



## Aligning Prosecutorial Responsibility and Authority: Strengthening the *Dominus Litis* Principle in Indonesia

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### Abstract

*Despite the formal recognition of the dominus litis principle, weak prosecutorial control over investigations continues to undermine legal certainty in Indonesia's criminal justice system. Existing studies largely focus on prosecutorial discretion and restorative justice, leaving the relationship between prosecutorial responsibility, authority, and investigative accountability underexplored. This study examines the juridical implications of limited supplementary investigation authority and its consequences for the effective implementation of the dominus litis principle. Employing a normative juridical approach, the study analyzes statutory regulations, legal doctrines, judicial interpretations, and relevant scholarly literature concerning prosecutorial authority and criminal justice governance. The findings indicate that the ineffective implementation of dominus litis originates from a structural misalignment between prosecutorial responsibility and authority, reinforced by normative weaknesses in Articles 109 and 110 of the Indonesian Criminal Procedure Code (KUHAP). By advancing a responsibility–authority alignment perspective, this study reframes supplementary investigation authority as an institutional mechanism for strengthening accountability, legal certainty, and effective criminal justice governance.*



## A. Introduction

Thousands of criminal cases disappear from the criminal justice process without ever reaching judicial scrutiny, not because criminal conduct did not occur, but because legal systems frequently lack effective mechanisms for ensuring accountability throughout the investigative stage. This phenomenon has become an increasingly important concern in contemporary criminal justice governance, where unresolved investigations, fragmented institutional authority, and weak oversight mechanisms undermine legal certainty, human rights protection, and public confidence in law enforcement institutions (Balynska et al., 2024; Hertanto et al., 2024; Tavalzhanskyi et al., 2025).

Modern criminal justice systems are expected not only to punish offenders but also to guarantee procedural fairness, institutional accountability, and effective protection of individual rights (Al-Fatih et al., 2023; Riady et al., 2025). When investigations stagnate without adequate supervision, victims are denied meaningful access to justice, suspects face prolonged legal uncertainty, and the legitimacy of the rule of law itself becomes vulnerable. Consequently, the effectiveness of criminal justice systems increasingly depends on their ability to maintain accountability and procedural continuity from the earliest stages of criminal proceedings.

These challenges are particularly visible within the Indonesian criminal justice system. Although the Indonesian Criminal Procedure Code (KUHAP) formally regulates coordination between investigators and public prosecutors through Articles 109 and 110, the existing framework provides limited legal consequences when investigators fail to submit the Notification of Commencement of Investigation (*Surat Pemberitahuan Dimulainya Penyidikan/ SPDP*), disregard prosecutorial instructions, or fail to complete investigative deficiencies identified during the pre-prosecution process (Pandiangan et al., 2026; Rahmad, 2019; Makamea, 2018). As a result, prosecutors encounter significant obstacles in performing their role as *dominus litis*, namely the authority responsible for controlling criminal proceedings (Sihombing et al., 2023; Titaley et al., 2025). This condition reveals a broader institutional problem: formal responsibility is assigned to prosecutors, yet practical mechanisms for enforcing investigative accountability remain weak. Consequently, criminal cases may remain unresolved without meaningful legal intervention, creating procedural stagnation and institutional inefficiency.

The structural weakness of prosecutorial oversight in Indonesia is not merely a normative concern but is also evident in the operation of the criminal justice system. Research conducted by the Indonesian Judicial Monitoring Society (MaPPI) found that

between 2012 and 2014, approximately 255,618 out of 645,780 criminal cases investigated by the police were never reported to public prosecutors, while more than 44,000 cases effectively disappeared from the criminal justice process despite having entered prosecutorial administration (Tursilarini et al., 2024; Zikry et al., 2016). These figures reveal a significant accountability gap between investigation and prosecution, indicating that a substantial number of criminal cases remain beyond effective prosecutorial control. Such conditions create opportunities for selective law enforcement, evidentiary deficiencies, procedural abuse, and institutional irresponsibility, ultimately undermining both the effectiveness and legitimacy of criminal law enforcement (Torodji et al., 2023; Hayatuddin & Saputra, 2021; Holijah & Rizal, 2023; Ali et al., 2024).

