

Reformulation of the Prosecutor's Office's Regulatory Role in the Legislative Process for Sustainable Economic Development

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ABSTRACT

The phenomenon of sustainable economic development in Indonesia reveals the increasing complexity of national strategic policies and projects, which necessitate preventive and sustainable legal safeguarding. Normatively, the Indonesian Prosecutor's Office is positioned not only as a repressive law enforcement body but also as an institution with preventive and protective functions through its law enforcement intelligence authority, as stipulated in Article 30B of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (the Amendment to the Prosecutor's Law). However, its implementation reveals that the Prosecutor's Office's role in the legislative process and development policy planning has not been optimally actualized. Juridically, this is due to the ambiguous norm (vague norm) in Article 34 of the Amended Prosecutor's Law, which uses the permissive phrase "may" in providing legal considerations to the President and other government agencies. This phrasing fails to establish a legal obligation for the Prosecutor's Office's involvement in the development legislation process. Sociologically, the absence of a clear regulatory model and mechanism regarding the Prosecutor's Office's security function during the early stages of policy formulation leads to weak preventive legal supervision. Consequently, this creates fertile ground for conflicts of interest, legal uncertainty, and potential abuse of authority in sustainable economic development. This research employs a normative legal research method, focusing on the ambiguity of norms, particularly the phrase "may" in Article 34 of the Amended Prosecutor's Law. This ambiguity underscores the urgent need for a regulatory framework that explicitly mandates the active role of the Prosecutor's Office in the legislative process at every level, given its unique authority in law enforcement intelligence and its mandate to provide legal considerations to the President and other government agencies.

Keywords: Prosecutor's Office of the Republic of Indonesia; Preventive Legal Security; Sustainable Economic Development; Ambiguity of Norms; Development Policy Legislation.

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INTRODUCTION

Sustainable economic development is a pillar of national economic development policies that have been set by the government in various policy products that have been outlined in laws and regulations, including policy products related to the acceleration of investment as stipulated in Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Constitutionally, the principle of sustainable national economic development stems from the understanding that one of the goals of the state based on the Preamble to the Constitution of the Republic of Indonesia in 1945 (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) is "Then instead of that to form an Indonesian State Government that **protects the entire Indonesian nation and all Indonesian bloodshed and to advance the general welfare...**". The state's efforts in an effort to advance public welfare are reflected in the provisions of Article 33 paragraph (4) of the 1945 NRI Law which regulates "The national economy is organized based on economic democracy with **the principles of togetherness, efficiency, justice, sustainability,**

environmental insight, independence, and by maintaining a balance of progress and national economic unity".

The development of sustainable economic development as part of national economic development has made the word development familiar to be heard anywhere and anytime (Muulila, 2022; Ness, 2023). Development is considered an inevitable necessity of community needs and activities, therefore the word "development" is a word that provides enthusiasm in carrying out various activities to improve the welfare of its people (Suryono, 2010). The government in carrying out development activities, does not have to own all the existing natural resources and production branches (Sihombing, 2010). Without government ownership of the natural resources, it does not mean that the community will let the government struggle alone in making development successful (Sihombing, 2010). High awareness from the community is a very valuable capital to carry out development based on independence (Sihombing, 2010).

State development is something that is formulated through policies in many ways, in accordance with the vision and mission set by the current government in a country (Mahardi & Taher, 2018). The broad scope of development in the development process will involve the use of natural resources, capital resources, and human resources. The breadth of the scope of the development dimension along with its adherents, in practice economic development is an approach carried out by many countries, especially regarding economic development in a comprehensive sense. Economic development is the process by which a country's per capita income increases over a long period of time accompanied by the improvement of the institutional system (Hartono, 2023). The process takes place in a sustainable manner, interrelated and influential, so that the process of economic development requires economic growth followed by changes (*growth plus change*) and changes in economic structure (from agriculture to industry or services) followed by institutional changes, both with regulations and institutional reforms (Hartono, 2023).

The term economic growth is often equated with economic development, although in fact the meaning of development is different from economic growth. Economic growth is one aspect of development, growth only records an increase in national production of goods and services, while development is economic growth followed by institutional changes in a positive direction (Sukarniati et al., 2021).

The renewal of the implementation of development in the economic sector by not being limited to the concept of economic growth, has been realized by several countries with economic development that is not limited only to economic growth, but there are changes and reforms in the institutional sector, so that it is able to support economic development as *a core business*. The United States which is considered a superpower and has an influence on the direction of world politics, in the 1920s is known as the era of prosperity of the United States, inventions in the field of technology have awakened industry in the United States and provoked investment in the sector, for example cars, radios, televisions, electric irons and other technological goods have become a common means for the people of the United States to carry out their activities (Armiyati, 2019). The conservative economic policies of the United States government supported the growth of the business world in the United States, during this decade, factory production in the United States increased by more than 60% (sixty percent), while *Gross National Product* (GNP) increased by about five percent annually (Armiyati,

2019). The United States in this case encourages the pace of industry as the main lever driving its development.

