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

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Propositions relating to the dissertation

**MAINTAINING ORDER:  
PUBLIC PROSECUTORS IN POST-AUTHORITARIAN  
COUNTRIES, THE CASE OF INDONESIA**

by Fachrizal Afandi

1. The role of public prosecutors in post-authoritarian countries cannot simply be analysed as Packer's due process and crime control model, Griffith's family model, Roach's victim perspective, or Fionda's prosecutor role theory. The continuum criminal process model proposed in this research identifies the function of the criminal justice system and its features, including its authoritarian tendency. It therefore provides a more accurate picture of public prosecutors in post-authoritarian countries.
2. Bureaucratic reform of the Indonesian Prosecution Service (IPS) cannot happen without changes to certain problematic provisions in laws, organisational structure, and culture.
3. The Dutch *één en ondeelbaar* doctrine is applied for the management of prosecution service administration and prosecutorial consistency; it is, therefore, nothing to do with a strict military hierarchy, which revokes public prosecutors' independence in handling cases.
4. Applying the military culture within the IPS and treating prosecutors as soldiers are both ineffective approaches, since the design of the IPS bureaucracy is very different to that of the army, and its tasks cannot be compared to conduct combat operations against enemy forces.
5. *Jaksa/Dyaksa* originally means 'judicial officers' or 'magistrate', and the IPS should treat them accordingly. This involves guaranteeing their independence, supporting the crime fighting role of public prosecutors, but also promoting their role in carrying out due process within the criminal justice system.
6. It is essential to have specific provisions in the Constitution about due process and the banning of presidential intervention in criminal proceedings.

7. Granting the post-authoritarian police force the role of *dominus litis* makes it difficult to promote due process in criminal proceedings. Besides, asking the IPS to prosecute all criminal cases investigated by the police, without any filters and on a limited budget, is similar to forcing public prosecutors to fund their activities with illicit money.
8. Although it requires more time than expected, conducting ethnographic research on the prosecution service allows for deeper reflection on and broader perspectives of practical dilemmas for public prosecutors.
9. A 7-year PhD journey with family is worth celebrating since the voyage is challenging but might much easier by the presence of a wonderful partner and children.
10. Hobby activism, advocating for certain social-political issues, and establishing organisations such as *Nahdlatul Ulama Belanda* and PERSADA UB (the UB Centre for Criminal Justice Research), helps to release some of the stresses of PhD life.