The implications extend beyond institutional concerns. Victims may lose realistic opportunities to obtain legal remedies because their cases fail to progress to prosecution or adjudication. At the same time, suspects may remain trapped in prolonged uncertainty regarding their legal status, creating legal and psychological burdens that contradict fundamental principles of due process (Firmansyah, 2020; Effendi, 2020). This condition directly challenges the classical objectives of law. According to Gustav Radbruch, law must simultaneously realize justice, legal certainty, and utility (Muslih, 2013). However, the existing procedural framework struggles to achieve all three objectives. Justice is weakened when victims cannot access remedies, legal certainty is undermined when investigations remain unresolved, and utility is diminished when procedural mechanisms fail to perform their intended function. Moreover, weak prosecutorial oversight may facilitate arbitrary decision-making and human rights violations within criminal proceedings (Christian, 2018; Raodiah, 2019; Muhlashin, 2021; Hakim et al., 2025; Mujtahid et al., 2025).

The growing demand for accountability within criminal justice systems has generated increasing scholarly interest in prosecutorial authority. Existing studies primarily examine *dominus litis* through restorative justice, prosecutorial discretion, and criminal justice reform perspectives (Riyanto, 2021; Djafar & Chandra, 2022; Sihombing et al., 2023; Faried et al., 2022; Triasari et al., 2023; Habi et al., 2024; Balynska et al., 2024; Hertanto et al., 2024; Riady et al., 2025). While these studies recognize the strategic role of prosecutors in achieving substantive justice, they largely focus on prosecutorial functions after investigations have been completed. Consequently, limited attention has been given to situations in which investigations become stagnant because investigators fail to comply with prosecutorial instructions. More importantly, existing scholarships have not adequately examined how the disconnection between prosecutorial responsibility and prosecutorial authority affects

investigative accountability, legal certainty, and procedural continuity within criminal justice systems (Siti Mariyam et al., 2025; Titaley et al., 2025).

This article argues that the principal weakness of Indonesia's criminal justice system lies not in the absence of prosecutorial authority, but in the structural misalignment between prosecutorial responsibility and prosecutorial authority. Although prosecutors are formally recognized as *dominus litis*, they lack effective mechanisms to ensure investigative accountability when their directives are ignored. Consequently, unresolved investigations, procedural stagnation, and legal uncertainty persist despite the formal existence of prosecutorial oversight.

The novelty of this study lies in its reconceptualization of supplementary investigation authority through a responsibility–authority alignment perspective. Unlike previous studies that focus on prosecutorial discretion, restorative justice, or prosecution policy, this study positions supplementary investigation authority as an institutional mechanism for aligning prosecutorial responsibility with corresponding legal authority. By doing so, it extends existing debates on *dominus litis*, prosecutorial accountability, and criminal justice governance.

Therefore, this study aims to analyze the juridical implications of limitations on prosecutorial authority to conduct supplementary investigations and to examine how responsibility–authority misalignment undermines the effective implementation of the *dominus litis* principle within Indonesia's criminal justice system.

## B. Method

This study employed a normative juridical approach to examine the limitations of prosecutorial authority in conducting supplementary investigations within the Indonesian criminal justice system and their implications for the implementation of the *dominus litis* principle. This approach was selected because the central issue of the study concerns the adequacy of legal norms governing the relationship between investigators and public prosecutors, particularly as regulated under the Indonesian Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* – KUHAP) and the Law on the Prosecutor's Office of the Republic of Indonesia (Sihombing, 2024).

The research focused on the normative framework that defines prosecutorial authority in criminal proceedings and the legal consequences arising from the absence of provisions regulating prosecutorial intervention when investigative instructions are disregarded. Recent studies have highlighted that functional differentiation under the 1981

KUHAP often restricts the prosecutor's role as the controller of the case, leading to procedural inefficiencies such as the recurring exchange of case files (*bolak-balik perkara*) between law enforcement agencies (Nelson & Aini, 2025). Data were collected through an extensive literature review of relevant legal materials, including statutory regulations, judicial interpretations, legal doctrines, scholarly books, scientific journal articles, and official documents related to criminal procedural law, prosecutorial authority, and the *dominus litis* principle. Primary legal materials consisted of KUHAP and legislation governing the Indonesian Prosecution Service, while secondary legal materials included academic publications and expert opinions discussing prosecutorial functions, criminal justice administration, and legal reform.

