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Strengthening Dominus Litis Principle for Effective Corruption Case Management in Indonesia: Harmonizing Positive Law and Islamic Legal Principles

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Abstract: Corruption in Indonesia persists as a systemic problem, exacerbated by fragmented investigative authority, inconsistent regulations, and the absence of strict deadlines for case resolution. This study examines the dominus litis principle—vesting the Prosecutor's Office with control over criminal cases—through both Islamic legal foundations and empirical realities in Indonesia. Using a normative-empirical method that combines legislative, conceptual, and comparative analyses, the research highlights the novelty of contextualizing dominus litis within Islamic jurisprudence, constitutional mandates, and human rights principles. Islamic sources, including the Qur'an and Hadith, unequivocally condemn corruption as *ghulūl* and bribery, framing it as both a sin and a betrayal of public trust. From the perspective of *maqāṣid al-sharī'ah*, prolonged investigations that freeze assets and stigmatize suspects create harm (*mafsadah*) rather than benefit (*maṣlaḥah*), thereby violating the objectives of justice, dignity, and wealth protection. Historical institutions such as the *qāḍī al-maẓālim* and the doctrine of *siyāsah shar'iyyah* further legitimize prosecutorial oversight as a means of ensuring accountability and safeguarding public welfare. Empirical evidence shows that fragmented authority between the Police, the Corruption Eradication Commission (KPK), and the Prosecutor's Office has caused overlapping roles, case stagnation, and human rights violations. Comparative insights from civil law jurisdictions such as Germany and France illustrate that stronger prosecutorial dominance ensures legal certainty and efficiency. The study concludes that reinforcing the Prosecutor's Office as dominus litis from the investigation stage is essential for harmonizing institutional roles, establishing strict case deadlines, and enhancing coordination. Contextualized within Islamic law and Indonesian constitutional values, dominus litis emerges not only as a procedural reform but also as a structural solution that integrates legal certainty, justice, and moral legitimacy in Indonesia's fight against corruption.

Keywords: *Dominus litis; Contextualized Islamic law; Maqāṣid al-sharī'ah; Corruption in Indonesia; Prosecutor's Office.*

Abstrak: Korupsi di Indonesia tetap menjadi masalah sistemik yang diperparah oleh fragmentasi kewenangan penyidikan, regulasi yang tidak konsisten, dan ketiadaan batas waktu yang tegas dalam penyelesaian perkara. Penelitian ini mengkaji prinsip *dominus litis*—yang menempatkan Kejaksaan sebagai pengendali perkara pidana—melalui fondasi hukum Islam dan realitas empiris di Indonesia. Dengan menggunakan metode normatif-empiris yang menggabungkan analisis perundang-undangan, konseptual, dan komparatif, penelitian ini menampilkan kebaruan berupa kontekstualisasi *dominus litis* dalam kerangka hukum Islam, mandat konstitusi, serta prinsip hak asasi manusia. Sumber-sumber Islam, termasuk al-Qur'an dan Hadis, secara tegas mengutuk korupsi sebagai *ghulūl* dan suap, yang dipandang sebagai dosa sekaligus pengkhianatan terhadap amanah publik. Dari perspektif *maqāṣid al-sharī'ah*, penyidikan yang berlarut-larut dengan pembekuan aset dan stigma terhadap tersangka menimbulkan mudarat (*mafsadah*) ketimbang maslahat (*maṣlaḥah*), sehingga bertentangan dengan tujuan syariah dalam menjaga keadilan, martabat, dan harta. Institusi historis seperti *qāḍī al-maẓālim* dan doktrin *siyāsah shar'iyyah* semakin menegaskan legitimasi peran pengawasan kejaksaan sebagai instrumen akuntabilitas dan perlindungan kepentingan publik. Bukti empiris menunjukkan bahwa fragmentasi kewenangan antara Kepolisian, Komisi Pemberantasan Korupsi (KPK), dan Kejaksaan telah menimbulkan tumpang tindih peran, stagnasi perkara, serta pelanggaran hak asasi manusia. Perbandingan dengan yurisdiksi civil law seperti Jerman dan Prancis menunjukkan bahwa dominasi penuntut umum yang lebih kuat mampu menjamin kepastian hukum dan efisiensi. Penelitian ini menyimpulkan bahwa penguatan peran Kejaksaan sebagai *dominus litis* sejak tahap penyidikan sangat penting untuk menyelaraskan peran antar lembaga, menetapkan batas waktu perkara yang tegas, dan meningkatkan koordinasi. Dikontekstualisasikan dalam hukum Islam dan nilai-nilai konstitusional Indonesia, *dominus litis* tampil bukan hanya sebagai reformasi prosedural, melainkan sebagai solusi struktural yang mengintegrasikan kepastian hukum, keadilan, dan legitimasi moral dalam pemberantasan korupsi di Indonesia.

Kata Kunci: *Dominus litis; Hukum Islam kontekstual; Maqāṣid al-sharī'ah; Korupsi di Indonesia; Kejaksaan*

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Introduction

Corruption has substantially deprived people of the basic rights to obtain a decent livelihood or public services in social spaces so that corruption is not mistaken for an extraordinary crime inherent in the crime of Human Rights itself.[1] One of the factors that causes corruption that is difficult to eradicate is the existence of a symbiotic pattern of corruption in which senior officials and subordinates are intertwined in corrupt practices, which consolidate political power through complex patron-client networks. [23] Corruption eradication is also faced with institutional challenges, especially related to bias in the law enforcement process that can be influenced by stereotypes and political considerations.[4]

Indonesia, as one of the countries with the largest population in the world, is also inseparable from the chaos of corruption cases [56] . The process of decentralization in Indonesia, which began in 2001, which is expected to improve accountability and public services, presents new challenges. Decentralization turns out to open up space for local elites who play the role of predatory rulers who control regional power and resources in a way that is not transparent and full of corrupt practices.[7]

Corruption is not only a big case in Indonesia. But also several other countries. Studies of corruption in Malta show that rulers use strategic ambiguity in the application of laws and policies to perpetuate corrupt circumstances that are detrimental to society. Malta has a high level of corruption, as shown by its lower-than-average

Corruption Perceptions Index score in the European Union, due to the many interconnected legal and political systems. In addition, corruption is often abused for the benefit of certain political and economic groups. In short, the normalization of corrupt behavior and deliberate legal ambiguity by the ruling elite made corruption part of the Maltese identity.[8]

In another study conducted in Mauritius, using surveys and content analysis of corruption court cases, it was shown that the public views public sector corruption very seriously, and that the national anti-corruption agency (ICAC) is less effective. The results of the study confirm that anti-corruption laws must be amended and law enforcement agencies must be strengthened to improve the

[1] Sasongko, M. A., Mizuno, K., Utomo, S. W., & Koestoer, R. H. (2024). EIA in Strengthening Law Enforcement and Penalties: A Case of Corruption in Natural Resource Sector. *Hasanuddin Law Review*, *10*(3), 292-303.

