

Independence of the Attorney General in the State Governance System to Realize Justice Law Enforcement

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Abstract : *The independence of the Prosecutor has so far been the subject of much debate. This is inseparable from the position of the Prosecutor's Office itself as a government institution, the Attorney General is a political position, while its function as a law enforcement institution raises many questions "can the Prosecutor's Office be able to work independently in carrying out its functions, but the position of the Prosecutor's Office itself is part of the government. Efforts to free the prosecutor's office can be started by placing the attorney general out of the cabinet and making the attorney general, not a political position. Attorney General should be a career position, unlike today which is a political position. So, ideally, the attorney general is not responsible to the president, but to the people's representative institutions. Meanwhile, the attorney general, who has been appointed by the president, must be confirmed to be appointed by the president as head of state after previously receiving a proposal from the DPR. Candidates for an attorney general must be recruited by an existing young attorney general and is a career attorney. The Appointment of an attorney general outside the existing young attorney general tends to lead to double loyalty. In addition, the attorney general should not be taken from the political community as an effort to depoliticize the prosecutor's office. Even if the attorney general was forced to appoint a non-career attorney, it would be better if someone who knew the attorney general's kitchen was in addition to their clear track record.*

Keywords: *Independence; Career; Attorney General*

INTRODUCTION

The reformation era required an arrangement of the political system, which required changes not only to the implementing regulations of the 1945 Constitution of the Republic of Indonesia but furthermore, also required

changes to the government system.

The law must be neutral for every seeker of justice and not be discriminatory, in favor of the strong and powerful which causes a crisis of trust. One of the reasons for the protracted resolution of multi-dimensional crises is the

occurrence of legal chaos (judicial disarray) which demands immediate reform in the legal sector by making changes and total renewal of the entire legal system (legal system) and law enforcement, especially against our law enforcement agencies and officers such as judges, prosecutors, police, and advocates.¹

Article 3 TAP MPR No. VI/2001 on the Ethics of National Life recommends to the President and high state institutions as well as the community to implement this TAP as a 'basic reference in the life of the nation'. Government ethics mandates that state administrators are ready to resign if they feel they have violated the rules and value system; or deem unable to fulfill the mandate of the community, nation, and state. Weak's mentality and integrity of law enforcement officers resulted in law enforcement not running properly. The weak enforcement of the rule of law in Indonesia is due to a lack of courage, firmness, and innovation by Indonesian law enforcement officials in enforcing and implementing applicable laws and regulations.²

The law is not only aimed at achieving order and fairness, but it can also serve as a means to change or renew the community. The law can also renew the attitudes and ways of thinking in society so that the law can participate in the face of the situation of development in the country of Indonesia which is essentially a process that concerns the aspects of human life.³ Thus, the implementation of

these theories is the necessity of understanding the judicial process for the Indonesian National Police investigator in order to fulfill the elements of the law enforcement process in the following aspects of community life.⁴

Many factors affect the weak mentality of law enforcement officers including less understanding of religion, economics, non-transparent recruitment processes, interference from the authorities, and so on. So that it can be emphasized that law enforcement factors play an important role in the functioning of the law. If the regulations are good, but the quality of law enforcement is low then there will be problems. Likewise, if the regulations are poor while the quality of law enforcement is good, the possibility of problems arising is still open. Legal culture according to Lawrence Meir Friedman is human attitudes toward the law and the legal system's beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how the law is used, avoided, or abused.

