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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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geboren te Malang, Indonesië

in 1981

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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 het 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 Pengawalan, 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