[2] Chen, X., Gui, L., Wu, T., & Zhang, J. (2024). A theory of symbiotic corruption. *Journal of Comparative Economics,* 52, 478–494. https://doi.org/10.1016/j.jce.2023.12.005

[3] Muhammad Mutawalli Mukhlis, Zainal Amin Ayub, and Hemen Philip Faga, "Revitalizing Political Parties in Indonesia: Dissecting Patronage-Clientelism Dynamics Vis-à-Vis Political Representation," *Jurnal Mengkaji Indonesia* 2, no. 2 (2023): 301–326, https://doi.org/https://doi.org/10.59066/jmi.v2i2.467.

[4] Avni, O., Guetzkow, J., & Hasisi, B. (2024). Bias in prosecutorial decision making: Bridging focal concerns & group threat. *Journal of Criminal Justice,* 92, 102192. https://doi.org/10.1016/j.jcrimjus.2024.102192

[5] Muhammad Mutawalli Mukhlis, "Perbandingan Kewenangan Lembaga Negara Dalam Penegakan Tindak Pidana Korupsi Di Indonesia Dan Inggris," 2022, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=1dkIjbYAAAAJ&cstart=20&pagesize=80&citation_for_view=1dkIjbYAAAAJ:4JMBOYKVnBMC.

[6] Muhammad Mutawalli Mukhlis, Abdul Rahman, and Iskandar, "Legal Analysis of Appointment of Former Corruption Concvicts as Commissioner of Bumn," *Mimbar Keadilan* 15, no. 2 (2022): 25–36.

[7] Tomsa, D. (2015). Local Politics and Corruption in Indonesia's Outer Islands. *Bijdragen tot de Taal-, Land- en Volkenkunde,* 171(2-3), 196–219. https://doi.org/10.1163/22134379-17101005

[8] Scalpello, M. (2024). Malta: The use of ambiguity for corruption and (mis)rule of law. *Journal of Economic Criminology,* 5, 100088. https://doi.org/10.1016/j.jeconc.2024.100088

eradication of corruption in Mauritius.[9]

This phenomenon is very much in line when associated with *the symbiotic corruption theory* which explains corruption as a symbiotic relationship between senior officials and subordinates in a weak bureaucratic system. This corruption is difficult to eliminate by conventional means such as increasing punishment or supervision. This model shows the relationship between the sustainability of corruption, the dynamics of political power, and bureaucratic hierarchy. It also shows that in an unbalanced system, anti-corruption efforts can lead to collusion and universal corruption, while in a balanced system, corruption is pervasive and difficult to reduce.[10]

Seeing the impact and danger of corruption is quite appropriate, its eradication is made a priority agenda of the state in the context of law enforcement and its implementation,[11] even in a more substantial realm of corruption eradication is the hope and prayer of the Indonesian people in general, the emergence of social pressure that demands a change in the culture of corruption into a culture of integrity continues to be voiced, and is expected to be a thing that is guided and even established by the Indonesian state administrators The goal is clear, namely the obedience of all state provisions as what is to be achieved in the implementation of the law.[12]

At the practical level, the fact is that the handling of corruption cases has made a lot of progress and changes in the aspect of handling[13], this is of course accompanied by the authority that accompanies these changes. various legal breakthroughs in dealing with corruption have been taken and enforced, reverse proof methods in cases of money laundering (TPPU) or hand arrest operations (OTT), and it has even been planned that the existence of the Asset Forfeiture Bill against perpetrators of corruption crimes as a new alternative in law enforcement of corruption crimes is proof of the Government's seriousness in efforts to eradicate corruption.[14]

Conceptually, all elements of society, both law enforcement, and the public in general want that the handling and enforcement of corruption crimes must be really enforced with various methods so that the handling and eradication can run effectively and efficiently[15], especially against acts of corruption that in fact have really harmed the state's finances, through law enforcement institutions with integrity. This is corroborated by a study of progressive police reform in Philadelphia showing that organizational context is critical to implementing anti-corruption policies and criminal justice reform. The study shows four key pillars of reform success: transparency and accountability, communication, education and

[9] Peerthum, S., Gunputh, R. P., & Luckho, T. (2020). A survey dataset on the perception of public-sector corruption in Mauritius and a framework analysis of corruption court cases. *Data in Brief, 32*, 106057. https://doi.org/10.1016/j.dib.2020.106057

[10] Chen, X., Gui, L., Wu, T., & Zhang, J. (2024). A theory of symbiotic corruption. *Journal of Comparative Economics, 52*, 478–494. https://doi.org/10.1016/j.jce.2023.12.005

[11] Romli Atmasasmita and Kodrat Wibisono, *Microeconomic Analysis of Indonesian Criminal Law*, Jakarta: Kencana, 2016, p. 33.

[12] Syamsu Muhamad Ainul, *Penjatuhan Pidana dan Dua Prinsip Dasar Hukum Pidana*, Jakarta: Prenada Media Group, 2016, p. 36.

[13] Satria Ferry, "Peningkatan Penanganan Perkara Kejaksaan dalam Pemberantasan Korupsi," *Jurnal Justitia* 2, no. 1 (2017): 1–25, https://doi.org/http://dx.doi.org/10.22373/justisia.v2i1.2643.

[14] Marwan Effendy, *Korupsi & Strategi Nasional Pencegahan Serta Pemberantasannya*, Jakarta: GP Press Group, 2013, p. 3.

[15] Arief Gunawan and Andri Winjaya Laksana, "Effectiveness of Law Enforcement in Investigation of Criminal Acts of Corruption," *Ratio Legis Journal (RLJ)* 2, no. 2 (2023): 765–73, https://doi.org/http://dx.doi.org/10.30659/rlj.2.2.%25p.

training, leadership and staff.[16]

However, the effectiveness of handling corruption crimes is not only measured by the ability of state tools to restore state financial losses, punish perpetrators, or provide a deterrent effect for potential corruption perpetrators [17] . The handling of corruption cases must also be based on a process that truly respects human rights, especially for individuals who have suspect status. Without adequate supervision, the handling of corruption crimes has the potential to ignore the rights of suspects, especially in cases where the resolution is unclear and stalled[18]. This can lead to the violation of human rights that should be protected, so that the legal process actually causes injustice and harms the parties involved.[19]

One significant issue in corruption case handling lies in the investigation phase, particularly the absence of a fixed deadline for completing investigations. This situation leads to prolonged investigations where individuals designated as suspects face uncertainty regarding whether their cases will proceed to trial or be terminated. During this extended period, suspects remain under restrictive conditions, often with their rights neglected. Additionally, suspects frequently endure intrusive legal measures such as searches, seizures, and asset confiscations predicated on presumed illicit origins, exercised at investigators' discretion. Such ambiguity engenders legal uncertainty detrimental to suspects and poses substantial challenges to the implementation of just and humane legal processes.