Law enforcement professionals are responsible to ensure that everyone can realize their freedom to achieve goals, but not exceed the limit to interfere with the freedom of others. Justice in this context means equal freedom to fight for each person's goals. The fence of freedom was guarded by law enforcers and it gave him the power over everyone's freedom⁵

¹ Solehuddin, "Qua Vadis Independensi Advokat dalam Sistem Peradilan di Indonesia" Jurnal Perspektif, Vol XVI No. 2 tahun 2011 Fakultas Hukum Universitas Bhayangkara Surabaya, 2011, hlm. 95,

² Dey Ravena, "Wacana Konsep Hukum Progresif Dalam Penegakan Hukum Di Indonesia", Jurnal Wawasan Hukum, Vol. 23 No. 2010, hlm. 156

³ Dani, D., Edi, S & Rusli K. *Efforts To Build The Integrity Of Investigators To Realize Just Law*

Enforcement. Journal of Legal Ethical and Regulatory Issues, 24 (S1). 2021

⁴ Hernawati, R., Dani, D., & Dini, R. The concept of Islamic law in law enforcement profession ethics. Journal of Legal Ethical and Regulatory Issues, 24 (S1). 2021.

⁵ Solehuddin, (2011) "Qua Vadis Independensi Advokat dalam Sistem Peradilan di Indonesia" Jurnal Perspektif, Vol XVI No. 2 tahun 2011 Fakultas Hukum Universitas Bhayangkara Surabaya, 2011 hlm. 95,

Law enforcement itself must be defined within the framework of three concepts, namely the concept of total law enforcement (total enforcement concept) which demands that all values behind the legal norms be enforced without exception, the full enforcement concept which realizes that the concept of The total need to be limited by procedural law and so on for the protection of individual interests and the concept of actual law enforcement that emerged after it was believed that there was discretion in law enforcement due to limitations, both related to facilities and infrastructure, quality of human resources, quality of legislation. -invitation and lack of community participation.⁶

Independence of the Prosecutor The bureaucratic structure of the Prosecutor's Office, as currently exists with the adoption of a command system with hierarchical accountability supported by the doctrine that the Prosecutor's Office is one, has placed prosecutors not independent. With a command system, prosecutors are oriented to those ordered by the attorney's superior, the supervisor concerned also submits to his superiors again, and so on until the attorney general submits to the President.

The amount of power carries the consequence of great responsibility, so the person in charge of law enforcement must know their rights and obligations when they make a mistake. And things that can be improved until they have to face legal sanctions, they must understand that there is a defense. They need to know their rights and obligations regarding allegations within the framework of law en-

forcement. There must be rules, procedures, and a set of responsibilities that are clearly defined so that you know the protection that can be obtained when taking actions that have legal consequences. The certainty of the limits of responsibility cannot be separated from the ethical framework.

The independence of the Prosecutor has so far been the subject of much debate. This is inseparable from the position of the Prosecutor's Office itself as a government institution, while its function as a law enforcement institution raises many questions "can the Prosecutor's Office be able to work independently in carrying out its functions, but the position of the Prosecutor's Office itself is part of the government."⁷ The Prosecutor's Office should be "independent" having its own body apart from the Executive so that it can be independent, which is missing, because the Attorney General (assistant to the president) does not retire at the age of 60, but can be replaced at any time by the president.

Some developed countries such as Brunei have explicitly stated that the Attorney General cannot be intervened by anyone.⁸) In Italy, for example, the constitution clearly states that judicial power is exercised by magistrates consisting of judges and prosecutors. Likewise the prosecutor's office in Bulgaria. After the collapse of the socialist state, Bulgaria followed the system used in Italy, in which the Prosecutor's Office previously placed under the executive branch was transferred to the judiciary. Hungarian Prosecutors are ac-

⁶ Edi Setiadi, (2002) "Pengaruh Globalisasi Terhadap Subtansi Dan Penegakan Hukum, Mimbar: Jurnal Sosial dan Pembangunan Volume XVIII No. 4 Oktober - Desember 2002, hlm. 453

⁷ Dio Ashar Wicaksana, (2019) *Kedudukan Kejaksaan RI dalam Sistem Hukum Tata Negara Indonesia*, Jurnal Fiat Justitia, Vol 1 No 1 Maret 2013

⁸ Widha Sinulingga, "Kedudukan Lembaga Kejaksaan Dalam Sistem Ketatanegaraan Di Indonesia", Tesis Program Pascasarjana Fakultas Hukum Universitas Islam Indonesia, Yogyakarta (2016), hlm . 206

countable to Parliament and are required to report all activities of the Prosecutor's Office to Parliament regularly. The problems in this study that we raise are as follows: "How ideal is the election of the attorney general in the constitutional system"

METHODS

This study aims to find and find a model and implementation of the conception of the ideal concept of the election of the Attorney General through normative and empirical legal research methods and comparative studies. Starting with conducting studies, field investigations, and analysis, until a model and the right and concrete implementation of the Attorney General's conception are found in the current state administrative system.