The collected materials were analyzed qualitatively using statutory and conceptual approaches. The statutory approach was employed to examine the consistency, adequacy, and implications of existing legal provisions governing prosecutorial authority, while the conceptual approach was used to interpret relevant legal doctrines and theoretical perspectives concerning *dominus litis*, legal certainty, and criminal justice accountability. This analysis is crucial for distinguishing investigation as the discovery of factual guilt from prosecution as the evaluation of legal guilt, ensuring that the *dominus litis* principle preserves objectivity within an integrated criminal justice system (Huda et al., 2025). To strengthen the analysis, content analysis was applied to identify normative gaps, interpret the substance of legal provisions, and assess their implications for the effectiveness of prosecutorial control within the criminal justice process. The findings were subsequently synthesized to evaluate the juridical consequences of the current regulatory framework and to formulate arguments regarding the urgency of strengthening prosecutorial authority through supplementary investigation mechanisms.

Because this study relied exclusively on publicly accessible legal documents, legislation, and published academic sources, it did not involve human participants, personal data, or direct interaction with research subjects. Consequently, formal ethical clearance was not required. Nevertheless, the research was conducted in accordance with the principles of academic integrity, transparency, proper attribution of sources, and responsible legal scholarship.

### **C. Results and Discussion**

This section presents the principal findings derived from the normative analysis of statutory regulations, legal doctrines, and relevant legal materials concerning

prosecutorial authority in conducting supplementary investigations. The findings are organized thematically to highlight normative weaknesses within the current legal framework, the juridical consequences of such limitations, and their implications for the implementation of the *dominus litis* principle. While this section focuses on presenting the findings of the legal analysis, a more comprehensive interpretation of their theoretical and practical significance is provided in the Discussion section.

## 1. Results

This study examines the juridical implications arising from the limitations of prosecutorial authority in conducting supplementary investigations within the Indonesian criminal justice system. Through an analysis of the Indonesian Criminal Procedure Code (KUHAP), statutory regulations governing prosecutorial authority, and relevant legal materials, the findings reveal three major issues. First, Articles 109 and 110 of KUHAP contain normative deficiencies that weaken prosecutorial control during the investigative stage. Second, the absence of a supplementary investigation authority generates legal uncertainty and institutional inefficiency within criminal proceedings. Third, strengthening prosecutorial authority through supplementary investigations emerges as a necessary mechanism to ensure accountability, legal certainty, and continuity within the criminal justice process.

### a. Normative weaknesses of articles 109 and 110 of KUHAP

The first finding concerns the existence of normative weaknesses within Articles 109 and 110 of KUHAP. Article 109 obliges investigators to notify public prosecutors regarding the commencement of an investigation through the issuance of a Notification of Commencement of Investigation (*Surat Pemberitahuan Dimulainya Penyidikan/ SPDP*). However, the analysis reveals that this provision does not establish effective legal consequences when investigators fail to fulfill such an obligation. Consequently, prosecutors may not receive timely notification regarding criminal investigations and are therefore unable to exercise meaningful supervision during the early stages of criminal proceedings (Makamea, 2018; Adji, 2012; Griffin, 2001; Pilok, 2013).

A similar weakness is found in Article 110, which regulates the submission and examination of investigation files. Although prosecutors are authorized to review case files and return incomplete files accompanied by investigative instructions, the provision does not provide legal instruments to compel investigators to implement

those instructions. As a result, the completion of investigation files remains entirely dependent upon the willingness of investigators to comply with prosecutorial directives. This situation creates a mismatch between prosecutorial responsibility and prosecutorial authority (Latifah, 2012; EA Arintonang et al., 2022; Azizah et al., 2023).

The findings further indicate that Article 110 paragraph (4) creates procedural ambiguity. Under this provision, an investigation may be deemed complete if the file is not returned within fourteen days. However, such procedural completion does not necessarily reflect substantive compliance with prosecutorial instructions. Consequently, investigations may formally satisfy procedural requirements despite unresolved evidentiary or legal deficiencies (Andyanto, 2018; Artadinata & Lasmadi, 2023; Saputra & Hutagalung, 2022; Sihaloho, 2025).

To clarify the principal normative weaknesses identified in this study, Table 1 summarizes the relationship between existing legal provisions and their consequences.