The above can basically be done for the sake of the case, but in a corruption case that is carried out for many years without clarity, of course this must be very detrimental to the rights of the suspect, where corruption cases often block finances in the suspect's bank account so that it cannot be used for many years.[20]

While effective law enforcement in corruption cases is crucial, it must consistently respect suspects' human rights. Current practices reveal that law enforcement officials often make arrests and detentions without clear evidentiary thresholds for prosecution or case termination, primarily due to the absence of definitive resolution deadlines in the Criminal Procedure Code (KUHAP). Article 110 requires investigators to promptly submit case files to prosecutors, with a 14-day non-return period deeming the investigation complete, yet it lacks objective standards to determine case conclusiveness. Similarly, Article 138 mandates prosecutors to assess file completeness within 7 days and return deficient files within 14 days, but subjective interpretations of evidentiary adequacy frequently prolong investigations, creating

[16] Vîlcică, E. R., Mohler, M. E., Brey, J., & Ward, J. T. (2025). Organizational culture and context in progressive prosecutorial reform: Lessons from Philadelphia. *Journal of Criminal Justice, 97*, 102374. https://doi.org/10.1016/j.jcrimjus.2025.102374

[17] Dian Adriawan, "The Effectiveness of Corruption Law Enforcement in Providing a Determinant Effect on the Performers," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, no. 2 (2022): 17263–69, https://doi.org/https://doi.org/10.33258/birci.v5i2.5669.

[18] Fence Wantu, Lusiana Margareth Tijow, and Nasruddin Yusuf, "The Supervision in the Process of Investigation and Investigation of Corruption (Police and Prosecution)," *Jurnal Ilmiah Al-Syir'ah* 18, no. 2 (2020): 140–55, https://doi.org/10.30984/jis.v18i2.1257.

[19] Yusuf, M., Aswanto, A., Sumardi, J., Maskun, M., & Ab Rahman, N. H. (2024). Illicit Enrichment in Corruption Eradication in Indonesia: A Future Strategy. Journal of Legal Media, 31(2), 224-243.

[20] Mardjono Reksodiputro, "Menggugat Praperadilan Sarpin Effect Merupakan Malapetaka Reformasi Peradilan Indonesia", *Jurnal Teropong*, Vol. 3, 2015, p. 4-5.

legal uncertainty for suspects and victims. These procedural ambiguities are compounded by role-based conflicts between investigators and prosecutors, undermining the legal system's moral and rational foundations. To address this, the Criminal Procedure Bill must impose clear investigative time limits while reinforcing the prosecutor's *dominus litis* role to ensure active case oversight from inception. As emphasized by legal scholar Abdul Razak and upheld by the Constitutional Court, prosecutors hold exclusive authority to assess case viability for trial, a function integral to human rights protection. The current bifurcation of investigative (Police) and prosecutorial (Prosecutor's Office) powers under Law No. 8/1981 has created systemic inefficiencies, diverging from jurisdictions where unified investigatory-prosecutorial authority enhances coherence.

For example, the United States has a highly decentralized prosecution system, and individual prosecutors have a lot of discretionary powers. While it allows for a variety of methods, from firm indictments to progressive prosecutions, the system lacks uniformity and a law enforcement system to guarantee justice.[21] Meanwhile, In the German prosecution system, legality requires prosecutors to investigate each case with reasonable suspicion. The system emphasizes transparency and protection of suspects' privacy, but it is also difficult to balance the public interest and media surveillance. [22] Meanwhile, the police are responsible for China's criminal justice system, with the courts and prosecutors working together. There is no reciprocal rule between the three institutions in this system, which results in coordinated decisions that eliminate defendants and their lawyers from the main decision-making process.[23]

Disharmony between the investigation and prosecution processes often leads to slow settlement of cases in court and harms the rights of suspects, which is contrary to the principle of fast, simple, and low-cost justice. In practice, many corruption suspects have to serve a maximum prison term due to obstacles in collecting evidence and filing cases before the case goes to trial[24]. There are even cases where suspects who have been detained are forced to be released after a maximum of 120 days of detention has expired, even though the investigation has not been completed and there has been no definite legal decision regarding the continuation of the case. This problem is mainly caused by the lack of optimal role of the Public Prosecutor as a dominus litis who should fully and coordinate the course of investigation and prosecution in corruption cases and general criminal acts[25]. Data on the handling of general criminal cases by the National Police shows significant legal uncertainty; in 2022 out of 169,936 SPDPs, only 129,653 cases were transferred to the suspect

[21] Baughman, S. B., & Lillquist, J. (2023). Fixing disparate prosecution. Minnesota Law Review, 108(4), 1955–2011.

[22] Jasch, M. (2018). *Prosecution and politics in Germany: The struggle for independence*. In *The evolving role of the public prosecutor: Challenges and innovations* (pp. 205–219). Routledge. https://doi.org/10.4324/9780429467547

[23] Li, K. (2022). In the Pursuit of the Constructed Truth: Courtroom Questioning as a Persuasive Genre of Talk. Journal of Contemporary China, 33(147), 521–543. https://doi.org/10.1080/10670564.2022.2153017

[24] Aliyu Abubakar Lawan and Pekka Henttonen, "Preserving Evidence Integrity: The Key to Efficient Anti-Corruption Investigations," *Records Management Journal* 34, no. 1 (2024): 41–57, https://doi.org/10.1108/RMJ-03-2023-0016.

[25] Budi Mulya et al., "Asas Dominus Litis Bagi Kejaksaan Dalam Penuntutan Tindak Pidana Berdasarkan Undang-Undang," *Wajah Hukum* 6, no. 2 (2022): 367–78, https://doi.org/http://dx.doi.org/10.33087/wjh.v6i2.950.

handover stage, and in 2024 out of 85,000 SPDPs, only 48,504 were continued, leaving thousands of cases with a floating status. This condition is important because in the end the investigation process leads to the Public Prosecutor as the only prosecution institution in Indonesia, even though investigations are carried out by various institutions such as the KPK, the National Police, and the Prosecutor's Office. Strengthening the principle of dominus litis and the consistency of the Prosecutor's Office in the prosecution and case control function is absolutely necessary so that there is no disparity in treatment of suspects from different institutions and guarantees legal certainty. The ineffectiveness of investigation control and the absence of an investigation deadline in the Criminal Procedure Code have the potential to cause a back-and-forth file process that is detrimental to suspects, which shows a vacuum of urgent norms to be revised to ensure legal certainty and the protection of human rights in the criminal justice system.

Therefore, the author will conduct research with novelty value with the aim of analyzing the review of the implementation of the authority to investigate corruption crimes in law enforcement agencies, and provide a strengthening of the Prosecutor's Dominus Litis in Handling Corruption Crimes.

Method

This research uses normative-empirical research methods, [26] with a legislative approach, a conceptual approach, and a case approach. The normative dimension is carried out through a legislative approach (examining statutory provisions relevant to the authority of investigation and prosecution in corruption cases), a conceptual approach (analyzing the principle of *dominus litis* and its implications for law enforcement), and a case approach (reviewing selected corruption cases to identify patterns of legal uncertainty and institutional overlap).

The empirical dimension is reflected in the analysis of secondary data derived from official reports, statistical data on case handling, Constitutional Court decisions, and academic opinions that describe the implementation of corruption investigation authority in practice.

All collected legal materials are classified into primary legal materials (laws and regulations, court decisions), secondary legal materials (books, journal articles, research reports), and tertiary legal materials (legal dictionaries, encyclopedias, indexes). The data are analyzed using a deductive reasoning process, starting from general legal norms and theoretical frameworks, then applied to examine concrete problems in corruption investigations and prosecution practices in Indonesia.