ANYLISIS & DISCUSSION

Prosecutor's independence in law enforcement

A set of laws, especially Islamic law, will mean nothing without the power to enforce it. In this connection, the state is needed to enforce the law. Therefore, the state becomes the main tool for its enforcement. That is, without a state, Islamic law cannot be enforced. That is why a country with religion is a 'Two Sides Of One Coin'. The state and religion must be a unit that complements, strengthens, and strengthens.⁹ Islam places great emphasis on the principle of justice. This can be seen directly in the pillars of Islam. The pillars of Islam require Muslims to pay tithe and fast, it shows justice. In the Qur'an, there are many verses that emphasize justice. This justice

in Islam is emphasized because Allah Himself has a just nature, and in Islam justice is truth.¹⁰ Among the verses of the Qur'an that emphasize the importance of justice are Surah An-Nisa verses 58 and 135.

In Islamic law, power is a mandate; this matter. based on the Qur'an surah Au Imran verse 189 which states that "to Allah belongs the kingdom of the heavens and the earth and Allah is Mighty over all things". The verse shows that the one who has power in this world is Allah. Then in Surah Al Baqarah verse 30, Allah says that "the position of humans on this earth is as caliph (a traveler's mandate from Allah to regulate and manage the earth as well as possible according to the provisions that have been outlined by Allah)". Thus, if drawn in a legal construction, then God as the holder of power attributes to humans to regulate and manage this earth in accordance with God's provisions. And in certain cases (human relations with humans and humans with nature/muamalat) humans are given the freedom (fries Armisen) to regulate something that has not been regulated. Thus, according to Islam, power is a gift or blessing of Allah which is a mandate to humans to be maintained and implemented as well as possible by following the basic principles set out in the Qur'an and exemplified by the Sunnah of the Messenger of Allah, and that power must be accounted for in the future. answer to Allah.¹¹

If this justice is associated with an Islamic legal state, then it gives birth to the concept:

⁹ Rusli Kustiaman Iskandar, (2003) *Polemik Dasar Negara Islam Antara Soekarno Dan Mohammad Natsir*, Volume XIX No. 2 April - Juni 2003, hlm. 203-2018

¹⁰Efik Yusdiansyah, *Implikasi Keberadaan Mahkamah Konstitusi Terhadap Pembentukan Hukum Nasional dalam Kerangka Negara Hukum*, Lubuk Agung, Bandung, 2010,

¹¹M. Daud Au Et.all.), *Islam untuk Disiplin Ilmu Hukum, Sosial, dan Politik*, Bulan Bintang, Jakarta, 1988, hlm. 116

firstly all people must be able to obtain their rights fairly without discrimination, secondly the obligation to apply judicial power in the fairest way possible, and thirdly the obligations of state administrators to realize a goal of a just, prosperous and prosperous society. peace under the pleasure of Allah. Justice is one of the goals of every legal system, even the most important goal. There are still other legal goals that have always been the foundation of the law, namely legal certainty and order. Apart from being a legal goal, justice can also be seen as a value. For a good human life, there are 4 (four) values that are important foundations, namely: Justice, Truth, Law, and Morals.