*Table 1. Normative weaknesses identified in articles 109 and 110 of KUHAP*

<b>Legal Provision</b>	<b>Normative Function</b>	<b>Identified Weakness</b>	<b>Consequence</b>
Article 109 KUHAP	Submission of SPDP	Absence of sanctions for non-compliance	Lack of prosecutorial supervision
Article 110(2) KUHAP	Return of incomplete files	No mechanism to compel compliance	Repeated file circulation
Article 110(4) KUHAP	Fourteen-day completion rule	Procedural completion without substantive review	Legal uncertainty

Table 1 demonstrates that the principal weakness of the current framework lies not in the absence of prosecutorial review authority, but in the absence of enforcement mechanisms capable of ensuring compliance with prosecutorial instructions.

#### **b. Legal consequences of the absence of supplementary investigation authority**

The second finding concerns the legal consequences arising from the prosecutor's inability to conduct supplementary investigations when investigators fail to complete prosecutorial directives. The analysis reveals that this limitation generates uncertainty for victims, suspects, prosecutors, and the criminal justice system as a whole.

Empirical data cited in previous legal studies indicate that between 2012 and 2014, approximately 255,618 out of 645,780 criminal cases investigated by the police were not reported to public prosecutors, representing nearly forty percent of all investigated cases (Zikry et al., 2016). Furthermore, more than 44,000 cases reportedly disappeared from the

criminal justice process despite having entered prosecutorial administration (Zikry et al., 2016). These findings demonstrate the practical consequences of weak prosecutorial oversight during the investigation stage (Adji, 2012; Griffin, 2001; Pilok, 2013).

The study also identifies continuing procedural stagnation within criminal proceedings. Data from the Case Management System (CMS) of the Attorney General's Office indicate that in 2022, 165,936 SPDPs were received nationwide in general criminal cases. However, 36,283 of these cases were not processed further to prosecution and remained unresolved without clear procedural explanations (Allo et al., 2024; Jayuska et al., 2025). This situation indicates the existence of a substantial gap between investigation and prosecution stages (Mouri et al., 2023; Nursyamsudin & Samud, 2022; Saputra & Hutagalung, 2022).

For victims, unresolved investigations may prevent access to legal remedies and delay the realization of justice. Cases remain dormant without progressing to adjudication despite the absence of formal termination decisions. Consequently, victims experience uncertainty regarding the status of their reports and the possibility of legal resolution (Yulia, 2016; Mangamba et al., 2025; Rizanizarli et al., 2023).

For suspects, prolonged investigations generate uncertainty concerning legal status. Individuals remain subject to criminal proceedings without receiving clear information regarding whether their cases will proceed to prosecution or be formally terminated. Such conditions create procedural ambiguity and weaken legal certainty (Utomo, 2020; Suryani, 2009; Ramdani, 2020; Simbolon, 2024).

The findings further reveal institutional consequences. Prosecutors are formally positioned as controllers of criminal proceedings through the *dominus litis* principle. However, when investigators fail to implement prosecutorial instructions, prosecutors possess no authority to continue or complete investigative deficiencies independently. As a result, prosecutorial control becomes largely formal rather than substantive. To summarize the legal consequences identified in this study, Table 2 presents the principal impacts of the absence of supplementary investigation authority.

Table 2. Legal consequences of the absence of supplementary investigation authority

Affected Party	Identified Consequence
Victims	Delayed access to justice and unresolved complaints
Suspects	Prolonged legal uncertainty
Prosecutors	Limited ability to exercise <i>dominus litis</i>
Criminal Justice System	Procedural stagnation and weak accountability



Table 2 demonstrates that the consequences of the existing framework extend beyond institutional concerns and directly affect the rights and interests of individuals involved in criminal proceedings.

**c. Institutional necessity of repositioning prosecutorial authority**

The third finding concerns the institutional necessity of strengthening prosecutorial authority through supplementary investigation mechanisms. The analysis indicates that the current criminal procedural framework creates a gap between prosecutorial responsibility and prosecutorial capacity. Prosecutors are expected to ensure the completeness and legality of criminal cases prior to prosecution, yet they lack the authority to remedy investigative deficiencies when investigators fail to comply with their instructions (Adji, 2012; Griffin, 2001; Pilok, 2013; Latifah, 2012).

