CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 15/PUU-XXIII/2025

Concerning

Protection of Prosecutors and the Duties and Authorities of Prosecutor/Attorney General

Petitioners	:	**Agus Setiawan as Petitioner I, Sulaiman as Petitioner II, and the Madani Youth Association represented by Furqan as the General Chairperson**
Type of Case	:	Judicial review of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (Law 11/2021) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	:	Review of Article 8 paragraph (5), Article 11 paragraph (1) letter a and letter e and paragraph (3) ***[sic]***, Article 30B letter a, Article 35 paragraph (1) letter e and letter g of Law 11/2021 against Article 28, Article 28D paragraph (1) and paragraph (3), Article 28F, Article 28G paragraph (1) and Article 30 paragraph (1) and paragraph (2) of the 1945 Constitution
Verdict	:	1. To grant the petitions of Petitioner I and Petitioner II in part 2. To declare that Article 8 paragraph (5) of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755) is contrary to the 1945 Constitution of the Republic of Indonesia and conditionally has no binding legal force to the extent that it is not interpreted to contain exceptions in the case of being caught red-handed committing a criminal offense or pursuant to sufficient preliminary evidence suspected of committing a capital offense, a criminal offense against state security, or a special criminal offense, so that the Article *a quo* in full reads: "In carrying out their duties and authorities, the summoning, examination, search, arrest, and detention of a Prosecutor may only be conducted with the permission of the Attorney General, except in the following cases:

a. caught red-handed committing a criminal offense; or

b. pursuant to sufficient preliminary evidence suspected of having committed a capital offense, a criminal offense against state security, or a special criminal offense."

3. To declare that Article 35 paragraph (1) letter e, along with its Explanation, of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force

4. To order the publication of this decision in the State Gazette of the Republic of Indonesia as appropriate

5. To declare that the petition of Petitioner III and the petitions of Petitioner I and Petitioner II to the extent that they relate to the norms of Article 11A paragraph (1) letter a and letter e and paragraph (3) of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755), are inadmissible

6. To dismiss the remaining petition of Petitioner I and Petitioner II

Date of Decision : Thursday, October 16, 2025

Overview of Decision :

Whereas Petitioner I is an individual Indonesian citizen who is also a law graduate, Petitioner II is an individual Indonesian citizen who also works as an advocate, and Petitioner III is a non-governmental organization focused on law and law enforcement, as stated in Article 7 and Article 8 of the Deed of Establishment of the Youth Association, represented in this matter by the General Chairperson. According to Petitioner I, Petitioner II, and Petitioner III, the enactment of the norms of the articles *a quo* has created overlapping authorities and unclear hierarchical authority in the investigation and prosecution process. Under these norms of the articles *a quo*, every criminal act investigated by the police investigators can be controlled, directed, and interfered with by prosecutors, which may lead to conflicts in the handling of criminal cases. This situation violates or potentially violates the constitutional rights of Petitioner I, Petitioner II, and Petitioner III.

Whereas regarding the Court's authority, the Petitioner's petition is a petition to review the constitutionality of statutory norms, *in casu* Article 8 paragraph (5), Article 11 paragraph (1) letter a and letter e and paragraph (3) ***[sic]***, Article 30B letter a, Article 35 paragraph (1) letter e and letter g of Law 11/2021 against the 1945 Constitution, so that the Court has the authority to hear the petition *a quo*.

Regarding the Petitioner's legal standing, the Court has carefully examined it, and it is evident that Petitioner I and Petitioner II have the legal standing. Petitioner III, however, does not have the legal standing because Petitioner III, as an association/non-governmental organization, does not have a legal entity on the basis that it has not received approval as a legal entity from the Ministry of Law.

Even up until the completion of the examination, Petitioner III has not submitted evidence showing that Petitioner III's association has had legal status. In the absence of such evidence, the Court finds that Petitioner III does not meet the formal requirements regarding the qualification as a legal entity to submit a petition for judicial review of law to the Court. Thus, regardless of whether the unconstitutionality of the norms petitioned for review is proven or not, the Court is of the opinion that Petitioner I and Petitioner II (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

Whereas considering the significant and vital role of the Prosecution Office and the profession of prosecutors in the law enforcement process to uphold the supremacy of law, it is necessary to provide protection for prosecutors as *dominus litis*. In Indonesia, legal protection for the profession of prosecutors is implemented through the requirement of obtaining permission from the Attorney General to summon, examine, search, arrest, and detain a prosecutor suspected of committing a criminal offense. [*vide* Article 8 paragraph (5) of Law 11/2021].