Justice in a narrow sense, legal certainty, and public benefits are largely determined by the culture or culture adopted or shaped by the life of the community in question. In liberal culture, according to Gustav Radbruch, the linkage is manifested in hierarchical relations. A. Masyhur Effendi stated that justice is the main part of the ideals of the law, in fact, it can be said as a legal human right because a law without legal ideals becomes a dangerous tool.¹²

Furthermore, Aristotle in the book *Nicomachean Ethics*, states that Justice or "Justice" can be distinguished in two forms, namely: Distributive Justice, which states that justice is related to the award (honors) and the same wealth that must be received by the same person under conditions, equal status in the country.

Plato in "Politeia" says that justice is an orderly arrangement of people who con-

trol themselves.¹³ This understanding of justice cannot be separated from the idea that the origin of the state lies in the needs and desires of various human wants and the need to co-operate as a result. Between the nature of the state and human nature can be drawn parallel lines resulting in three traits: reason, courage, and necessity.¹⁴

According to Soerjono Soekanto, the law can function properly, it requires harmony and the relationship between four factors, namely, the law and regulations themselves, the mentality of officers who enforce the law, the facilities expected to support the implementation of the law and the awareness and legal compliance of the citizens.¹⁵

The rule of law is an ideal state idea and has been developing for a long time. It is said to be ideal because the idea of a rule of law contains guarantees for the protection of human rights, limits on power, guarantees of fair legal certainty, democratic government according to law, and others. The teaching of the rule of law is essentially rooted in the theory of the rule of law which in principle is that the highest power in a country is law, but the rule of law in a modern state cannot run alone and must go hand in hand with various other kinds of sovereignty, for example, people's sovereignty, thus giving birth to the terms "democratic rule of law" as well as "de-

¹²A Mansyur Effendi, *Perkembangan Dimensi Hak Asasi Manusia (RAM) dan Proses Dinamika Penyusunan Hukum Hak Asasi Manusia (HAK HAM)*, Galia Indonesia, Jakarta:2005, hlm. 25

¹³Nicholas J. Theocarakis, *Nicomachean Ethics in Political Economy: From the Scholastics to the Neoclassicals*, Makalah. 2004. hlm. 3. dikutip dari <www.het.gr/HET/pdf/dimosiefseis/>

¹⁴Von Schmid, J.J., *Ahli-Ahli Pikir Besar Tentang Negara dan Hukum (Dan Plato sampai Kant)*, terjemahan oleh R. Wiratno, Djamaluddin Dt. Singamangkuto. dan Djamadi, Cetakan Keempat, Jakarta, PT. Pembangunan, 1965,

¹⁵Soerjono Soekanto, *Teori Sosiologi tentang Pribadi dalam Masyarakat*, Ghalia Indonesia, Jakarta, 1998,

mocracy based on law”.¹⁶

Mukhtie Fadjar stated that the important elements in a rule of law state and are characterized as absolute prerequisites include: the principle of recognition and protection of human rights, the principle of legality, the principle of sharing state power, the principle of free and impartial peace, the principle of people’s sovereignty, democratic principles, and constitutional principles. The understanding that the rule of law both in the sense of resistance and the rule of the law implies “law in a state based on law, must be given a fundamental role, namely as a central point, both in the life of individuals, community life and the life of the nation and state”.

The relationship between the three branches of state power: executive, legislative, and judicial, is a concern that is constantly being studied and developed by following the development of society. Executive power and legislative power cannot control an independent judicial power. This aspect is a very important concern compared to other aspects of the relationship between the three implementing institutions of state power. The judicial power has the right to examine the executive action with the power to declare the executive action null and void if it is deemed to have exceeded its authority or violated the law.¹⁷ In addition, it can provide a final assessment of laws that are legislative products by declaring void actions or legislative products that are considered contrary to the constitution. In this case, the state gives a large role to judicial power so that it can reject

the implementation of legislative actions that are considered contrary to the provisions of the constitution. As said by Ferguson and Mc. Henry:¹⁸

“An important function of the court in the American System is to check and balance the legislative and executive branches. This they do, first by deciding the meaning of legislative acts in cases before them; the second, by passing on the legality of executive action, and third, by determining whether status and administrative acts are constitutions.”