Meanwhile, China's current economic development is also interesting to discuss in addition to the United States. Chinese companies trade almost all necessary products anywhere. China produces half of the world's steel and aluminum and cement, it uses more copper, coal, and many other natural resources, China sells more cars than any other country, making it a leader in the evolution of electric vehicles. China also has the world's largest *electronic commerce (e-commerce)* company. China's progress under the leadership of Xi Jin Ping is a person with a strong character, but open to all thoughts, so that China's policy direction becomes dynamic and follows global developments (Seng, 2020). Xi Jinping's flexibility as China's leader can be found during the World Economic Forum held on January 17, 2017 and written by Francois Bougun. *On 17 January 2017, a communist leader found himself applauded by the global capitalist elite assembled at the exclusive ski resort of Davos. As the first Chinese leader to take part in the World Economic Forum, Xi Jin Ping made an impact and won approval* (Bougun, 2018). China is the world's leading trading power, in 2009 its export value for the first time surpassed that of Germany, even almost equal to the export value of Japan and the United States, at the end of 2010 China had foreign exchange reserves of around US\$4,000 billion, China was also very fast in mastering modern technology (Brunet & Guichard, 2020). China's economic strength, which was once in a slump, can be reversed by taking advantage of the population, trading habits combined with the sophistication of its technology.

Moving on from the development of economic development in the United States and China, it can be found in terms of goals and determining factors. The success of economic development as a *goal*, then the existence of the quality of the workforce that continues to innovate and is accompanied by capital accumulation to support industrial development. This is in line with 3 (three) main factors of economic development, including: (1) capital accumulation including all new investments in land; (2) population development in the sense of increasing labor, both quantity and quality; (3) technological advancement, which is the result of new ways that have been improved in doing traditional jobs (Suryono, 2010).

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In addition to the United States and China, Indonesia is also one of the countries in Southeast Asia that is actively trying to advance its economic development in a sustainable manner. This is shown by the government's strong involvement in advancing the infrastructure development sector, which in the era of President Joko Widodo's leadership has been key to encouraging sustainable economic growth. In recent years in Indonesia, a series of ambitious infrastructure projects have been launched, creating a positive impact on various aspects of people's lives and the national economy. One of the main focuses of the Joko Widodo administration at that time was to improve accessibility and connectivity throughout Indonesia, which can be seen from the rapid construction of toll roads. For example, one of the government's performances in terms of infrastructure development that is of public concern is the construction of the Trans Toll Road. This infrastructure project is one of the strategic projects besides the railway line

that has opened access to remote areas. The presence of this infrastructure not only facilitates the mobility of the population, but also reduces logistics costs, opens up new investment opportunities, and strengthens connectivity between regions.

The rapid development of sustainable economic development in Indonesia was then responded by the Government of Indonesia with the enactment of Law No. 17 of 2007 concerning the Long-Term Development Plan for 2005 – 2025 (hereinafter referred to as the RPJP Law), which in one of the considerations for the formation of laws and regulations stated that Indonesia needs long-term development planning as a direction and priority for overall development that will be carried out in stages to realizing a just and prosperous society as mandated by the 1945 Constitution of the Republic of Indonesia. Development can be successful if careful and measurable planning is carried out, then through a process that includes multi-dimensionality.

Development planning can be divided into three types of planning, namely based on process, approach dimensions, and time period. The three types of planning have different approaches, but they have the same goal, which is to determine the right future course of action through a series of choices (Kuncoro, 2018). The planning process can also be divided into four dimensions, including macro planning, sectoral planning, regional planning, and micro planning (Kuncoro, 2018). Furthermore, currently strategic development planning in Indonesia has been followed up through Presidential Regulation of the Republic of Indonesia Number 18 of 2020 concerning the National Medium-Term Development Plan for 2020-2024 (hereinafter referred to as the 2020 RPJMN Presidential Regulation). Referring to the provisions in Article 2 paragraph (2) of the 2020 RPJMN Presidential Regulation, it stipulates that the National Medium-Term Development Plan (RPJM Nasional) as referred to in paragraph (1) contains national development strategies, general policies, strategic priority projects, ministries/institutions and cross-ministries/institution programs, regional and cross-regional development directions, development priorities, and macroeconomic frameworks that include a comprehensive economic picture including policy directions fiscal in the work plan in the form of a regulatory framework and an indicative funding framework.

Economic transformation is one of the 5 (five) main directions as a strategy in implementing the *nawacita* mission and achieving Indonesia's vision 2045 goals to strengthen economic resilience for quality and equitable growth. Indonesia is also one of the 193 (one hundred and ninety-three) countries that have agreed on the *Sustainable Development Goals* or more commonly known as *the SDGs*. The implementation of *the SDGs* in Indonesia adopts three basic principles of *the SDGs*, namely *universality*, *integration*, and *no one left behind*, therefore Indonesia must also implement the *SDGs* goals in every national development plan (Munandar et al., 2019). The implementation of *the SDGs* in Indonesia has been harmonized even since the issuance of Presidential Regulation Number 59 of 2017 concerning the Implementation of the Achievement of the Sustainable Development Goals (hereinafter referred to as the *SDGs* Presidential Regulation), where decent work and economic growth are one of the agendas of the *SDGs* which promotes inclusive and sustainable economic growth, productive and comprehensive employment opportunities, and decent work for all, can realize the other goals of the *SDGs*, namely zero poverty, no hunger, and healthy and prosperous lives, as well as quality education.

The goals of Indonesia's development as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, namely advancing public welfare and educating the nation's life, in more detail by the government then determine economic development planning based on Presidential Regulation Number 111 of 2022 concerning the Implementation of the Achievement of Sustainable Development Goals (hereinafter referred to as the 2022 TPB Presidential Regulation). Based on the provisions of Article 2 paragraph (2) of the 2022 SDG Presidential Regulation) which is included in sustainable economic development planning, including:

- (a) maintaining the continuous improvement of the community's economic welfare;
- (b) maintaining the sustainability of the community's social life;
- (c) maintaining the quality of the environment and inclusive development; and
- (d) the implementation of governance that is able to maintain the improvement of the quality of life of one generation to the next.