Whereas regarding the norm of Article 8 paragraph (5) of Law 11/2021, after being carefully examined and as identified by the Court in the legal considerations above, the norm carries the spirit of providing legal protection to prosecutors who are carrying out their duties and authorities, and therefore, summons, examination, search, arrest, and detention may not be conducted without permission from the Attorney General. Consequently, if a prosecutor is suspected of committing a criminal act related to his duties and authorities, the said prosecutor may not be summoned, examined, searched, arrested, or detained without the Attorney General's permission. In other words, a prosecutor who, in carrying out his duties and authorities, is suspected of committing a criminal act cannot be subjected to legal measures by law enforcement authorities, even if caught red-handed, if there is no permission from the Attorney General.

Regarding this matter, in light of the explanation in the previous legal considerations, legal protection for law enforcers or state officials who carry out duties related to judicial power is indeed necessary. Therefore, in connection with this and as has also been previously reinforced by the Court, both between citizens and law enforcers and among law enforcers themselves, the principle of equality before the law must remain upheld. Thus, when carefully examining the spirit contained in the norm of Article 8 paragraph (5) of Law 11/2021 and the spirit of providing legal protection for prosecutors, even when related to the performance of their duties and authorities, the Court is of the opinion that the norm of Article 8 paragraph (5) of Law 11/2021 is not aligned with the spirit of legal protection for other law enforcement officers or state officials who carry out duties related to judicial power on the basis that they are also authorized to perform law enforcement duties similar to prosecutors. Therefore, to harmonize the applicability of the norm of Article 8 paragraph (5) of Law 11/2021 with the spirit contained in the principle of equality of all persons before the law, particularly in the perspective of legal protection among law enforcement officers and the application of law enforcement that must not be distinguished from citizens in general, the Court has no option regarding the norm of Article 8 paragraph (5) of Law 11/2021 other than to declare that it is conditionally contrary to the 1945 Constitution.

Whereas pursuant to the legal considerations above, the Court has a reason to revise its position as taken in Constitutional Court Decision Number 55/PUU-XI/2013, pronounced in a plenary session open to the public on April 24, 2014. In the Decision, the Court took the position that the norm of Article 8 paragraph (5) of Law 16/2004, which contains the same substance as the norm of Article 8 paragraph (5) of Law 11/2021, is constitutional. However, on the basis of the legal considerations outlined above and in comparison with the legal protection provided to other law enforcement officers, the Court shifted its position regarding the issue of the constitutionality of the norm of Article 8 paragraph (5) of Law 11/2021. Pursuant to all the legal considerations above, the Court is of the opinion that the norm of Article 8 paragraph (5) of Law 11/2021 is contrary to the 1945 Constitution and conditionally has no binding legal force to the extent that it is not interpreted as "excluded/not applied in cases of being caught red-handed committing a criminal offense or pursuant to sufficient

preliminary evidence suspected of having committed a capital offense, a criminal offense against state security, or a special criminal offense".

Whereas the Petitioners further challenge the constitutionality of the norms of Article 11A paragraph (1) letter a and letter e, and paragraph (3) of Law 11/2021. However, after the Court carefully examines the description of the reasons for the petition (*posita*), the Petitioners are inconsistent in describing the norms petitioned for review. In point b, the Petitioners challenge the phrase "outside the Prosecution Office" in Article 11A paragraph (1) and paragraph (2) of Law 11/2021, while in point c, the Petitioners challenge the norms of Article 11A paragraph (1) letter a and letter b of Law 11/2021. Meanwhile, in the *petitums*, the Petitioners petition for the unconstitutionality of Article 11 paragraph (1) letter a and letter e, as well as paragraph (3), of Law 11/2021, which, when examined further in the *petitums*, the norms whose constitutionality is being challenged by the Petitioners are contained in Article 11A paragraph (1) letter a and letter e and paragraph (3) of Law 11/2021. In addition, with respect to the review of Article 11A paragraph (3) of Law 11/2021, the Court does not find any explanation of the contradiction between that norm and the basis for review set out in the *posita* of the petition. Pursuant to these legal facts, the Court is of the opinion that the articles petitioned for review in the *petitums* are not consistent with the articles described in the *posita* of the petition. In other words, there is a lack of clarity in identifying which norms are being submitted for review, so that the Court cannot find which norms are actually being petitioned for review.