The findings reveal that supplementary investigation authority could function as a procedural mechanism capable of preventing investigative stagnation. Under such a framework, prosecutors would possess limited authority to continue the completion of investigative requirements when investigators fail to act within prescribed procedural timelines. This mechanism would not replace the investigative function of the police but would ensure continuity within the criminal justice process (Mouri et al., 2023; Nursyamsudin & Samud, 2022; Saputra & Hutagalung, 2022).

The study further finds that a supplementary investigation authority would strengthen institutional accountability by reducing dependence upon investigator compliance alone. It would also provide a clear procedural pathway for resolving incomplete investigations, thereby reducing uncertainty regarding the status of criminal cases. More importantly, such authority would align prosecutorial responsibility with corresponding legal powers, enabling prosecutors to perform their role as *dominus litis* more effectively (Andyanto, 2018; Artadinata & Lasmadi, 2023; Sihalo, 2025; EA Aritonang et al., 2022).

Overall, the findings demonstrate that the principal challenge within the current criminal procedural framework is the existence of a normative and institutional gap that prevents prosecutors from exercising effective control over criminal proceedings. The absence of a supplementary investigation authority contributes directly to procedural stagnation, legal uncertainty, and weakened accountability. Consequently, strengthening prosecutorial authority emerges as an essential component of efforts to improve the effectiveness and integrity of Indonesia's criminal justice system (Azizah et al., 2023; Fitriani et al., 2022; Harmoko, 2021; Satriaji, 2022; Utomo, 2020; Yulia, 2016).

## 2. Discussion

The findings of this study reveal a fundamental contradiction embedded within Indonesia's criminal justice system. Although prosecutors are formally recognized as *dominus litis* and entrusted with responsibility for controlling criminal proceedings, the existing procedural framework does not provide sufficient authority to ensure compliance with prosecutorial directives during the investigative stage. Consequently, the relationship between responsibility and authority becomes structurally imbalanced. Prosecutors are expected to guarantee the legality, completeness, and accountability of criminal proceedings, yet they lack effective mechanisms to intervene when investigators disregard prosecutorial instructions. Similar concerns regarding prosecutorial authority, prosecutorial supervision, and institutional accountability have been identified in previous studies on restorative justice, prosecutorial discretion, and criminal justice reform in Indonesia (Faried et al., 2022; Triasari et al., 2023; Habi et al., 2024; Sihombing et al., 2023; Adji, 2012). However, the present study demonstrates that the principal weakness does not lie merely in prosecutorial discretion but in the absence of legal instruments capable of enforcing investigative accountability when prosecutorial directives are ignored.

This finding is significant because it challenges the conventional assumption that the formal recognition of prosecutorial authority is sufficient to ensure effective criminal case control. The normative weaknesses identified in Articles 109 and 110 of KUHAP indicate that prosecutors possess responsibility without corresponding enforcement capacity. In institutional governance terms, such a condition creates an accountability deficit in which legal obligations exist without adequate institutional instruments to realize them. Accountability in modern legal systems requires more than formal designation of authority; it requires mechanisms capable of translating responsibility into effective institutional action. Therefore, the issue identified in this study should not be understood as a mere procedural deficiency but as a structural problem affecting the integrity, effectiveness, and legitimacy of the criminal justice system itself (Balynska et al., 2024; Hertanto et al., 2024; Torodji et al., 2023; Andyanto, 2018; Artadinata & Lasmadi, 2023; Saputra & Hutagalung, 2022).

The significance of this institutional imbalance becomes more evident when examined through the lens of legal certainty. The findings demonstrate that unresolved investigations, repeated circulation of case files, and the absence of effective follow-up mechanisms generate prolonged uncertainty for victims and suspects alike. This condition directly contradicts the classical conception of law proposed by Gustav Radbruch, which

identifies legal certainty, justice, and utility as the primary objectives of legal systems (Griffin, 2001; Pilok, 2013; Muslih, 2013; Latifah, 2012; Sihaloho, 2025). In contemporary criminal justice systems, legal certainty is no longer confined to procedural compliance; it also encompasses predictability, accountability, and continuity within legal processes. When investigations remain dormant despite prosecutorial intervention, legal certainty is undermined because procedural progression depends more on institutional discretion than on enforceable legal obligations (Yasardin & Kooria, 2025; Yulia, 2016; Suryani, 2009; Utomo, 2020). Consequently, procedural stagnation should be viewed not merely as an administrative inefficiency but as a manifestation of deeper institutional weaknesses that compromise the rule of law.