Economic development is the top goal of sustainable development because by advancing economic development, other goals can be achieved and harmonized, because it is hoped that the RPJPN Presidential Regulation, the 2020 RPJMN Presidential Regulation, and the *SDGs* Presidential Regulation can direct Indonesia to achieve the vision and mission that has been set.

The rapid development of development, especially related to the national strategic plan, has great potential related to the existence of corruption problems that result in state financial losses. One of the cases that has attracted quite a lot of public attention is a corruption case involving a former PT Jasa Marga official regarding the alleged corruption of the Mohammed bin Zayed (MBZ) elevated toll road, which was previously called the Jakarta Cikampek Elevated II (Japek) Toll Road, with alleged state losses of Rp 510,085,261,485 (Fika, 2024). Furthermore, the corruption case involving PT. Tin is suspected of harming the state up to Rp271 trillion (bbc.com, 2024).

Corruption eradication is one of the nine priority agendas of the President of the Republic of Indonesia in running the government called NAWACITA, by issuing Presidential Instructor Number 7 of 2015 concerning Corruption Prevention and Eradication Actions, for this it is necessary to have a process of overseeing development and security carried out during the development planning process until its implementation is completed, which aims to ensure that the development of the strategic project can be completed runs smoothly, safely, and does not harm others, society, and the state, especially in terms of state finances.

Securing strategic development is one of the tasks of the Prosecutor's Office of the Republic of Indonesia. The Prosecutor's Office is a state institution that exercises state power in the field of prosecution that is authorized in law enforcement and justice, led by the Attorney General who is elected by the president and accountable to the president. One of the duties of the prosecutor's office is to carry out Strategic Development Security, which is hereinafter named the PPS Team (Strategic Development Security), which is the duty and authority of the Intelligence sector which has been regulated in Article 30B of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (hereinafter referred to as the Attorney General's Law on Change). The duties and authorities of the intelligence sector are more specifically regulated in the Regulation of the Attorney General of the Republic of Indonesia Number PER-006/A/JA/07/2017

concerning the Organization of Work Procedures of the Attorney General's Office (hereinafter referred to as PERJA Number PER-006/A/JA/07/2017), which in the provisions of Article 819 paragraph (2) stipulates that:

The scope of the Prosecutor's Intelligence field includes intelligence activities, intelligence operations, as well as government escort and security and strategic project development both national and regional to support law enforcement in the fields of ideology, politics, and security defense, social, cultural and community, economic and financial, security of strategic development, information technology and intelligence production and legal lighting.

Meanwhile, the scope of the Prosecutor's intelligence field in the field of strategic development security based on the provisions of Article 819 paragraph (6) of PERJA Number PER-006/A/JA/07/2017 includes the sectors of securing road infrastructure, railways, airports and communication technology, ports, water management, embankments and dams, agriculture, marine, electricity, alternative energy, oil and gas, *smelters*, science and technology, housing, tourism, priority industrial areas or economic zones, cross-border posts and supporting facilities, and other sectors.

The function of securing strategic development carried out by the Intelligence at the Prosecutor's Office, especially in strategic sector development planning activities that use state funds through the State Revenue and Expenditure Budget (APBN) and the Regional Revenue and Expenditure Budget (APBD) with a large amount of potential for legal problems, especially in terms of corruption, for this reason the function of securing intelligence at the Prosecutor's Office is very important for law enforcement in carrying out efforts, work, activities, and actions for early detection and early warning in an effort to prevent, deter, and counter any threats, obstacles, disturbances that may arise and threaten national interests and security in the field of strategic development, especially capital expenditure activities based on these regulations, so that they have a legal basis and certainty.

Juridically, the problems related to the security function of the Prosecutor's Office in the context of national development are mainly related to the absence of a strong legal basis and a comprehensive implementation model regarding the role of the Prosecutor's Office in carrying out the supervisory function of the planning stages of state strategic projects, although the Attorney General's Law Amendment has given an expansion of authority to the Prosecutor's Office in the field of law enforcement intelligence, but the implementation of the provisions of the Attorney General's Office still encounters various obstacles, especially because there is no obligation for the Prosecutor's Office to provide legal considerations to other government agencies in the process of planning and legalizing development policies and also the absence of a regulatory model that expressly regulates the mechanism for implementing the security function in national development policies.

As referred to in the provisions of Article 34 of the Amendment Prosecutor's Law which regulates "The Prosecutor's Office may provide legal considerations to the President and other government agencies". The word "can" provides the understanding that there is no obligation for the Prosecutor's Office to be involved in any draft of laws and regulations related to the development of strategic projects, therefore a regulation is needed that can accommodate the Prosecutor's Office to actively participate in the drafting of regulations in each hierarchy. This condition causes a *vague norm* because the provisions of Article 34 of the Revised Prosecutor's

Law do not provide clarity regarding when, under what conditions, and at what stage the Prosecutor's Office should be involved in the process of drafting laws and regulations. The Prosecutor's Office is the only institution that is given the task of organizing law enforcement intelligence, especially in the investigative function and providing considerations in the legal field to the President and other government agencies, especially in this case contributing to the welfare of the state and nation.