Review of the Implementation of Corruption Investigation Authority in Law Enforcement Agencies

In the enforcement of corruption criminal law, one of the most important stages is the investigation stage. Investigation is the initial stage in the criminal justice process after the investigation stage, therefore this investigation process is one of the main things or can be said to be central in efforts to enforce criminal law against various criminal events that occur, including and not limited to corruption cases.[27]

Based on the Criminal Procedure Code

[26] Irwansyah, I. (2020). Legal Research: Choice of Article Writing Methods & Practices. Yogyakarta: Mirra Buana Media, 8.

[27] Dewa Gede Giri Santosa, "Changes in Criminal Trial

(KUHAP), investigators of general crimes include police officials and certain civil servants authorized by law. However, corruption crimes have special characteristics so that their enforcement is also carried out by special institutions, namely the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK). The authority of the Prosecutor's Office in corruption investigations is regulated in Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office, while the Police are guided by Article 6 of the Criminal Code, and the KPK is based on the Law on the Corruption Eradication Commission which provides for investigation, investigation, and prosecution with certain limitations. However, the existence of authority in more than one law enforcement agency poses legal challenges, especially related to the principle of equality before the law, if the three institutions apply different procedural laws in corruption investigations. Although the Criminal Procedure Code provides for similar investigation provisions, differences in internal policies and the duration of investigations in each institution lead to different legal treatment of the same corruption case. In fact, there are cases where the investigation has not been completed while the suspect has been released for the sake of the law from custody, which has the potential to hurt the principles of justice in the criminal justice system.

The problems mentioned above, will have an impact on the investigation process and eradicate corruption directly while the investigation stage is substantial because from this investigation the construction of the case can be built by arresting the perpetrators of corruption crimes, collecting evidence which then becomes the basis for the Public Prosecutor and Judges to carry out state duties in law enforcement.[28]

The investigation function in corruption crimes is very vital to identify cases and examine the fulfillment of the elements of these criminal acts, so that the clarity of the duties and functions of each investigative institution is very important. So far, investigations have often been narrowly understood as an effort to find evidence to establish suspects indefinitely, depending on the adequacy of evidence for the Public Prosecutor. However, broadly speaking, the investigation also includes the search for evidence to prove the absence of a criminal act and the termination of the investigation in accordance with Article 109 paragraph (2) of the Criminal Code. Therefore, the role of the Public Prosecutor's dominus litis in controlling cases is crucial to ensure that cases are worthy of being handed over or stopped by investigation. The Public Prosecutor is authorized to order the surrender of suspects and evidence to ensure legal certainty, while maintaining the effectiveness and fairness of the investigation process according to its authority.

Implementation of Investigation Authority and Deadline for Investigating Corruption Crimes by the Corruption Eradication Commission (KPK)

One of the three institutions in Indonesia responsible for investigating corruption is the Corruption Eradication Commission (KPK),

Proceeding During COVID-19: Challenges and Problems," *Indonesian Law Journal*, Vol. 13, No. 2, 2020, p. 123–135.

[28] Eko; Purnomo Soponyono M. Aris, "Rekonseptualisasi Penyidikan Tindak Pidana Korupsi oleh Polri Dalam Rangka Efektifitas Pemberantasan Tindak Pidana Korupsi, *Law Reform*, Volume 11, Nomor 2, 2015, p. 230

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along with the Police and the Attorney General's Office. The KPK's goal is to address low public trust in conventional law enforcement agencies and to accelerate the eradication of corruption, which negatively impacts state finances and public trust. [29] Compared to the Police and the Attorney General's Office, the KPK has greater power. For example, in terms of supervision, coordination, wiretapping, and seizure.[30]

However, even though it has more authority, the KPK also still encounters several obstacles in eradicating corruption. Limited facilities and infrastructure, low quality and quantity of human resources, and the number of cases are some of the obstacles facing the KPK.[31] The KPK's success in overcoming high-level corruption is proven to depend on the interaction of political dynamics, interests, and power relations. A strong network is able to counter anti-corruption efforts, posing a threat to the effectiveness of the KPK.[32]

Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 regulates in detail the duties and authorities of the Corruption Eradication Commission (KPK). The main tasks of the KPK include corruption prevention measures, coordination of eradication with related agencies, supervision of government administration, supervision of corruption eradication institutions, and the implementation of the process of investigation, investigation, and prosecution of corruption cases. In addition, the KPK is responsible for ensuring the implementation of court decisions that already have legal force in accordance with the provisions. In particular, Article 11 of Law No. 19 of 2019 gives the KPK the authority to handle corruption cases involving law enforcement officials, state administrators, or state losses of at least one billion rupiah. If the case does not meet these criteria, the KPK is obliged to hand over the handling to the police and/or prosecutor's office, while carrying out supervision. This law also strengthens the authority of the KPK in investigations, including wiretapping, prohibition of travel abroad, examination of financial statements from banks, blocking of related accounts, and temporary dismissal of suspects from office. The KPK can also ask for the assistance of domestic and international law enforcement in efforts to eradicate corruption.

Although the authority of the KPK is very broad and strategic, its implementation must prioritize the principles of justice and respect for the rights of suspects. The provisions of the investigation deadline stipulated in Article 40 paragraph (1) of Law No. 19 of 2019 provide a maximum limit of two years for the investigation and prosecution of corruption cases. If within that period the investigation has not been completed and there is no activity, the KPK is authorized to stop the investigation through an Investigation Termination Order (SP3), which provides temporary legal certainty for suspects if the evidence is not enough to continue, but allows

[29] Sukmareni, S. (2018). Implication of Regulation Authorities on the Efforts to Accelerate the Eradication of Corruption (korespondensi). Hasanuddin Law Review, 4(3), 356-365.

[30] Juhana, U. (2019). Ideal Setting of Investigation Authority in the Context of Eradicating Indonesian Corruption in the Perspective of Ius Constituendum. Journal of Advanced Research in Law and Economics, 10(3 (41)), 932-939.

[31] Price, D. (2024). Political revenge? Downgrading Indonesia's KPK from hero to villain. Politics and Governance, 12

[32] Arfianto, D. A., & Cahanintyas, I. (2024). Harmonizing Prosecution Agencies in Indonesia: Implementing the Dominus Litis Principle Policy. Pakistan Journal of Criminology, 16(1).

it to be reopened if new evidence is found before the expiration of the case. This article is a strategic step to respond to public criticism of the protracted corruption handling process, while emphasizing the need for the KPK to work optimally and carefully so that law enforcement is not hampered and the human rights of suspects are protected. The issuance of SP3 reflects a progressive legal paradigm, where investigations aim to seek legal certainty based on strong evidence, accelerate the collection of evidence, and strengthen the effectiveness of corruption eradication in Indonesia.