The limitation of power changes absolute power and is easily corrupted. According to Walter F Murphy, “Constitutionalism can prevent a majority from effectively depriving minorities of participation rights, while democracy can prevent paralysis that may be associated with rigid constitutionalism Richard S. Kay gives the interpretation of constitutionalism implements the rule of laws; it brings about predictability and security in the relations of individuals and the government by defining in advance the powers and limits of that government that)¹⁹

Countering the conflicts of interest that drive such corruption, it is necessary to increase the accountability and transparency of all involved in the justice system. This is done by limiting decision-making power, improving the rotation system with term limits, strict selection of appointments, improving salaries, working conditions, and training in public ethics.

¹⁶David H. Baylel, “*The Nation and The police*”, disunting oleh Mochtar Lubis “*Bangsa dan Polisi dalam Citra Polisi*”, Yayasan obor Indonesia, Jakarta,

¹⁷Pontang Moerad, (2005) *Pembentukan Hukum Melalui Putusan Pengadilan Dalam Perkara Pidana*, Alumni, Bandung, 2005,

¹⁸Ferguson & Mc.Henry, *The American System of Government*, Mc.Graw-Hill Book Company, New York, 1965

¹⁹Walter F. Murphy, dalam Saldi Isra, *Lembaga Negara Independen*, Raja Grafindo Persada, Depok 2017,

Controls that are too tight to prevent vested interests can be counter-productive, alienating competent people from seeking public office. So a balanced approach is needed. Indeed, a conflict of interest is not automatically the same as committing corruption, but if the conflict of interest cannot be resolved, it will easily lead to corruption. The policy on conflicts of interest does not mean that public officials are prohibited from having personal interests, but the main goal is to maintain integrity in official policies and administrative decisions, and public management because unresolved conflicts of interest can lead to abuse of public office. Integrity assurance will be more effective if it does not only rely on supervision but builds an ethical culture within the organization.

The operational effectiveness of a legal structure or institution is largely determined by its position in state organizations. The Prosecutor's Office is a legal institution and lives in a larger human community that can shape everything the organization does, so the placement of the Prosecutor's Office in a state organization becomes more important because it will affect the implementation of the duties and responsibilities assigned as well as the performance of the institution. police. duties and authorities as the state police. According to Lawrence Meir Friedman, there are three elements in the legal system, namely Legal Structure (institutional order and institutional performance), Legal Substance (legal material), and Legal Culture (legal culture).²⁰

Efforts to free the prosecutor's office can

be started by placing the attorney general out of the cabinet and making the attorney general, not a political position.

When the attorney general is faced with the reality of dealing diametrically between the interests of the State/society and the interests of the government/power holders, it is difficult to say that the attorney general and his bureaucratic ranks are neutral. This situation is exacerbated by the fact that the leadership of the district attorney's office is a member of the level I muspida for high-level prosecutors and level II Muspida for the Kajari.

Perceptions, behaviors, and managerial styles developed in the leadership of the public prosecutor's office are command systems. Superiors position subordinates at in a hierarchical level who must submit to all their orders. Subordinates must serve their superiors, even for non-national matters, such as service to top-level officials to matters of family interest or outside the service must be carried out by subordinates.

Military style is often applied in suppressing subordinates. The deposit culture still often colors the relationship between subordinates and superiors. If you want to get a promotion, you must be able to realize what your boss wants. In fact, it is not uncommon for prosecutors to be called to be examined by supervisors who should receive punishment because of irregularities that have been committed, but in a not too long time, they get a promotion decree.

Such a leadership style will further foster the practice of irregularities in corruption investigations. Besides the prosecutor concerned is only ready to carry out what his superiors want which is the embodiment of intervention on the independence of the prosecutor, it also creates a situation where inevi-

²⁰Lawrence Meir Friedman dalam Achmad Ali, *Keterpurukan Hukum di Indonesia Penyebab dan Solusinya*, Ghalia Indonesia, Ciawi-Bogor, Cetakan Kedua, 2005

tably the prosecutor will take advantage of the opportunities available to him for the benefit of supporting the will of his superiors, such as a deposit culture and servicing superiors.