Based on the ideal constitutional system, the Prosecutor's Office should act as a *legal advisor to the state*, namely providing preventive legal advice to public policies that will be determined by the government. However, in practice, this role has not been explicitly accommodated in laws and regulations. As a result, the Prosecutor's Office is only involved in the implementation or enforcement stage, not from the policy design stage. This condition shows that the function of legal security has not been carried out comprehensively, even though the presence of the Prosecutor's Office from the beginning of the policy process is very important to prevent potential legal irregularities that can harm the interests of the state and society.

Meanwhile, the security function by law enforcement intelligence carried out by the Deputy Attorney General for Intelligence (Jamintel) also does not have a clear and measurable strategic model in its implementation. Although structurally the Prosecutor's Office already has the organizational tools to carry out legal intelligence functions, there is no substantive strategic concept that regulates Jamintel's involvement in securing development policies, especially those related to national strategic projects (hereinafter abbreviated as PSN). The existing provisions are only limited to regulating administrative and coordinating functions, without explaining how the legal intelligence security function of the Prosecutor's Office can be integrated starting from the planning stage to community involvement and the final stage (reporting) in the context of sustainable economic development.

These juridical problems affect the obligation of the Prosecutor's Office to provide legal considerations to other government agencies in the process of planning and legalizing development policies and the absence of a clear and measurable strategic model that has a security function by law enforcement intelligence carried out by Jamintel, causing various problems that have a direct impact on people's lives. The absence of an active role of the Prosecutor's Office in the early stages of policy formulation leads to weak preventive legal oversight of government policies, especially in strategic development projects. As a result, policies that should be oriented towards the welfare of the people often give rise to social problems such as conflicts of interest, legal uncertainty, and potential abuse of authority. This shows that there is a gap between legal norms and social reality, where the public has not fully benefited from the presence of the Prosecutor's Office as a guardian of the legal interests of the state and the people.

Furthermore, the weak security function of the Prosecutor's Office in the context of national development has implications for the decline of public trust in legal institutions. In the public's view, the Prosecutor's Office is often considered to be only present at the (repressive) legal enforcement stage, not as an institution that is able to provide protection from the early stages of policy formulation. In fact, the presence of a strong and proactive Prosecutor's Office in providing legal considerations will be able to prevent the birth of policies that are detrimental

to the people, as well as strengthen the social legitimacy of the Prosecutor's Office as a justice-oriented law enforcement agency.

This condition is certainly contrary to the legal ideals contained in the Preamble to the Fourth Amendment of the 1945 Constitution of the Republic of Indonesia, which affirms the state's goal to protect the entire Indonesian nation and all Indonesian bloodshed and to advance public welfare. In this framework, the duties and functions of the Prosecutor's Office should not only be understood as a law enforcer in a narrow sense, but also as an instrument of the state in realizing social justice and community welfare. Based on this description, the author is interested in describing the author's ideas and thoughts to respond to legal ambiguity as the phrase "can" regulated in the Attorney General's Law on Amendment by giving the title of the research "**Regulation of the Security Function by the Prosecutor's Office in the Process of Sustainable Economic Development Legislation**".

METHOD

The method used in this study is a normative legal research method, because the goal of this research is the ambiguity of norms. The ambiguity of the norm in question is related to the phrase "may" in the provisions of Article 34 of the Amended Prosecutor's Law which does not require the activeness of the Prosecutor's Office to be involved in any drafting of laws and regulations related to the development of strategic projects, therefore a regulation is needed that can accommodate the Prosecutor's Office to actively participate in the drafting of regulations in each hierarchy. The Prosecutor's Office is the only institution that is given the task of organizing law enforcement intelligence, especially in the investigation function and providing legal considerations to the President and other government agencies.

RESULT AND DISCUSSION

In general, the concept of reformulation is one of the important approaches in the development of public policy and legal reform in a country. Reformulation is essentially a process of reformulating existing concepts, norms, or policies with the aim of improving, improving, and adapting them to the dynamics of community development. Reformulation is not only interpreted as a normative change, but also as a conceptual process that involves analyzing the weaknesses of previous policies and formulating alternative policies that are more relevant to the needs of the community.

Thinking about policy reformulation is closely related to the development of public policy theory which places policy as a dynamic process. Public policy is not static because it is always in the context of social, political, economic, and technological changes, therefore, every policy that has been set by the government at a certain time has the potential to experience incompatibility with the conditions of society at a certain time. In such conditions, policy reformulation is a necessity so that existing policies are still able to answer the challenges of the times.

According to William N. Dunn, public policy is a pattern of actions carried out by the government to solve public problems faced by the community. Public policies in practice do not always run according to the goals that have been set, so an evaluation process is needed to assess the effectiveness of these policies. The results of the policy evaluation then became the basis for policy reformulation to improve various weaknesses found in the implementation of previous policies (Dunn, 2003). Policy

reformulation is also inseparable from the process of legal reform in a country. Based on a legal perspective, reformulation is part of an effort to update the legal system to be more responsive to community development. Law is basically a system of norms that governs people's behavior, so the law must be able to adapt to the social changes that occur. If the law is unable to keep up with the development of society, then the law has the potential to lose its relevance and effectiveness in regulating social life. The idea of the importance of legal reform has long been put forward by legal scholars. Satjipto Rahardjo stated that law is essentially a social institution that is always in the process of change along with the development of society, therefore, law cannot be seen as a rigid and static system, but as a system that must continue to develop to answer the needs of society (Rahardjo, 2009).