Implementation of Investigation Authority and Deadline for Investigation of Corruption Crimes of the Indonesian National Police

The authority of the National Police to propose corruption crimes is based on Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia and Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP). [33] An initial investigation usually begins with a report, complaint, or arrest attempt. POLRI investigators carry out these stages or through the results of an audit from the BPK (Financial Audit Agency) or BPKP (Financial and Development Supervisory Agency).[34]

The authority of the National Police of the Republic of Indonesia in conducting investigations is expressly regulated in Article 1 paragraph (4) of the Criminal Procedure Code (KUHAP), which states that the National Police has rights and obligations based on laws and regulations to carry out the investigative function. Therefore, the role of the National Police is not only as a security apparatus, but also as an investigator in charge of finding and collecting evidence to determine the feasibility of the case to proceed to the prosecution stage, according to the procedures stipulated in the Criminal Code. In the eradication of corruption crimes, National Police investigators have special authority that allows the implementation of investigative efforts with special rights within the internal scope of the National Police. The duration of the investigation of corruption cases follows the provisions of the deadline for the investigation of general criminal cases as stipulated in the Regulation of the Chief of the Police of the Republic of Indonesia Number 12 of 2009 (Perkap No. 12/2009), which regulates in detail the procedures, the deadline for examination, and the settlement of cases within the National Police.

The investigation process at the National Police is carried out systematically by reporting the results of the investigation to the superiors who give orders. Article 26 of Perkap No. 12/2009 requires investigators to report the results of the investigation in writing in the form of an Investigation Results Report (LHP) no later than two days after the end of the investigation period. The investigation was carried out with an official warrant and supported by a Notice of Investigation Commencement (SPDP). The deadline for completing the investigation is set based on the level of difficulty of the case: 120 days for very difficult cases, 90 days for difficult cases, 60 days for medium cases, and 30 days for easy cases. The determination of the level of difficulty is the authority of the investigating

[33] Ismail, S., & Hapsoro, F. (2020). The authority of the corruption eradication commission in the Prosecution of corruption in Indonesia. Journal of Critical Reviews, 7(5), 177-182.

[34] Hutahaean, A., & Indarti, E. (2020). Implementation of investigation by the Indonesian national police in eradicating corruption crime. Journal of Money Laundering Control, 23(1), 136-154.

officer and must be carried out no later than three days after the SPDP is issued. If the investigation has not been completed within the time limit, the investigator can apply for an extension of time to the issuing officer through the investigator's supervisor.

Although Perkap No. 12 of 2009 regulates the time limit for investigations, this provision does not specify the number of times an extension of time can be submitted, so it has the potential to cause legal problems related to the certainty of the settlement of the case. Unclear the duration of the investigation can result in a protracted process, causing legal uncertainty and the protection of suspects' rights, such as unclear suspect status if the investigation period expires and irregular restrictions on travel rights during indefinite extensions. This situation threatens the principles of justice and legal certainty and opens up opportunities for abuse of power that has the potential to violate human rights. Indefinite investigations can lead to long hangings, social stigma against suspects and their families, and lower public trust in the justice system. Moreover, the absence of a firm and uniform standard of investigation time between law enforcement agencies related to corruption indicates the need for policy revision to set clear deadlines for the effectiveness and fairness of law enforcement.

Implementation of Investigative Authority and Deadline for Investigating Corruption Crimes by the Prosecutor's Office of the Republic of Indonesia

The Prosecutor's Office of the Republic of Indonesia has the authority to handle corruption crimes based on Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which states that prosecutors are authorized to investigate certain criminal acts in accordance with the law. The criminal act refers to Law Number 31 of 1999 concerning the Eradication of Corruption, as amended by Law Number 20 of 2001. Investigation is defined as in Article 1 number 2 of the Criminal Code as the act of seeking and finding evidence to uncover a criminal act and find the perpetrator so that it can be immediately tried by the Public Prosecutor. In addition, an investigation can also be the basis for stopping the investigation in accordance with Article 109 of the Criminal Code if there is insufficient evidence. Therefore, the professionalism of investigators is very important to avoid disparities in the application of criminal procedure law, especially in corruption cases, so as not to cause injustice or differences in treatment of suspects and justice seekers.[35]

Based on the authentic interpretation of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office, certain criminal acts in question refer to the provisions in Law Number 26 of 2000 concerning the Human Rights Court, as well as Law Number 31 of 1999 concerning the Eradication of Corruption Crimes which have been amended by Law Number 20 of 2001, and are linked to Law Number 30 of 2002 concerning the Criminal Eradication Commission Corruption. In this context, the prosecutor plays the role of a public prosecutor who has the authority to control investigations

[35] Akub, M. S., & Ilyas, A. (2024). The Role of the Attorney General's Office in Conducting Wiretapping for Corruption Eradication in Indonesia: A Normative Juridical Analysis. Pakistan Journal of Life & Social Sciences, 22(1).

starting from pre-adjudication to the execution of court decisions. This control begins with the receipt of the Notice of Commencement of Investigation (SPDP) to the handling of post-adjudication cases, including the implementation of decisions with permanent legal force in accordance with the judge's order.

Regarding the limitation of time for the investigation of corruption crimes in the Prosecutor's Office, it is regulated in the Attorney General's Regulation (PERJA) Number 039/A/JA/10/2010 dated October 29, 2010 concerning administrative and technical governance for handling cases of special crimes. In this PERJA, the Investigation Team is required to report the progress of the investigation to the Head of the Investigation Section in stages, namely the initial report within 30 days, the second report within 70 days, and the last report within 100 days from the receipt of the Investigation Warrant. Within the 100-day period, the Head of the High Prosecutor's Office decides whether the case is continued to the prosecution stage, stopped, or other actions are taken.

From this description, it is clear that the division of duties and functions of investigating corruption crimes between institutions is regulated through their respective regulations that determine the nomenclature of institutional authority. The authority of the KPK, the Police, and the Prosecutor's Office in corruption investigations have different internal time limit arrangements. This difference has the potential to lead to non-uniform treatment of suspects, opens up opportunities for discrimination, and has the potential to violate the principle of equality before the law, which guarantees equal rights and obligations before the law for everyone.

Strengthening the Prosecutor's Dominus Litis in Handling Corruption Crimes

Disparities in how investigators from various authorities handle corruption cases often arise due to differing internal policies, despite all being governed by the same formal and material criminal procedure laws. The principle of timely, affordable, and straightforward justice—reflected in investigation time limits—is interpreted divergently by the KPK, National Police, and Prosecutor's Office[36]. For instance, Article 40 paragraph (1) of Law No. 19 of 2019 permits the KPK to terminate investigations exceeding two years. Meanwhile, the National Police imposes a 120-day limit for complex cases per Chief of Police Regulation No. 12 of 2009, and the Prosecutor's Office mandates a 100-day limit from the SPDP issuance under Attorney General's Regulation No. 039/A/JA/10/2010. However, these internal regulations fail to guarantee legal certainty concerning investigation deadlines, as they are seldom used to justify case termination (SP3) under Article 109 of the Criminal Code.