The integrity of a person's personality will determine the success of the work and tasks assigned to him. Likewise with the task of prosecutors in carrying out prosecutions. When the prosecutor is faced with dilemmatic choices or challenging problems, the prosecutor's personality is very decisive. Because in handling cases, there are many temptations that stand in the way. These temptations can be in the form of money or even position. Or not infrequently in the form of threats and terror, both physically and mentally. This can happen because criminals are usually, not random people. Usually, holders of power or have a strong backing behind them, also have a lot of money. Together, this power, backing, and money become a challenge for prosecutors who are dealing with corruption cases. When the prosecutor's personality is good, these problems can be overcome, and vice versa. In this prosecutor's office, there is a doctrine that the prosecutor is one. This doctrine is not only implemented in the execution of tasks, but also in negative ways. In addition, it is also supported by the doctrine of hierarchical responsibility, which resulted in the enactment of a command system.

The Qur'an teaches that the ruler always shows an attitude of compassion and tenderness to the people, governs fairly and with the guidance of the Qur'an and Sunnah, and always holds fast in solving common problems, especially in matters of state life. This also means that the people should really be invited to participate in solving state problems, taking into account their aspirations, especially

when it comes to their religious beliefs.²¹

The Hadith of the Prophet narrated by Bukhari teaches us: Listen and obey the ruler, even though the one entrusted with power is a slave of Habsyi descent who looks like his head is like a raisin. This Hadith of the Prophet commands that the people obey a legitimate government regardless of their original social status, whether they are from the nobility or from the common people. However, the hadith of the Prophet narrated by Ahmad teaches: It is not permissible to obey things that are disobedience to God the Creator.

Political factors are very dominant in influencing the independence of prosecutors in prosecution. As in cases of major corruption that are being handled by the attorney general. That those who are suspected of being involved in criminal acts of corruption are not ordinary people, but actually people who have important and strategic roles in the Indonesian government or at least have held important positions in power and are currently still influential. public power, but also those with private status from owning, a close relationship with the holders of government power²²

Article 19 of Law no. 16 of 2004 concerning the Prosecutor's Office: "The Attorney General is appointed and dismissed by and is responsible to the President." Such provisions, structurally and functionally, will inevitably be shackled by the attorney general and make them fully submit to the president. This article can legitimize the intervention

²¹Muhammad Tahir Azhary, *Negara Hukum: Suatu Studi tentang Prinsip.prinsipnya dilihat dan Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*, Kencana Prenada Media, Jakarta, 2004

²² Hestu Cipto Handoyo, *Hukum Tata Negara, Kewarganegaraan, dan Hak Asasi Manusia*, UAJY, Yogyakarta, 2003

of the executive power holder against the attorney general. Therefore, the prosecutor's office should place more emphasis on public accountability and not lean toward certain political groups.

Meanwhile, prosecutors in carrying out their duties and authorities are bound by hierarchical accountability provisions. Thus, when the attorney general does not have independence in prosecution, up to the lowest structure the prosecutor is also not independent. Thus, the goodwill of the power holder will determine the independence of the prosecutor in the prosecution. Because of the good intentions of the prosecution.

The prosecutor's bureaucracy which is not neutral in the science of state administration is emphasized that a government bureaucracy must be "neutral". Traditionally, this principle has been interpreted as stating that the government bureaucracy must continue to function as it should, regardless of which political party is in power. The position of the prosecutor's office in the state administrative structure which is not explicitly stated in the constitution is more defined as part and executive although it has the main function of carrying out some judicial functions. However, the executive color looks more prominent than the other way around. Such a situation has placed the prosecutor's office in a non-neutral position in all ranks of the bureaucracy, both at the central level, namely the attorney general and the regional attorney general's office, namely the high prosecutor and the state prosecutor. At the central level, the position of the attorney general as a high minister at the ministerial level is included in the cabinet structure, placing the attorney general in a non-neutral condition. Because the attorney general himself as the head of the prosecutor's office is

appointed and dismissed by and is responsible to the president who is the "top executive".

