Indonesian President
SEJA	<i>Surat Edaran Jaksa Agung</i> or Chief Prosecutor Circular Letter
<i>Seponering</i>	Prosecutorial Discretion on criminal case dismissal for public interest
SIMKARI	<i>Sistem Informasi Manajemen Kejaksaan Republik Indonesia</i> or Online IPS Managerial Information System
SKCK	<i>Surat Keterangan Catatan Kepolisian</i> or the Police Certificate of Good Conduct
SKPP	<i>Surat Ketetapan Penghentian Penuntutan</i> or Decree on Dismissal of a Prosecution for Technical Reasons
SOB	<i>Regeling Op De Staat Van Oorlog En Beleg</i> , or Law on Emergency Situations
SP3	<i>Surat Perintah Penghentian Penyidikan</i> or a Letter Ordering the Cessation of an Investigation
SPDP	<i>Surat Pemberitahuan Dimulainya Penyidikan</i> or the notification letter to open the investigation
SPRINDIK	<i>Surat Perintah Penyidikan</i> or Investigation Order
SV	<i>Reglement op de Strafvordering</i> or the Dutch Criminal Code
<i>Terdakwa</i>	Defendant
<i>Terpidana</i>	Accused
<i>Tersangka</i>	Suspect
TP4	<i>Tim Pengawasan, Pengamanan Pemerintahan dan Pembangunan</i> or Team for Guarding and Securing the Government and its Development Projects
<i>Tri Krama Adhyaksa</i>	Three doctrine of the IPS; <i>Satya</i> means loyalty, <i>Adhi</i> implies professionalism, and <i>Wicaksana</i> means to use power wise.
<i>Upaya Paksa</i>	Coercive Measures
VOC	<i>Vereenigde Oostindische Compagnie</i> or the Dutch East India Company
Waskat	<i>Pengawasan Melekat</i> or permanent performance control
WvS-NI	<i>Wetboek van Strafrecht voor Nederlandsch-Indie</i> / WvS-NI or the Dutch East India Criminal Code