Regarding the existence of Article 30B of Law 11/2021, it constitutes an adjustment to the Law governing state intelligence. In this regard, the norm *a quo* accommodates the provisions on the authority of the Prosecution Office to carry out its law-enforcement intelligence function, as set out in Law Number 17 of 2011 on state intelligence (Law 17/2011). Whereas the general understanding of intelligence is formulated in Article 1 number 1 of Law 17/2011, namely that Intelligence means knowledge, organization, and activities related to the formulation of policies, national strategies, and decision-making in accordance with the analysis of information and facts collected through working methods for detection and early warning in order to prevent, deter, and address any threats to national security. The organizers of intelligence activities, in this case, state intelligence, are regulated in Article 1 paragraph (2) of Law 17/2011, namely, the intelligence organizers who are an integral part of the national security system and who have the authority to carry out state intelligence functions and activities. Whereas Prosecutorial Intelligence constitutes part of the state intelligence organizers as regulated in Article 9 letter d of Law 17/2011. The functions of Prosecutorial Intelligence are regulated in Article 13 paragraph (1) and paragraph (2) of Law 17/2011, namely, to carry out the function of law-enforcement intelligence, the implementation of which must comply with statutory regulations. Pursuant to this, Article 30B letter a of Law 11/2021 stipulates that the authority of the Prosecution Office in the field of law enforcement intelligence is to carry out functions of investigation, security, and mobilization for law enforcement purposes. Whereas the functions of the Prosecution Office in the field of law-enforcement intelligence are further regulated in the Attorney General's Guideline Number 21 of 2021 on Law-Enforcement Intelligence. Without the Court intending to assess the legality of the Attorney General's Guideline *a quo*, the guideline provides definitions of the functions stated in Article 30B letter a of Law 11/2021, namely investigation, security, and mobilization. Investigation is a series of efforts, work, activities, and actions carried out in a planned and directed manner to seek, find, collect, and process information into Intelligence, and present it as input for policy formulation and decision-making for law enforcement and maintaining public order and security. Security is a series of activities carried out in a planned and directed manner to prevent and/or counter efforts, work, intelligence activities, and/or adversarial actions that may harm national interests and security, particularly the interests of law enforcement and public order and security. Mobilization is a series of efforts, work, activities, and actions carried out in a planned and directed manner to influence and/or condition targets in order to benefit national interests and security, particularly the interests of law enforcement and public order and security. Whereas pursuant to the above explanation, the Court is of the opinion that the intelligence authority possessed by the Prosecution Office as referred to in Article 30B of Law 11/2021 is consistent with the regulations in Law 17/2011. However, the Court must emphasize that the scope of the Prosecutorial Intelligence authority is limited solely to law enforcement

matters, not to security and defense functions. Therefore, there will be no overlap in authority between its field of intelligence and those of the TNI and the Police. This is because each intelligence organizer has different intelligence functions. The Prosecution Office carries out functions related to law-enforcement intelligence, Police intelligence carries out intelligence related to police functions, and TNI intelligence carries out intelligence functions related to defense and/or the military. Whereas pursuant to all legal considerations above, regarding the Petitioners' arguments that the authority of the Prosecution Office to carry out the functions of investigation, security, and mobilization for law enforcement within the field of law-enforcement intelligence as stipulated in Article 30B letter a of Law 11/2021 is contrary to the 1945 Constitution of the Republic of Indonesia, the Court is of the opinion that the arguments are legally unjustifiable.