These two doctrines really color the prosecutor in terms of promotion. When a prosecutor has loyalty to the agency which is indicated by his loyalty to the superior of the position holder in a hierarchical structure, he will have a smooth career path. However, on the other hand, when loyalty to this leader is considered low, the prosecutor's career will automatically stop. To be able to follow the loyalty of this model, it is not uncommon for prosecutors to have to distort their powers. Deviating cases that can give rise to loyalty values are usually very obvious in prosecution. This happens because in carrying out prosecutions, prosecutors usually get intervention through the hierarchical channel of the superior concerned.

The position of the prosecutor's office in the state administrative structure which is not explicitly stated in the constitutions is more defined as part and executive although it has the main function of carrying out some judicial functions. However, the executive color looks more prominent than the other way around. Such a situation has placed the prosecutor's office in a non-neutral position in all ranks of the bureaucracy, both at the central level, namely the attorney general and the regional attorney general's office, namely the high prosecutor and the state prosecutor. At the central level, the position of the attorney general as a high minister at the ministerial level is included in the cabinet structure, placing the attorney general in a non-neutral condition. Because the attorney general himself as the head of the prosecutor's office is appointed and dismissed by and is responsible to the president who is the "top executive".

When the attorney general is faced

with the reality of dealing diametrically between the interests of the State/society and the interests of the government/power holders, it is difficult to say that the attorney general and his bureaucratic ranks are neutral. This situation is exacerbated by the fact that the leadership of the district attorney's office is a member of the level I muspida for high-level prosecutors and level II muspida for the Kajari.

Frequently, investigations are continued or not continued due to factors related to "leadership policies" compared to technical juridical factors. So, wrapped in the doctrine that the prosecutor's office is one and this hierarchical responsibility has enriched the lack of independence of the prosecutor in investigating corruption. It is as if the doctrine legitimizes deviation.

Improvement of mechanisms and procedures so that they can be controlled more effectively. The decision-making process must be transparent and controllable. The public has the right to know how public institutions use the power and resources entrusted to public officials. Public scrutiny should be made possible by transparent and democratic procedures, through parliamentary control and access to official information. Transparency should be strengthened by an information delivery system and recognition of the role played by active and independent media.

Public responsibilities cannot only be based on minimal norms that are below the standard of action but must clearly state the value of public services which is the aspiration of all. Accountability for actions is addressed to superiors and the public. Appropriate procedures and sanctions are in place to avoid fraudulent behavior. Independent scrutiny is an important element of the ethics infrastructure. There should be administrative

and disciplinary sanctions to prevent fraudulent behavior.

The set of responsibilities should clearly define the authority for approval and there should be a separation of duties from internal reporting obligations. If there is a delegation, the authority must be clearly defined, including the status of the signature, the acknowledgment of responsibility, the limits of authority based on the amount of money, and to whom the obligation to make reports. In this context, leadership plays a major role in determining the implementation of appropriate ethical standards. Leaders are responsible for violations and corruption. Its role is very large in creating an ethical organizational culture.

The position of the attorney general as referred to in Law no. 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, is felt that it is not conducive to efforts to optimize the prosecutor's office in investigating corruption crimes. This is because (Article 19 of Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Prosecutor's Office): "The Attorney General is appointed and dismissed by and is responsible to the President." Such circumstances have placed the attorney general in a less independent position. When the attorney general is appointed and dismissed and is accountable to the president, it is difficult to understand that the attorney general is independent.

This is supported by the fact that the attorney general is at the highest level of leadership which contains hierarchical responsibilities. Such a situation needs to be rescued immediately so that efforts to enforce the rule of law can run by keeping the intervention of political forces away from the prosecutor's

office through this route.