Empirical findings reveal that from 2019 to 2024, most investigations by the South Sulawesi Regional Police exceeded 120 days or even two years, with cases stagnating despite minimal investigative activity. Similarly, the South Sulawesi High Prosecutor's Office rarely resolved cases within 100 days, with many investigations extending up to two years before referral to court. This protracted timeline is often extended further when evidence is insufficient. The reliance on the

[36] Saida Dita Hanifawati, "Analisis Terhadap Limitasi Waktu Penyidikan Oleh KPK Pada Kasus BLBI," *Supremasi Hukum* 10, no. 1 (2021): 57–74, https://doi.org/https://doi.org/10.14421/sh.v10i1.2276.

Criminal Code as the operational legal basis persists despite the absence of explicit procedural time limits. Strengthening the prosecutor's dominus litis role offers a viable solution through a unified policy framework. As the pivotal institution bridging investigation and prosecution, the Prosecutor's Office is strategically positioned to control case progress from investigation through trial and final execution.

Although the Criminal Procedure Code does not explicitly regulate investigation time limits or detention periods, investigators still adhere to the deadlines stipulated in the Criminal Code as the legal basis for operational procedures. To address this issue, reinforcing the *dominus litis* function of the Prosecutor's Office—as a unified and indivisible institution (*een en ondeelbar*)—through a consistent policy could provide a viable solution. The Prosecutor's strategic intermediary position between investigation and prosecution enables supervisory control over the entire process, from police investigations to trial proceedings and the enforcement of final judgments. However, the Criminal Procedure Code does not fully apply the *dominus litis* principle to the Prosecutor's Office, resulting in a constrained prosecutorial role limited to formal case file reviews rather than active participation in evidence gathering and investigations. This limitation stems from the Code's principle of functional differentiation among law enforcement agencies, which weakens prosecutorial authority compared to jurisdictions where prosecutors hold absolute control. Instances such as corruption case acquittals and challenges in terminating investigations highlight the Prosecutor's inadequate oversight, underscoring the deficient application of the *dominus litis* principle over investigative bodies.

By strengthening the *dominus litis* function of evidence by the Public Prosecutor in trial, it is difficult for lawyers to break and be able to convince the judge so that there is not a single legal loophole to free the defendant from the public prosecutor's indictment.[37]

The fundamental problem arises in cases at the investigation level that do not have legal certainty, where the suspect and related parties do not get clarity on whether the alleged violations can be proven or not, while the legal impact and stigma due to the determination of suspects have been felt. The protracted investigation process is often due to the paradigm of functional differentiation between the investigation and prosecution functions that are considered not to affect each other. Article 132 of the Criminal Code explains that prosecution is a judicial process that begins from an investigation. To overcome this obstacle, it is necessary to have a discourse on the application of the principle of dominus litis to the Prosecutor's Office as the controller of cases in law enforcement, which can be accommodated in the revision of the Criminal Code to strengthen the role of the prosecutor. In practice, many corruption cases are floating because the investigation process loses its legal basis due to the transfer of investigators and ordering officials, so that investigation activities are factually stopped. This condition worsens the image of law enforcement and has the potential to violate human rights in Indonesia. Strengthening the *dominus litis* function of prosecutors in handling corruption cases is very important to be really

[37] Tiar Adi Riyanto, F*ungsionalisasi Prinsip Dominus Litis Dalam Penegakan Hukum Pidana di Indonesia*, Yogyakarta: Universitas Islam Indonesia, 2021, p. 485.

implemented as a solution to floating and pending cases in Indonesia.

The data collected by the author contains a percentage of cases handled by law enforcement officials which shows the delay in handling cases, which can be seen in the table below:

Table 1. Handling Corruption Cases in Indonesia.

No	Year	Incoming Matter	Things stopped	Percentage of Follow-up Cases
1	2020	156.842	19.732	12,4%
2	2021	152.564	23.517	15, 4%
3	2022	159.375	32.995	20,7 %
4	2023	164.561	38.430	23,3 %
5	2024	171.252	33.274	19,4 %

Data: Secondary data, 2023 (Edited).

The data above at least shows that there are cases that are included in the SPDP that have been determined but do not have clarity for follow-up, according to the author this can be minimized by the prosecutor as the owner of the case. The Prosecutor's Office as *a dominus litis* should have full control over the investigation to prosecution process in order to ensure the validity of evidence and justice for the defendant and the victim (*in dubio pro reo*). However, if the prosecutor is still considered as *a Dominus Litis*, but does not have authority in the investigation stage, then his role is only limited to an administrative complement in the criminal justice system, not as a real controller of the case.

In legal theory Rechtsstaat, the legal process must uphold the principles of justice (justitia), legal certainty (certitudo juris), and legal utility (utilitas juris). If the prosecutor's office does not have the authority to directly supervise the investigation, the risk of irregularities in evidence collection and law enforcement will increase. The principle *of fruit of the poisonous tree* in the common law system emphasizes that evidence obtained illegally will cause all the results of the investigation sourced from the evidence to be invalid. Therefore, the prosecutor's office as the controller of the case must have the authority to ensure that evidence is collected legally (legitima probatio). In Indonesia, the role of *Dominus Litis* has changed from the inquisitorial system, which gives dominance to the prosecutor's office, to the accusatoir system that limits the authority of the prosecutor's office in the Criminal Code. However, in the provisions of the HIR, the position of the prosecutor as a dominus litis remains clear, where the investigation is an integral part of the prosecution process, making the public prosecutor the coordinator of the investigation as well as authorized to conduct its own investigation, so that the prosecutor's office becomes the key agency in the criminal legal process from beginning to end (ab initio ad finem).

As a comparison, *the dominus Litis* applied by other countries shows different things from in Indonesia, where in order to ensure legal certainty in handling cases, a time limit for the case is set so that it can reach the court, which can then be seen in the table below:

Table 2. Comparison Limit for Handling Cases Before Being Delegated to the Court

Aspects	Belanda	Jerman	Prancis	Thailand	Indonesia
Arrest Permit	Prosecutor	Judge	Jaksa/Hakim	Judge	The police themselves
Court supervision after arrest	In 3 days, max. 5 days must be a magistrate	24 hours must be before a judge (TP terrorism can be more)	48 hours must be before the judge	48 hours must be before the judge	It will take 60 to 90 days to see the judge

Data: Primary data, 2024 (Edited).

From the data above, it can be seen that there are still differences in the treatment of suspects in the concept of dominus litis in other countries and Indonesia, dominus litis prosecutors in other countries prioritize the principle of enforcing the human rights of suspects to obtain legal certainty while in Indonesia the prosecutor can only act according to his authority in the Criminal Code and leave the investigation completely to the investigator. The obvious consequence is the weak dominus litis of the prosecutor opening up a space for the hanging and floating case of corruption crimes.

According to the author, in terms of realizing integrative legal justice by the Prosecutor in handling corruption crimes, the author found several problems that are demanded by the justice-seeking community to then be realized through this scientific research.