Whereas the Petitioners further challenge the constitutionality of the norm of Article 35 paragraph (1) letter e of Law 11/2021, which essentially states that the Attorney General may submit legal technical considerations to the Supreme Court in cassation examinations within the jurisdictions of the general judiciary, administrative judiciary, religious judiciary, and military judiciary. The Petitioners argue that the phrase "may submit legal technical considerations" to the Supreme Court constitutes a form of concealed intervention. Regarding the argument *a quo*, Article 24 of the 1945 Constitution of the Republic of Indonesia reinforces that judicial power is an independent power exercised to administer judicial system in order to uphold law and justice, and that judicial power is exercised by a Supreme Court and the judicial bodies under it within the jurisdictions of the general judiciary, religious judiciary, military judiciary, and administrative judiciary, as well as by a Constitutional Court. In this regard, both the justices of the Supreme Court and the courts under it, as well as the Constitutional Court Justices, must maintain judicial independence in carrying out their duties and functions. Therefore, to preserve judicial independence, any interference in judicial affairs by parties outside the judicial power is prohibited, except in matters referred to in the 1945 Constitution.

Meanwhile, Article 35 paragraph (1) letter e of Law 11/2021 regulates that the Attorney General may submit legal technical considerations to the Supreme Court in cassation examinations within all jurisdictions, such as the general judiciary, administrative judiciary, religious judiciary, and military judiciary. In the Elucidation of the Article *a quo*, it is stated that the authority to submit legal technical considerations to the Supreme Court is exercised by the Attorney General in his role as *advocaat generaal*, who exercises state authority in the field of prosecution. In the Court's opinion, when carefully examined, both the substance of the norm and the Elucidation of Article 35 paragraph (1) letter e of Law 11/2021 do not provide clear limits or regulations regarding what type of legal technical considerations may be submitted by the Attorney General to the Supreme Court. Even though the norm *a quo* contains the word "may", which means that the Attorney General has the discretion to submit or not submit legal technical considerations to the Supreme Court in cassation cases, the word "may" opens the possibility for the Attorney General to submit legal technical considerations for all cases brought to cassation. Yet, the Attorney General, in his capacity as the highest public prosecutor, is a party in criminal cases. Likewise, particularly in civil and administrative matters, both inside and outside the court, for and on behalf of the state or government as well as the public interest, the Attorney General, in his position and office, may act as the state attorney, thereby potentially becoming a party. In the Court's opinion, such a position, within the limits of reasonable reasoning, has the potential to violate the principle of judicial independence and threaten the autonomy of the judiciary as guaranteed in Article 24 of the 1945 Constitution, because it opens room for the Attorney General, as part of the executive power, to intervene the judicial decision-making process, which is the domain of judicial authority, through the submission of legal technical considerations at cassation level. In addition, from the perspective that prosecutors act as *advocaat generaal*, it can be historically understood that this relates to the function of the prosecutor when exercising his authority in proceedings before the appellate courts and the supreme court in the Netherlands. However, in the context of present time, and when viewed from the perspective of the Indonesian judicial system, which requires mutual respect for the authority of each institution involved in the exercise of judicial power, *advocaat generaal* should be understood as the authority of the Attorney General as the state attorney who represents the public interest, including the state, in civil and administrative cases.

Therefore, the position of the Attorney General as the state attorney is that of a litigating party, and it is inappropriate for him to be able to provide legal opinions to the Supreme Court as intended in Article 35 paragraph (1) letter e of Law 11/2021, because such authority overlaps with the notion of interfering with the independence of the judiciary and disrupting the autonomy of judicial bodies, *in casu* the Supreme Court. Thus, pursuant to the foregoing legal considerations, the norm of Article 35 paragraph (1) letter e of Law 11/2021 must be declared contrary to the 1945 Constitution and to have no binding legal force, and accordingly, the Elucidation of Article 35 paragraph (1) letter e of Law 11/2021 becomes illogical to maintain. Therefore, the Court has no hesitation in declaring Article 35 paragraph (1) letter e of Law 11/2021, along with its Elucidation, contrary to the 1945 Constitution of the Republic of Indonesia and to have no binding legal force.