Sustainable economic development is one of the constitutional agendas of the Indonesian nation in order to realize the ideals as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, especially in the fourth paragraph which states that the state's goals are "... protect the entire Indonesian nation and all Indonesian bloodshed, promote public welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace, and social justice...". This formulation shows that economic development does not only aim at growth, but must also ensure sustainability, justice, and legal certainty for all people.

In this framework, one of the manifestations of sustainable economic development in Indonesia is the implementation of PSN which is placed as a vital instrument of the state to accelerate economic growth, increase competitiveness, and bring about equitable development in all regions. Conceptually, *sustainable economic development* emphasizes three main pillars, namely economic, social, and environmental. The economic pillar demands stable and inclusive growth, the social pillar emphasizes equity and social justice, while the environmental pillar emphasizes the protection of ecosystems and natural resources. Theoretically, this concept emphasizes the symbiotic relationship between law and development, as effective regulation is able to drive measurable growth while minimizing social and ecological risks. Contextually, strategic national projects/programs, especially projects such as the construction of toll roads, ports, airports, renewable energy, and strategic industrial estates, are concrete examples of the implementation of sustainable development. Each of these projects not only has an impact on increasing economic productivity, but also demands adequate legal arrangements so that the public interest is protected and environmental sustainability is maintained.

Juridically, PSN is regulated by Presidential Regulation No. 109/2020, which provides a legal basis for accelerating project implementation by paying attention to the principles of sustainability, transparency, and accountability. The provisions of Presidential Regulation No. 109/2020 should regulate aspects of supervision, permitting, and land acquisition mechanisms, so that the risk of disputes and social conflicts can be minimized. However, various critical records show that the implementation of PSN often faces serious problems, ranging from corruption, inefficiency, failed projects, to conflicts of interest that are detrimental to state and community finances due to weak risk mitigation in relation to unclear or inconsistent legislation products, lack of adequate supervision, and the application of *good governance* principles that are not optimal.

Conflicts of interest are also a challenge that affects the quality and results of PSN projects. This conflict arises when officials or decision-makers have a connection or personal

interest in the ongoing project, so that the decisions taken prioritize the interests of certain individuals or groups over the interests of the wider community. This often happens because of regulations on transparency and the composition of supervisory committees that are not strict and the avoidance of potential conflicts of interest. The existence of conflicts of interest that are not handled properly leads to the dominance of certain groups and harms the state, especially in terms of cost overruns and reduced quality of work results.

Another factor that worsens the implementation of PSN is the weak risk mitigation in the legislation products that regulate the strategic development. Risk mitigation is an important element that must be present in every stage of project planning and implementation so that potential problems can be minimized and anticipated properly. Unfortunately, existing regulations do not explicitly regulate comprehensive risk mitigation mechanisms, making it difficult for relevant institutions to carry out anticipatory measures systematically. The absence of clear risk standards is also an obstacle in quality control and project implementation schedules.

Legislation products as one of the "basic components" also do not adequately accommodate the principles *of good governance*, such as community participation, transparency, accountability, and responsibility in the implementation of PSN. In fact, the application of these principles is indispensable to prevent corrupt practices and improve the effectiveness of project management. The lack of community involvement in supervision and evaluation has an impact on low social control over the implementation of development, so that violations and irregularities are easier to occur without the public knowing. In addition, internal and external supervision of the implementation of PSN is also still weak and not optimal. Internal audits, supervision by government internal supervisory apparatus (APIP), and external supervision such as the Financial Audit Agency (BPK) and the Corruption Eradication Commission (KPK) have not been able to carry out comprehensive and continuous monitoring. This condition makes various irregularities in the implementation of strategic development difficult to detect and act on quickly, so that the potential for state losses is even greater. The government's efforts to overcome these various problems need to be carried out by reforming and improving legislation products related to PSN, so that it not only becomes a formal legal basis, but also regulates in detail the risk mitigation mechanism, supervision, and participation. Good legislation should provide clear guidelines on project governance, the division of duties and responsibilities between agencies, and effective sanction mechanisms for violations. In addition, the legislation must also adopt the principles *of good governance*, so that the implementation of PSN becomes transparent, accountable, and oriented to the interests of the people.

One of the fundamental causes of the problem of weak legislation products in relation to the implementation of national strategic projects is the weak supervision and legal considerations from the policy planning stage. In principle, the relationship between laws and regulations with the state lies in guaranteeing the rights of citizens in achieving state goals, so that efforts for state goals carried out by the government do not necessitate, override or violate the rights of citizens. The recognition and guarantee of the protection of the rights in question must be guaranteed and regulated and outlined in laws and regulations. Legislation is one of the keys to guaranteeing the rights of citizens who are part of human rights (Utomo & Widiati,

2016), as well as legislation in the context of sustainable economic development projects by the government.