The findings also extend previous scholarship on prosecutorial authority. Existing studies primarily focus on prosecutorial discretion within prosecution, diversion, and restorative justice mechanisms (Faried et al., 2022; Azizah et al., 2023). While these studies successfully demonstrate the growing role of prosecutors in achieving substantive justice, they tend to concentrate on prosecutorial functions after investigations have been completed. The present study reveals that the effectiveness of prosecutorial authority is determined much earlier, namely during the investigative stage, where evidentiary sufficiency, procedural legality, and case readiness are established. Therefore, the effectiveness of *dominus litis* should not be measured solely by prosecutorial decision-making during prosecution but also by the prosecutor's ability to ensure investigative compliance and procedural continuity throughout the criminal justice process (Triasari et al., 2023; Mouri et al., 2023; Simbolon, 2024; Habi et al., 2024).

More importantly, this study argues that the central problem identified within Indonesia's criminal justice system stems from a misalignment between institutional responsibility and institutional authority. Based on this finding, this study proposes the Responsibility–Authority Alignment Framework, which posits that legal institutions can only perform their assigned functions effectively when formal responsibilities are supported by adequate institutional powers. Within this framework, prosecutorial responsibility constitutes the normative obligation to ensure legality, accountability, and procedural continuity, while prosecutorial authority represents the practical capacity to enforce those obligations. When responsibility exceeds authority, institutional dysfunction emerges in the form of procedural stagnation, weakened accountability, and legal uncertainty (Fitriani et al., 2022). Conversely, when responsibility and authority are aligned, investigative accountability becomes enforceable, procedural continuity is

strengthened, legal certainty is enhanced, and justice becomes more attainable (EA Aritonang et al., 2022). The findings, therefore, suggest that supplementary investigation authority should be understood not merely as an additional procedural mechanism but as an institutional instrument for restoring alignment between responsibility and authority within criminal justice governance.

The relevance of this framework becomes increasingly apparent when viewed from the perspective of human rights protection. Criminal investigations conducted without effective prosecutorial supervision increase the possibility of procedural irregularities, selective law enforcement, evidentiary deficiencies, and unequal treatment before the law (Balynska et al., 2024; Hertanto et al., 2024). Contemporary criminal justice scholarship consistently emphasizes that law enforcement institutions must balance coercive authority with procedural safeguards capable of protecting human rights and preventing arbitrary state action (Ramdani, 2020; Rizanizarli et al., 2023; Satriaji, 2022). Within this context, supplementary investigation authority should not be interpreted as an expansion of prosecutorial power for its own sake. Rather, it should be understood as a mechanism designed to strengthen accountability and ensure that investigative authority remains subject to effective legal oversight.

This argument becomes particularly compelling when considering the position of victims and suspects. Victims may lose realistic opportunities to obtain legal remedies when investigations fail to progress, while suspects may remain trapped in prolonged legal uncertainty without a clear procedural resolution. Such circumstances undermine the principles of fairness, due process, and legal protection that form the foundation of democratic legal systems (Christian, 2018; Muhlashin, 2021; Hakim et al., 2025). Moreover, weak procedural accountability often contributes to declining public trust in legal institutions and reinforces perceptions that justice is administered inconsistently (Mujtahid et al., 2025; Al-Fatih et al., 2023; Mangamba et al., 2025). Strengthening prosecutorial oversight, therefore, serves not only institutional interests but also broader objectives concerning human rights protection, public confidence, and legal legitimacy.

The findings further highlight weaknesses in the practical implementation of Indonesia's Integrated Criminal Justice System (ICJS). The ICJS model assumes effective coordination among investigators, prosecutors, courts, and correctional institutions. However, the evidence presented in this study demonstrates that such integration remains incomplete because coordination largely depends upon voluntary institutional

compliance rather than legally enforceable obligations. As a result, procedural continuity may be interrupted despite the existence of formal legal regulations. This observation reinforces broader critiques of fragmented authority structures within criminal justice systems, where institutional boundaries often undermine accountability and effectiveness (Rahmad, 2019; Makamea, 2018; Riady et al., 2025; Nursyamsudin & Samud, 2022; Mouri et al., 2023). The present study contributes to this debate by identifying the absence of supplementary investigation authority as a specific source of institutional fragmentation within Indonesia's criminal justice process.