Regarding the Petitioners' argument *a quo*, in understanding the meaning of the substance of the Article *a quo*, its wording must be read in full together with the Elucidation of Article 35 paragraph (1) letter g of Law 11/2021, which states that the implementation of this provision is carried out in the context of handling connectivity cases. Whereas in a connectivity case, a criminal act committed jointly by persons under the jurisdiction of the general judiciary and those under the jurisdiction of the military judiciary is examined and adjudicated by a court within the general judiciary, except if, according to a decision of the Minister of Defense and Security with the approval of the Minister of Justice, the case must be examined and adjudicated by a court within the military judiciary. Thus, the provision of Article 35 paragraph (1) letter g of Law 11/2021 is a special regulation applicable in the context of handling connectivity cases, namely cases involving perpetrators from two different judicial jurisdictions, in this instance, the general judiciary and the military judiciary. This means that if a criminal act is committed jointly by a person subject to the general judiciary and a person subject to the military judiciary, the general judiciary has the authority to adjudicate the case and is prioritized. In this regard, the investigation of criminal cases involving connectivity is carried out by a permanent team comprising investigators and the military police of the Armed Forces of the Republic of Indonesia, as well as military prosecutors or high military prosecutors, in accordance with their respective authorities under the applicable law governing criminal investigations. This team is formed under a Joint Decree of the Minister of Defense and Security and the Minister of Justice. Once the team assigned to investigate the connectivity criminal case has been formed, the next stage is to determine the court in which the connectivity case will be tried. A joint assessment is conducted by prosecutors or high prosecutors and by military prosecutors or high military prosecutors to determine whether the case will be tried in a court within the military judiciary or a court within the general judiciary. If, pursuant to this joint assessment, an agreement is reached regarding which court will adjudicate the case, the next step is for the prosecutor or high prosecutor to report to the Attorney General, and for the military prosecutor or high military prosecutor to report to the Judge Advocate General of the Armed Forces of the Republic of Indonesia. With regard to the stage at which the Attorney General becomes involved in resolving connectivity cases, the Attorney General and the Judge Advocate General of the Armed Forces of the Republic of Indonesia deliberate to decide in order to resolve differences of opinion between the public prosecutor and the military prosecutor or high military prosecutor in determining the judicial forum that will adjudicate the connectivity criminal case, and if differences of opinion remain, the opinion of the Attorney General shall prevail. Regarding the above provisions, the lawmaker indeed intended to grant the Attorney General the authority to coordinate, control, and conduct investigations, inquiries, and prosecutions of cases involving connectivity as one of Attorney General's duties and powers. However, as stated in Constitutional Court Decision Number 87/PUU-XXI/2023, pronounced in a plenary session open to the public on November 29, 2024, the Court has taken the position that, in relation to the authority of the Corruption Eradication Commission (KPK) to coordinate and supervise the investigation, inquiry, and prosecution of corruption offenses committed jointly by persons subject to the military judiciary and the general judiciary, the KPK has the authority to coordinate and supervise the investigation, inquiry, and prosecution of such corruption offenses committed jointly by persons subject to the military judiciary and the general judiciary, to the extent that the law enforcement of the case is handled from the outset or initiated/discovered by the KPK. Therefore, the authority of the Attorney General, as considered above, particularly corruption cases involving connectivity, must be aligned with Constitutional Court Decision Number 87/PUU-XXI/2023.

Pursuant to the aforementioned considerations, the Court passes down a decision in which the verdicts were as follows:

1. To grant the petitions of Petitioner I and Petitioner II in part.

2. To declare that Article 8 paragraph (5) of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755) is contrary to the 1945 Constitution of the Republic of Indonesia and conditionally has no binding legal force to the extent that it is not interpreted to contain exceptions in the case of being caught red-handed committing a criminal offense or pursuant to sufficient preliminary evidence suspected of committing a capital offense, a criminal offense against state security, or a special criminal offense, so that the Article *a quo* in full reads: "In carrying out their duties and authorities, the summoning, examination, search, arrest, and detention of a Prosecutor may only be conducted with the permission of the Attorney General, except in the following cases: a. caught red-handed committing a criminal offense; or b. pursuant to sufficient preliminary evidence suspected of having committed a capital offense, a criminal offense against state security, or a special criminal offense."

3. To declare that Article 35 paragraph (1) letter e, along with its Explanation, of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force;

4. To order the publication of this decision in the State Gazette of the Republic of Indonesia as appropriate;

5. To declare that the petition of Petitioner III and the petitions of Petitioner I and Petitioner II to the extent that they relate to the norms of Article 11A paragraph (1) letter a and letter e and paragraph (3) of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2021 Number 298, Supplement to the State Gazette of the Republic of Indonesia Number 6755), are inadmissible;

6. To dismiss the remaining petition of Petitioner I and Petitioner II.

Dissenting Opinion

Against the Court's decision *a quo* to the extent that it concerns the norms of Article 8 paragraph (5) and Article 35 paragraph (1) letter e of Law Number 11 of 2021 concerning Amendment to Law Number 16 of 2004 concerning the Prosecution Office of the Republic of Indonesia, there are dissenting opinions from two (2) Constitutional Justices, namely Constitutional Justice Arief Hidayat and Constitutional Justice M. Guntur Hamzah, each of whom states as follows.