Clear, fair, and firm regulations function as a legal basis to protect the interests of the community while regulating the implementation of development so that it runs in accordance with the principles of sustainability and social justice. In the context of sustainable economic development, legislation is obliged to accommodate citizens' rights such as the right to a clean and healthy environment, the right to access development benefits, and the right to participate in decision-making that impacts their lives. This means that legal products must be able to bridge the gap between economic development goals and the protection of human rights values, so that development not only results in economic growth, but also ensures the welfare of the community as a whole and sustainable. Good regulations will regulate the responsibility of the government and development actors so as not to harm the community, and on the contrary provide space for residents to supervise and provide input in a transparent manner. Thus, legislation is not only a normative instrument, but also a strategic tool to realize inclusive and human rights-oriented development governance, which ultimately maintains the legitimacy of the government and strengthens public trust in carrying out national development projects. Contextually, one of the institutions that has an important role in planning national strategic projects in Indonesia is the prosecutor's office through the field of law enforcement intelligence. The Prosecutor's Office should have an important role in carrying out its functions in the field of prosecution, this is as explained in the provisions of Article 1 number 1 of the Amended Prosecutor's Law which stipulates that "The Prosecutor's Office of the Republic of Indonesia, hereinafter referred to as the Prosecutor's Office, is a government institution whose function is related to the judicial power that exercises state power in the field of prosecution and other authorities based on the Law". In principle, based on the Amendment Prosecutor's Law, the prosecutor's office is an institution that carries out its functions (prosecution) related to judicial power is carried out independently and is an inseparable unit. As the holder of the "power of prosecution", the prosecutor's office plays the role of *dominus litis* (control of the case). As the holder of "prosecutorial power," the prosecutor's office plays the role of *dominus litis* or the controller of the case. This means that the prosecutor's office has full authority to control the investigation and prosecution process of a case, including determining whether a case will be brought to court based on valid evidence. The prosecutor's office acts as the spearhead in the criminal justice system that not only demands, but also supervises the implementation of court decisions. The Prosecutor's Office has the responsibility to carry out its prosecution functions independently and professionally, regardless of the influence of political power or other institutions. This position emphasizes that the prosecutor's office is not only a formal implementer, but also a controller of legal strategies in every criminal case it handles. This authority makes the prosecutor's office have a central role in maintaining the rule of law and justice in Indonesia, while protecting the legal rights of the parties in the judicial process.

The principle of *dominus litis* is a legal principle that applies in the power of prosecution. This principle is inherent in the authority of the prosecutor as the public prosecutor. *Dominus Litis itself* comes from Latin, namely *dominus* which means owner, and *litis* means thing. In the practice of criminal law, *dominus litis* is often associated with who has authority. *Dominus litis* has correspondence with the authority, rights, obligations, and interests to prosecute a case

in the judicial process based on the benefits obtained from the judge's decision that gives birth to certain legal obligations and status (Banulita, 2023). Meanwhile, US Legal provides the understanding that "Dominus litis is the person to whom a suit belongs. This also means master of a suit. The person has real interest in the decision of a case. It is this person who will be affected by the decision in a case. This person derives benefits if the judgment is in favor, or suffers the consequences of an adverse decision" (USLegal, 2020). Understanding from the meaning conveyed by US Legal, dominus litis is the owner of the case or the person who determines the course of a case or a person who has a real interest in determining the case. According to Marwan Effendy, the prosecutor as the public prosecutor is a dominus litis (procureur die de procesvoering vaststelt) who owns the case and who has a central position in determining whether a criminal case can be submitted to the court based on valid evidence such as criminal procedure law or not (Effendy, 2005). Basically, dominus litis provides an exception, not all criminal acts or crimes must be prosecuted, but there is a condition for prosecution not to be carried out. Dominus litis is a form of authority attached to the prosecutor as a public prosecutor based on the law to determine whether a case will be continued or not. This aims to provide protection for human rights so that the handling of cases does not drag on. This means that the prosecutor in the application of this authority will assess and determine whether a case is suitable to proceed to the trial process or not (Banulita, 2023).

The principle of *dominus litis* is reflected in Article 1 number 6 letter a of the Criminal Procedure Code which states that the prosecutor is an official authorized by this law to act as a public prosecutor and implement court decisions that have obtained permanent legal force. The public prosecutor also determines the permanent legal force. The public prosecutor also determines whether a case resulting from the investigation is complete or not to be transferred to the court for trial as stipulated in Article 139 of the Criminal Code. In addition, the implications of the prosecutor as *dominus litis* can be seen in the following articles:

- 1) The obligation of the investigator to give to the public prosecutor, if the investigator has started an investigation (Article 109 paragraph (1) of the Criminal Code);
- 2) The authority of the public prosecutor to provide instructions to investigators in terms of improving the case file (Article 14 letter b *jo.* Article 110 paragraph (3) and paragraph (4), and Article 138 paragraph (2) of the Criminal Code);
- 3) The authority of the public prosecutor in determining whether or not a case can be delegated to the court (Article 139 of the Criminal Code)

The prosecutor as the public prosecutor is the only profession that has the authority to prosecute, as well as settle criminal cases. The judge in handling the case is only passive and waiting for demands from the public prosecutor, so the judge cannot ask that the criminal case that occurred be submitted to him (Sasongko, 1996). The principle of *dominus litis* places the prosecutor as the public prosecutor as the controller of the case, which means that the prosecution of a criminal case as a result of the investigation carried out by the investigator is the absolute authority of the public prosecutor. The results of the investigation that have been declared complete by the public prosecutor do not necessarily bring an obligation for the public prosecutor to transfer the case to the court. This is because, as the holder of the *principle of dominus litis*, the public prosecutor can stop the prosecution on the grounds that there is insufficient evidence, the event is not a criminal act, and the case is closed for the sake of the law (Banulita, 2023).