Efforts to free the prosecutor's office can be started by placing the attorney general out of the cabinet and making the attorney general, not a political position. So, ideally, the attorney general is not responsible to the president, but to the people's representative institutions. Meanwhile, the attorney general, who has been appointed by the president, must be confirmed to be appointed by the president as head of state after previously receiving a proposal from the DPR.

Candidates for attorney general must be recruited by an existing young attorney general and is a career attorney. Appointment of an attorney general outside the existing young attorney general tends to lead to double loyalty. In addition, the attorney general should not be taken from the political community as an effort to depoliticize the prosecutor's office. Even if the attorney general was forced to appoint a non-career attorney, it would be better if someone who really knew the attorney general's kitchen was in addition to their clear track record. With the depoliticization of the attorney general's office, the position of attorney general will no longer be a political office. This will have serious implications for prosecution.

Efforts to remove prosecutors from the pressure of a hierarchical structure wrapped in prosecutorial doctrine is an urgent thing to do. Because this is the safest way for political power to intervene against prosecutors. If that's the case, usually the prosecutor can do nothing considering the intervention is wrapped up in legitimate media. Therefore, it is necessary to formulate the role of the prosecutor that allows the prosecutor to play a proportional role in corruption investigations. To begin with, the independence of the pros-

ecutor is absolutely essential. To bridge the interests of bureaucratic functions from independent demands, prosecutors in the prosecution should separate structural and functional responsibilities. So far, the prosecutor has to account for his authority structurally so that it is easy to intervene when carrying out his function as a prosecutor. Therefore, it is better if the prosecutor is not structurally responsible in exercising his authority. Thus, when a prosecutor who is usually in the form of a team investigates corruption, he is fully accountable to the team. The prosecutor's supervisor has no right to interfere with the work carried out by the prosecutor. Meanwhile, the prosecutor's responsibility is still being demanded, but functionally not structurally. Thus, it is hoped that the prosecutor will be truly independent, just like the freedom that judges have. It is hoped that the success of prosecutors in investigating corruption will reach the maximum level. If the independence of the prosecutor can be achieved, by itself the problem of the role of the Kajati and Kajari as muspida will have no effect.

Increasing Prosecutor's Professionalism In the prosecutor's office, the prosecutor's office can no longer avoid demands for increased professionalism of prosecutors. This needs to be put forward because the task of eradicating corruption is not solely the responsibility of the attorney general, but the immediate task of the public prosecutor's office. The challenge faced by an attorney general is not in the substance of the law, but in its enforcement so that through such enforcement it produces a sense of justice. Meanwhile, law enforcement itself rests on the shoulders of the prosecutors. With increased professionalism, it is hoped that prosecutors will be able to play a role as expected by the community in law en-

forcement, as part of efforts to seek justice. Empowerment of the prosecutor's office must begin by optimizing the prosecutor's internal resources.

Efforts to relieve prosecutors from the pressure of hierarchical structures wrapped in prosecutorial doctrine are urgent to do. Because this is the safest route for the intervention of political forces against prosecutors in handling cases. If that's the case, usually the prosecutor can do nothing considering the intervention is wrapped up in legitimate media.

CONCLUSION

Efforts to free the prosecutor's office can be started by placing the attorney general out of the cabinet and making the attorney general, not a political position. Attorney General should be a career position, unlike today which is a political position. So, ideally, the attorney general is not responsible to the president, but to the people's representative institutions. Meanwhile, the attorney general, who has been appointed by the president, must be confirmed to be appointed by the president as head of state after previously receiving a proposal from the DPR. Candidates for attorney general must be recruited by an existing young attorney general and is a career attorney. Appointment of an attorney general outside the existing young attorney general tends to lead to double loyalty. In addition, the attorney general should not be taken from the political community as an effort to depoliticize the prosecutor's office. Even if the attorney general was forced to appoint a non-career attorney, it would be better if someone who really knew the attorney general's kitchen was in addition to their clear track record.

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