The approval of SP3 and the SP3 Order on the Crime of Corruption should be based on the recommendation of the Prosecutor's Office as the Case Controller

The Prosecutor's Office, as the controller of the case process (Dominus Litis), has a central position in law enforcement, because only the Prosecutor's Office can determine whether a case can be submitted to the Court or not based on valid evidence according to the Criminal Procedure Law. According to Hari Sasongko, the principle of dominus litis emphasizes that no other body has the right to prosecute other than the Public Prosecutor which is absolute and monopolistic, because the Public Prosecutor is the only institution that owns and monopolizes the prosecution and settlement of criminal cases. Even if the judge cannot ask for the criminal case that occurred to be filed against him, the judge in settling the case is only passive and waiting for demands from the public prosecutor. [38]

This means that the Prosecutor as the public prosecutor controls the case that should have started when the SPDP is issued by the Investigator. The position of the dominus litis of the Prosecutor as a public prosecutor is the controller of the case process or has a central position in law enforcement, because only the institution of the Prosecutor's Office can determine whether a case can be submitted to the court or not.

The above argument is essentially inherent with Article 109 paragraph (2). This article stipulates that the one who has the authority to determine whether the case has sufficient evidence or not, through valid evidence, is the prosecutor as the owner of the case. That although the authority to terminate the investigation is the authority of the investigator who in the event that the investigation is carried out by another institution that is not in the same organizational structure as the National Police, SP3 is not necessarily issued just like that, but the Prosecutor who must act actively based on his authority recommends to investigators to conduct SP3 in order to ensure justice and legal certainty for a case handling.

Investigation Deadline as a Solution to Legal Void

To ensure that the investigation of corruption crimes does not drag on and protects the rights of suspects, the limitation of investigation time can refer to Article 40 paragraph (1) of Law Number 19 of 2019, which stipulates that the Corruption Eradication

[38] Hari Sasongko, *Penuntutan dan Teknik Membuat Surat Dakwaan*, Surabaya: Dharma Surya Berlian, 1996, p. 26.

Commission (KPK) can stop investigations and prosecutions if they are not completed within a maximum period of two years. This provision is in line with Article 109 paragraph (2) of the Criminal Code, which allows the termination of an investigation if the evidence is insufficient and the case is stopped for the sake of the law. The existence of this provision appears in response to legal uncertainty related to the duration of investigations which are often protracted, as well as a form of fulfilling the basic rights of suspects through the existence of an Investigation Termination Order (SP3).

With the investigation deadline, investigators can optimize the process of searching and collecting evidence efficiently within a predetermined time frame. However, SP3 can be issued if the investigation is stagnant, especially in the case of floating cases that do not show significant progress in the search for evidence. Law Number 19 of 2019, which is a special regulation related to corruption, should be a reference for other law enforcement institutions such as the Prosecutor's Office and the Police, based on the principle of lex specialis derogat legi generali, in order to create uniformity in the application of investigation deadlines.

The absence of norms that expressly regulate the time limit for investigations in other institutions should be considered a violation of the rights of suspects. Therefore, a clear legal umbrella is indispensable to ensure legal certainty and avoid indefinite investigations that are detrimental to suspects. In addition, Article 40 paragraph (4) of Law 19/2019 opens the opportunity for cases that have been stopped through SP3 to be reopened if new evidence is found or if the pre-trial decision cancels SP3, so that the corruption case can be continued to the court process to uphold justice.

Contextualizing the Dominus Litis Principle in Corruption Case Management: An Islamic and Empirical Perspective

The principle of dominus litis, which positions the Prosecutor’s Office as the ultimate controller of criminal cases, can be enriched by examining its parallels and legitimacy within Islamic legal traditions and by situating it in Indonesia’s empirical realities. In Islam, corruption is not only a violation of state law but also an act of grave immorality categorized as *ghulūl*—the betrayal of public trust through the unlawful appropriation of wealth. The Qur’an condemns such practices explicitly: *“And whoever betrays—bringing with him what he has taken by fraud—on the Day of Resurrection he shall bring forth that which he took”* (Q. Āl ‘Imrān 3:161), and *“Do not consume one another’s wealth unjustly or use it to bribe the authorities so that you may consume part of the wealth of the people wrongfully”* (Q. al-Baqarah 2:188). These foundational texts establish that corruption undermines both societal justice and divine command, positioning its eradication as both a religious duty and a civic responsibility.

The Hadith tradition further strengthens this normative stance by unequivocally condemning bribery: *“God curses the giver of a bribe and the receiver of a bribe”* (HR. Abu Dawud). This dual prohibition frames corruption as a systemic harm rather than an individual lapse, mirroring contemporary concerns that corruption in Indonesia involves networks of collusion between elites and subordinates. In this sense, embedding dominus litis within Islamic jurisprudence reinforces the perception that prosecutorial oversight is not merely a procedural safeguard but an ethical imperative to dismantle entrenched systems of injustice.

From the perspective of *maqāṣid al-*

sharīʿah, corruption investigations must be conducted in ways that uphold the protection of wealth (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), dignity (*ḥifẓ al-ʿirḍ*), and justice (*ʿadālah*). Prolonged investigations without clear deadlines, which often freeze assets and stigmatize individuals for years, undermine these objectives by producing harm (*mafsadah*) rather than benefit (*maṣlaḥah*). By contrast, imposing strict investigation deadlines and empowering the Prosecutor's Office to evaluate evidentiary sufficiency align with the Islamic objective of ensuring justice is timely, certain, and free from unnecessary harm. Thus, dominus litis can be seen as a mechanism for realizing the *maqāṣid* in the Indonesian criminal justice system.

Historically, Islamic governance recognized the importance of supervisory authority through the institution of the *qāḍī al-maẓālim*, who was tasked with addressing abuses of power by state officials. The role of the *qāḍī al-maẓālim* parallels the proposed strengthening of the Prosecutor's Office in Indonesia, as both institutions are designed to prevent cases from stagnating, to ensure accountability, and to protect the rights of individuals against state overreach. By situating dominus litis within this historical framework, prosecutorial oversight gains an additional layer of legitimacy, showing continuity between classical Islamic governance and contemporary legal reform.

The doctrine of *siyāsah sharʿiyyah* also provides theoretical support for strengthening dominus litis. This doctrine allows rulers to adopt administrative and procedural measures that secure justice and public welfare, even if such measures are not explicitly detailed in classical fiqh. In the Indonesian context, harmonizing investigative deadlines across institutions and granting the Prosecutor's Office authority to terminate investigations when evidence is insufficient can be viewed as an exercise of *siyāsah sharʿiyyah*. These measures are aimed at preventing injustice, safeguarding human rights, and reinforcing the state's moral obligation to serve the public interest.

Indonesia's unique constitutional and ideological framework further contextualizes this integration. As a state founded on Pancasila and the 1945 Constitution, Indonesia upholds the principles of justice, legal certainty, and belief in God Almighty. Article 28D of the Constitution explicitly guarantees the right to legal certainty and equal treatment before the law. Embedding dominus litis within this framework while simultaneously grounding it in *maqāṣid al-sharīʿah* ensures that prosecutorial reform is not merely a legal-technical adjustment but also an embodiment of constitutional and religious values. Thus, strengthening the Prosecutor's Office can be interpreted as fulfilling both state obligations under the Constitution and Islamic imperatives for justice.