The position of the prosecutor's office as *dominus litis* gives birth to very important juridical and practical consequences. The prosecutor not only plays the role of the prosecution executor, but also acts as an actor who controls and leads the entire criminal case process. From the investigation stage, the prosecutor has the right and authority to evaluate the results of the police investigator's investigation, supervise, and provide directions so that the investigation runs in accordance with the law and the principles of justice. After the case is declared complete and eligible, the prosecutor is authorized to submit the case to the court for trial. As a party with a *dominus litis* position, the prosecutor's office has the ability to determine which cases are suitable to proceed to trial and which cases can be stopped based on the principle of opportunity (discretionary principle), legal provisions, and public interest considerations. This function shows the flexibility and responsibility of the prosecutor in upholding justice by considering various material and formal aspects, so that not all cases must end up in the court which can lead to a build-up of cases and ignore the principle of restorative justice.

The principle of *dominus litis* gives the prosecutor the power to control the prosecution process in court, starting from the preparation of the indictment, the implementation of examinations at the trial, to the request for verdicts and the execution of the execution. This is important so that the legal process is well integrated and controlled by an institution that has the capability and commitment to maintain legal certainty, protection of human rights, and uphold the rule of law. The Criminal Code explicitly regulates the authority to prosecute and supervise investigations as part of the prosecutor's function. This confirms the position of the prosecutor's office as the main pillar in the constitutional system in the field of criminal law enforcement which must be independent and professional in carrying out its duties, however, the authority granted by the principle of *dominus litis*, also raises important implications to ensure that this great power is not abused or exposed to external pressures such as political intervention. Therefore, the independence of the prosecutor's office must be accompanied by accountability, transparency, and effective supervision mechanisms, both internal supervision within the institution and external supervision through the judicial system and society. This is so that *dominus litis* does not turn into a monopoly of power that is detrimental to individual rights and substantive justice. The principle of *dominus litis* also requires synergistic cooperation between the prosecutor's office and other law enforcement agencies such as the police and courts. In its regulation, the Criminal Procedure Code regulates harmonious and professional relations between institutions in order to realize an integrated criminal justice system. In this context, *dominus litis* does not mean that the prosecutor works alone without coordination, but rather as a case controller who works collaboratively within the framework of a clear division of duties.

Philosophically and historically, the principle of *dominus litis* affirms the role of the prosecutor's office as the embodiment of the state's right to punish (*ius puniendi*). The Indonesian legal system adheres to the tradition of *civil law*, this authority is inherited and developed from the Roman legal system which positions the public prosecutor as the main controller in the criminal process, so the prosecutor's office is not just a mechanical implementer, but a legal subject that bears a great responsibility in maintaining order and upholding justice in society, but *dominus litis* It also presents strategic challenges. The possession of this full authority can pose a risk that the prosecutor's discretion is abused, or the prosecutor's office is under pressure from other powers that can interfere with the objectivity

of law enforcement. Therefore, strengthening the prosecutor's institution must be carried out through a legal reform strategy, clear regulations, strict prosecutor selection and education mechanisms, and the development of a credible supervision system to maintain the integrity and professionalism of the prosecutor's office. The Prosecutor's Office of the Republic of Indonesia, in addition to carrying out its prosecution function, is also given other authorities, one of which is the authority in the field of law enforcement intelligence. This authority is included in the attribution authority, which is the authority given directly by law to the Prosecutor's Office or the original authority that does not come from a delegation or agreement with another party. This is as explained in the provisions of Article 30B of the Amended Prosecutor's Law *jo.* Article 9 and Article 13 of the State Intelligence Law, one of whose functions is to carry out security, in this case one of its duties is to provide legal considerations in the context of the implementation of PSN in Indonesia.

The role of the prosecutor's office intelligence in carrying out this security function should be a strategic role as an effort for early detection and early warning in the context of prevention, deterrence, and countermeasures against every threat that may arise and threaten national interests and security in the field of strategic development. In the context of PSN, threats can be legal, social, or technical, such as land disputes, budget abuses, or potential violations of laws and regulations. Therefore, the presence of the Prosecutor's Office intelligence provides a basis for prevention, deterrence, and countermeasures before potential risks develop into real problems. Legal considerations that are part of the security function by the prosecutor's intelligence are that every intelligence action must be based on the principle of legality. The prosecutor as an intelligence executor does not act on the basis of personal or political interests, but based on laws, including the Attorney General's Law on Changes and the State Intelligence Law. Careful legal considerations are important because the results of intelligence used for prevention or security must be legally accountable, both internally in the Prosecutor's Office and externally to the public. In other words, legal intelligence is an instrument to combine security and legal certainty aspects, so that every security measure taken does not violate individual rights or applicable legal provisions.

Legal considerations as referred to in the Amended Prosecutor's Law are regulated based on the provisions of Article 34 of the Amended Prosecutor's Law stipulating that "The Prosecutor's Office may provide legal considerations to the President and other government agencies". However, the formulation of these norms raises fundamental problems. The word "may" places the authority of the Prosecutor's Office in the realm of facultative (optional), not imperative. This means that the President and government agencies are not obliged to ask the Prosecutor's Office for legal considerations, and vice versa, even though in the guidance regulations issued by the Attorney General's Office, the role of the prosecutor's intelligence in the context of monitoring sustainable economic development in every legislative process and the formulation of national strategic policies. This normative weakness opens up space for abuse of authority, inconsistent policies, and corruption cases in development projects. Understanding the importance of the strategic role of the security function by the Prosecutor's Office in the context of providing legal considerations as an early detection effort to prevent the abuse of strategic projects in Indonesia that should have the purpose of prospering the community, the reformulation of the formulation is *novelty* Regarding the strengthening of the position of the Prosecutor's Office in carrying out its security function in providing legal

considerations, it is included in the formulation of the provisions of Article 34 of the Prosecutor's Law, so that it becomes the following formulation:

Formulation of Article 34 of the Amended Prosecutor's Law	Recommendation for Changes to the Formulation of Article 34 of the Amended Prosecutor's Law
The Prosecutor's Office can provide legal considerations to the President and other government agencies	The ACTIVE Prosecutor's Office provides legal considerations to the President and other government agencies in every policy formulation and implementation to reporting related to public interests, national development, and state financial management.