Thus, the provision of Article 8 paragraph (5) of the Prosecution Law does not eliminate the criminal liability of prosecutors, but merely regulates the mechanisms or procedures for taking action against them. Meanwhile, impunity refers to a condition in which perpetrators of legal violations are not subject to enforcement, which is clearly different from the norm *a quo*. Article 8 paragraph (5) of the Prosecution Law does not preclude the possibility of prosecutors being subjected to legal proceedings. Instead, there is a licensing mechanism to ensure the enforcement is carried out proportionally, because prosecutors are public officials who carry out strategic functions of the state. The requirement for obtaining permission from the Attorney General, as set out in Article 8 paragraph (5) of the Prosecution Law, cannot be regarded as a form of impunity. Instead, it constitutes an administrative procedure intended to ensure a strong legal basis before police action is taken against a prosecutor who is carrying out official duties, and not for actions taken by a prosecutor outside the

scope of official duties. In addition, within the Prosecution Office, there already exists an internal supervisory and disciplinary enforcement mechanism applicable to all prosecutors, both for actions carried out in their official capacity and for those carried out outside of it. This mechanism demonstrates that prosecutors are not above the law but remain subject to legal provisions consistent with their law enforcement functions and responsibilities. Moreover, from the perspective of legal doctrine, the protection provided to prosecutors under the provision *a quo* does not amount to absolute immunity, as argued by the Petitioners, but instead constitutes a form of prosecutorial immunity that is relative in nature and limited solely to the performance of prosecutors' functional duties and authorities.

Furthermore, with respect to the petition for judicial review of the norm of Article 35 paragraph (1) letter e of the Prosecution Law, one thing that, in our opinion, must first be understood is the position of the prosecutor as *advocaat generaal*, namely an official who exercises state authority in the field of prosecution. In the context of a legal system that places the Attorney General not only as the head of the Prosecution Office, but also as *advocaat generaal* with a constitutional role in safeguarding the consistency of law enforcement, particularly at the cassation level. In this connection, regarding the norm of Article 35 paragraph (1) letter e which states, "The Attorney General has the duties and authorities: ….. e. may submit legal technical considerations to the Supreme Court in cassation examinations within the jurisdictions of the general judiciary, administrative judiciary, religious judiciary, and military judiciary," this is a norm related to the authority of the Attorney General to provide legal technical considerations to the Supreme Court, which cannot be deemed a form of intervention in judicial power, because the submission of such legal technical considerations essentially constitutes supplementary material, and therefore cannot be interpreted as intervention. Moreover, these legal technical considerations are non-binding inputs to the Supreme Court, given that the authority to adjudicate remains with the respective panel of judges, so the legal technical considerations provided to the Supreme Court are in fact not intended to interfere with the judges in rendering a decision. Furthermore, this is an implementation of point 20 of the Guidelines on the Role of Prosecutors and the International Association of Prosecutors in the section "Relations with other government agencies or institutions".

In this regard, as *advocaat generaal*, the Attorney General—once again—cannot be interpreted as intervening in judicial power, *in casu* the Supreme Court, but is instead part of the mechanism of modern judicial systems that is also applied in practice in several countries, such as the Netherlands, which serves as a historical and juridical reference for the development of Indonesia's legal system. The role of Prosecutors as *officier de justice* or professional law enforcement officers requires active involvement in ensuring the proper, consistent, and justice-oriented application of the law. Therefore, the Attorney General's participation in providing legal technical considerations in the cassation process, when carried out professionally, transparently, and accountably, in fact strengthens the principle of checks and balances in the context of implementing justice enforcement.

Pursuant to all the legal considerations described above, in our opinion, to the extent of the review of the norms of Article 8 paragraph (5) and Article 35 paragraph (1) letter e of Prosecution Law, they are legally unjustifiable and should be dismissed.