Moreover, Indonesia's legal system is characterized by pluralism, where state law, customary law, and Islamic law interact. While corruption cases are adjudicated within the general courts rather than religious courts, the moral and normative insights of Islamic law remain highly influential in shaping public expectations of justice. By contextualizing dominus litis within Islamic law, the reform gains resonance among Indonesia's Muslim-majority population, thereby enhancing its legitimacy. It demonstrates that the demand for timely and just handling of corruption cases reflects not only international best practices but also deeply rooted Islamic values cherished within Indonesian society.

In conclusion, situating the dominus litis principle within the framework of Islamic law and Indonesian constitutional values underscores its multidimensional legitimacy. It reflects alignment between positive law reforms, Islamic jurisprudential principles, and the ideological foundations of the Indonesian state. Strengthening the Prosecutor's role as dominus litis therefore represents more than an effort to harmonize investigative procedures; it constitutes a broader realization of justice (*iqāmat al-'adl*), legal certainty (*yaqīn al-ḥukm*), and the protection of public trust (*amānah*).

These normative insights converge with empirical evidence from recent studies, which show that fragmented authority between the Police, the KPK, and the Prosecutor's Office has resulted in overlapping roles, inconsistent procedural standards, and inefficiencies in corruption case management.[39] Data demonstrate that weak implementation of dominus litis has produced an increasing number of unresolved or "floating" cases.[40] The absence of strict deadlines in investigations exacerbates this situation, forcing suspects to endure prolonged uncertainty without clarity on whether their cases will proceed to trial or be dismissed.[41] Such systemic gaps in prosecutorial oversight have perpetuated delays and inconsistencies.[42]

Comparative perspectives further illustrate how stronger prosecutorial dominance benefits legal systems elsewhere. In civil law jurisdictions such as Germany and France, the principle of legality requires prosecutors to pursue cases whenever sufficient evidence exists, thereby ensuring consistency and predictability.[43] By contrast, Indonesia's investigator-driven model results in subjective interpretations of evidentiary adequacy and frequent prolongation of investigations.[44] These disparities underscore the pressing need to recalibrate Indonesia's system by reinforcing the Prosecutor's Office as the central dominus litis, aligning domestic practice with international standards of efficiency and fairness.[45]

Another critical dimension relates to human rights. Prolonged investigations subject suspects to significant harm, including frozen assets, reputational damage, and restrictions on personal freedoms.[46] Such conditions contradict constitutional guarantees of legal certainty and equality before the law under Article 28D of the 1945 Constitution and diverge from international human rights standards.[47] Strengthening dominus litis is

[39] K Tejomurti, A Aldyan, and R Indriyani, 'The Establishing Paradigm of Dominus Litis Principle in Indonesian Administrative Justice', *Sriwijaya Law Review*, 5.1 (2021), pp. 42–55, doi:10.28946/slrev.Vol5.Iss1.603.pp42-55.

[40] M Ramli and others, 'State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism', *Samarah*, 8.2 (2024), pp. 872–90, doi:10.22373/sjhk.v8i2.15924.

[41] M Djawas and others, 'Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism', *Hasanuddin Law Review*, 10.1 (2024), pp. 64–82, doi:10.20956/halrev.v10i1.4824.

[42] C Tohari, H Fawwaz, and I Swadjaja, 'The Ijtihad Construction of Islamic Law Based on The Maqâshid Al-Syarî'ah Approach in The Indonesian Context', *Prophetic Law Review*, 4.2 (2022), pp. 195–221, doi:10.20885/PLR.vol4.iss2.art4.

[43] A Azni and others, 'Pseudo-Maṣlaḥah and Epistemological Failure in Marriage Dispensation At Indonesian Religious Courts', *Jurnal Ilmiah Peuradeun*, 13.2 (2025), pp. 1399–420, doi:10.26811/peuradeun.v13i2.2047.

[44] N M Nggilu, E Noviawati, and D E Ismail, 'Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism', *De Jure: Jurnal Hukum Dan Syar'iah*, 16.2 (2024), pp. 480–500, doi:10.18860/j-fsh.v16i2.29851.

[45] M Najib, U N Huda, and E A Faizal, 'Reconstructing the Indonesian Legal System through the Lens of Maṣlaḥah Mursalah', *Al-Manahij: Jurnal Kajian Hukum Islam*, 19.1 (2025), pp. 117–32, doi:10.24090/mnh.v19i1.7861.

[46] A Damayanti, 'Contribution Of Islamic Law To Legal Development In Indonesia', *MILRev: Metro Islamic Law Review*, 1.1 (2022), pp. 17–33, doi:10.32332/milrev.v1i1.6188.

[47] G Setiyaji and T Martanto, 'The Role of Dominus Litis Of Tax Court Judges in Realizing Substantive Justice in Tax

therefore both a procedural necessity and a human rights safeguard, ensuring that justice is delivered within a reasonable timeframe.[48]

Ultimately, the empirical evidence and the Islamic legal contextualization converge on a shared conclusion: reinforcing the dominus litis principle is indispensable for Indonesia. It harmonizes fragmented authority, secures timely and just case management, safeguards human rights, and resonates with the moral and religious values of Indonesian society. In this way, dominus litis emerges not only as a technical-legal reform but also as a structural solution capable of bridging the gap between law enforcement effectiveness, constitutional mandates, and the broader expectations of justice in Indonesia.

Conclusion

This study reveals that legal uncertainty in corruption investigations in Indonesia stems primarily from the lack of a definitive investigation deadline in the Criminal Code and inconsistent internal regulations among law enforcement agencies—namely the KPK, Polri, and the Prosecutor's Office. Such regulatory disparities have resulted in prolonged investigations, undermining suspects' human rights and violating the principle of equality before the law. To address this, reinforcing the Prosecutor's *dominus litis* authority is essential to ensure coordinated oversight of investigations, legal certainty, and the prevention of unresolved cases. By consolidating prosecutorial authority from the investigative to the prosecutorial stage, a more equitable and efficient law enforcement framework can be established.

Additionally, the study highlights the need for uniform adoption of investigation deadlines across all agencies, particularly the KPK's two-year limit, grounded in the *lex specialis* principle. It further recommends that the Prosecutor's Office, as *dominus litis*, should base investigation terminations (SP3) on objective evidentiary assessments rather than investigator discretion. This approach safeguards suspect rights while enhancing the criminal justice system's accountability. Ultimately, strengthening prosecutorial oversight and regulatory harmonization is vital to ensuring just enforcement of anti-corruption laws and upholding human rights principles.

Credit Authorship Contribution

Zet Tadung Allo conceptualised the research idea, designed the overall structure, and drafted the introduction and conclusion. M. Syukri Akub developed the theoretical framework, provided critical insights into the legal context, and refined the core arguments. Aswanto contributed to the methodological design, analysed key references, and reviewed the manuscript for academic rigor. Ratnawati supported the data collection, managed documentation, and integrated relevant literature into the discussion. Andi Muhammad Aswin Anas contributed to data interpretation, assisted in strengthening the analysis, and reviewed the final draft. All authors contributed substantially to the writing process and approved the final version of the manuscript.

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Declaration of Competing Interest

The authors declare that they have no conflicts of interest and that no financial, institutional, or personal relationships influenced this research.

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