Comparative perspectives provide further support for this argument. In several continental European jurisdictions, prosecutors play a substantially stronger role in directing investigations than their counterparts in Indonesia (Nelson & Aini, 2025; Sofian, 2025). In Germany, prosecutors are commonly regarded as the "masters of investigation" (*Herrin des Ermittlungsverfahrens*), possessing extensive authority to supervise investigative activities and ensure evidentiary completeness before prosecution. Similarly, in France and the Netherlands, prosecutors exercise supervisory functions throughout the investigative process and may direct investigative priorities to ensure smooth coordination between law enforcement agencies (Nelson & Aini, 2025; Sofian, 2025).

The Dutch criminal justice system also reflects a stronger integration between prosecutorial and investigative functions, where both the police and the prosecutor's office hold investigation functions under a single ministry, emphasizing coordination and accountability throughout criminal proceedings (Henok et al., 2026; Sofian, 2025). Although institutional arrangements differ across jurisdictions, these comparative experiences illustrate a common principle: effective prosecutorial responsibility requires corresponding authority to ensure investigative accountability and to prevent procedural inefficiencies such as the recurring exchange of case files (Henok et al., 2026; Nelson & Aini, 2025; Tavoilzhanskyi et al., 2025). The Indonesian experience, therefore, reflects a broader challenge faced by many criminal justice systems seeking to balance investigative independence with prosecutorial oversight.

The implications of these findings extend beyond Indonesia and resonate with broader debates concerning global criminal justice governance. Across both developed and developing legal systems, law enforcement agencies increasingly confront complex forms of criminality involving corruption, organized crime, cybercrime, environmental offenses, and transnational criminal networks. These developments require stronger

mechanisms for ensuring evidentiary integrity, institutional accountability, and inter-agency coordination (Tavolzhanskyi et al., 2025; Riady et al., 2025; Montana, 2009). Consequently, the issues identified in this study should not be viewed solely as domestic procedural concerns. Instead, they reflect broader global questions regarding how criminal justice institutions can distribute authority effectively while maintaining accountability, procedural fairness, and public trust.

The relevance of this argument is particularly significant for Global South countries and emerging democracies, where institutional fragmentation, resource limitations, and overlapping authority structures often hinder the effectiveness of criminal justice systems (Nelson & Aini, 2025). In such contexts, strengthening accountability mechanisms becomes as important as strengthening legal authority itself to ensure an integrated and professional judicial process (Jayuska et al., 2025; Henok et al., 2026). The Responsibility–Authority Alignment Framework proposed in this study may therefore provide a useful analytical lens for examining prosecutorial governance beyond Indonesia, addressing the common issues of ineffective coordination and the lack of a "bridge" between investigative and prosecutorial functions (Huda et al., 2025; Nelson & Aini, 2025). By emphasizing the relationship between institutional responsibility and institutional capacity, the framework offers a conceptual approach that may contribute to comparative discussions on criminal justice reform, prosecutorial accountability, and governance modernization in diverse legal settings.

The primary contribution of this study lies in its reconceptualization of supplementary investigation authority as an institutional response to the structural contradiction between prosecutorial responsibility and prosecutorial authority. Unlike previous studies that primarily examine *dominus litis* through prosecutorial discretion, restorative justice, or prosecution policy, this study demonstrates that effective implementation of the principle depends upon the alignment between institutional responsibility and institutional authority. By positioning supplementary investigation authority as a mechanism for restoring such alignment, the study extends existing debates on prosecutorial authority, legal certainty, and criminal justice reform. More broadly, it highlights that effective criminal justice governance depends not merely on formal legal recognition but on the practical correspondence between institutional obligations and corresponding legal powers (Adji, 2012; Griffin, 2001; EA Aritonang et al., 2022).

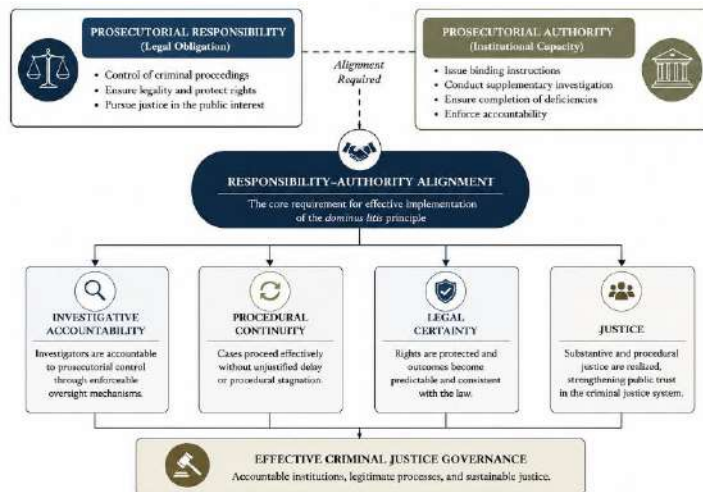


Figure 1. Responsibility–authority alignment framework for effective *dominus litis* implementation

The framework illustrates that the effective implementation of the *dominus litis* principle depends on the alignment between prosecutorial responsibility and corresponding institutional authority. Such alignment strengthens investigative accountability, procedural continuity, legal certainty, and substantive justice, ultimately contributing to effective criminal justice governance.

Nevertheless, several limitations should be acknowledged. This study adopts a normative juridical approach and therefore relies primarily on statutory regulations, legal doctrines, and conceptual analyses of prosecutorial authority. Consequently, it does not incorporate empirical perspectives from prosecutors, investigators, judges, defense lawyers, victims, or other criminal justice actors regarding the practical implementation of supplementary investigation mechanisms. Furthermore, the study focuses specifically on the Indonesian legal framework and does not undertake a systematic comparative assessment of prosecutorial authority across multiple jurisdictions. These limitations restrict the ability of the study to evaluate how supplementary investigation authority operates in practice and how different institutional contexts may influence its effectiveness.

#### D. Conclusion

This study demonstrates that the principal challenge in implementing the *dominus litis* principle within Indonesia’s criminal justice system lies in the structural imbalance between prosecutorial responsibility and prosecutorial authority. Although prosecutors are entrusted with controlling criminal proceedings, the current legal framework does not provide effective

mechanisms to ensure compliance with prosecutorial directives during investigations. As a result, the absence of a supplementary investigation authority contributes to procedural stagnation, weakens institutional accountability, and undermines legal certainty.

This study contributes to criminal procedural law by repositioning supplementary investigation authority as an institutional mechanism for strengthening the practical implementation of the *dominus litis* principle. The findings show that effective prosecutorial control depends not only on authority at the prosecution stage but also on the capacity to ensure accountability throughout the investigative process.

The implications of these findings extend beyond Indonesia. As criminal investigations become increasingly complex, aligning institutional responsibility with legal authority becomes essential for ensuring accountability, legal certainty, and public trust. Strengthening supplementary investigation authority should therefore be viewed not merely as procedural reform, but as a necessary step toward improving the effectiveness and integrity of contemporary criminal justice systems.

Given the normative nature of this study, future research should expand the analysis by incorporating empirical perspectives from prosecutors, investigators, judges, and other criminal justice actors regarding the practical feasibility and institutional implications of supplementary investigation authority. Comparative studies examining prosecutorial authority across different jurisdictions would also provide valuable insights into alternative models for balancing investigative and prosecutorial functions within modern criminal justice systems.

This study demonstrates that the effectiveness of Indonesia's criminal justice system depends not merely on the formal recognition of prosecutorial authority, but on the existence of institutional mechanisms that ensure accountability throughout the criminal process. The findings indicate that legal certainty cannot be achieved through procedural recognition alone; it requires a meaningful alignment between prosecutorial responsibility and prosecutorial authority. In this regard, strengthening supplementary investigation authority is not simply a procedural reform, but a necessary step toward transforming the *dominus litis* principle into an effective instrument of accountability, legal certainty, and justice.

### **Declaration of Competing Interest**

The authors declare that they have no known competing financial or non-financial interests that could have appeared to influence the work reported in this paper.

## **Declaration of Generative AI**

During the preparation of this manuscript, the authors used the [Grammarly] tool to improve the clarity and readability of the text. Output generated by the tool was carefully reviewed and edited by the authors, who take full responsibility for the content of this article. All substantive intellectual contributions, including conceptualization, analysis, interpretation of data, and final decisions regarding content, arguments, and conclusions, were carried out solely by the authors. The authors take full responsibility for the integrity, originality, and academic quality of this article.

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