Understanding the importance of the strategic role of the security function by the Prosecutor's Office in the context of providing legal considerations is very relevant in the implementation of national strategic projects (PSN). The Prosecutor's Office, through its intelligence function, plays the role of early detection, which aims to prevent potential abuses or corrupt practices that can hinder these projects. PSN should have a fundamental goal to improve people's welfare, through the development of infrastructure, energy, transportation, and other strategic sectors that support national economic growth. Contextually, the prosecutor's office as an institution, the Attorney General's Office of the Republic of Indonesia through the Deputy Attorney General for Intelligence (Jamintel) plays a central role in carrying out the function of safeguarding the state's strategic policies, including in the process of forming laws and regulations in the field of sustainable economy. This role is rooted in the constitutional mandate of the Prosecutor's Office as an institution that not only carries out law enforcement functions, but also plays a role in securing government policies (which are included in the function of securing law enforcement intelligence) to remain in line with the principles of justice, legal certainty, and benefits to the community.

In line with this framework, the function of securing the Prosecutor's intelligence on legislative policies is carried out through a mechanism of analysis and strategic intervention from the design, discussion, to public participation in the legislation process. This mechanism is oriented towards the prevention of potential legal irregularities, conflicts of interest, and economic distortions that may arise due to weak legal basis in the regulations drafted and is an integral part of the reformulation of the draft formulation of Article 34 of the Amended Prosecutor's Law on "**providing consideration in the legal field**", in order to support the implementation of this function, the concept of CIDA (*Collecting, Identification, Disguise, Action*) can be used as an "offer" as a systematic and measurable law enforcement intelligence work model of the Prosecutor's Office of the Republic of Indonesia. As for the research on the concept of CIDA, it is a mechanism as a *novelty* that explains the important role of the law enforcement intelligence function of the Prosecutor's Office of the Republic of Indonesia in sustainable economic development which is inseparable from the reformulation of the draft formulation of Article 34 of the Amendment Prosecutor's Law, which includes the following stages:

1. *Collecting* Information

The first stage, *collecting*, serves as a foundation in law enforcement intelligence activities in carrying out security functions. At this stage, the Prosecutor's Office

through Jamintel collects data, information, and information materials from each stage of the formation of laws and regulations, both at the executive and legislative levels. This collection includes the review of *academic manuscripts*, draft laws and regulations, meeting minutes, as well as public views or stakeholders relevant to the field of sustainable economics. This information is used as analytical material to assess the extent to which the draft laws and regulations have met the legal principles of sustainable development, including the balance between economic, social, and environmental aspects as well as the law.

2. *Identification* (SWOT Identification of Legislation)

The next stage is *identification*, which is the process of strategic analysis of *the strengths, weaknesses, opportunities, and threats* inherent in each stage of the formation of laws and regulations. Through this SWOT analysis, the Prosecutor's Office can map the potential success or risk of an economic law policy. For example, the identification of *weaknesses* in the form of potential overlapping sectoral regulations, or *threats* in the form of the possibility of economic monopolies due to less strict norms or other legal problems such as corruption, collusion, and nepotism. Thus, the results of the identification become the basis for strategic legal recommendations to policymakers so that the substance of the norm does not cause distortions in the direction of national economic development.

3. *Disguise* (Disguise and Operational Security)

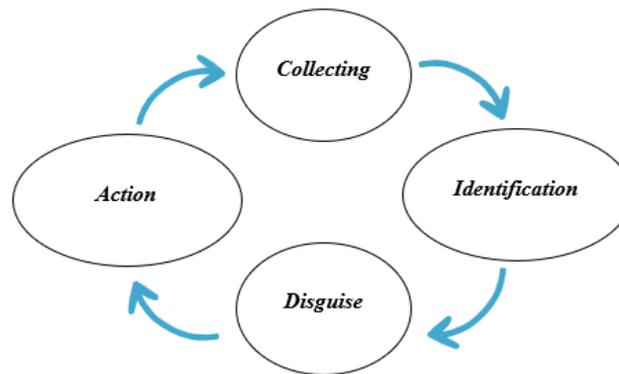
The *disguise stage* is a form of operational protection for law enforcement intelligence agencies and personnel of the Prosecutor's Office in carrying out the task of securing the legislation process. Contextually, disguise is carried out not in a narrow sense that is purely physical, but also includes disguise identity and roles in the process of socialization, lobbying, and policy advocacy. The goal is to maintain the integrity and neutrality of the Prosecutor's Office, while ensuring that supervision and monitoring activities on political and legal dynamics can be carried out effectively without interfering with the independence of the legislative institution.

4. *Action* (Legislative Intelligence Action)

The last stage, *action*, is a concrete form of legislative intelligence processing. At this stage, Jamintel carries out various forms of strategic actions which include:

- a. Convey an estimate of the situation and ideal matters to *stakeholders* related to the formation of legislation;
- b. Influencing public opinion with the intention of achieving the political goal of forming legislation;
- c. Intervening in the situation both domestically and abroad with the intention of achieving the political goal of legislative approval.

CIDA Concept Overview



Contextually, the economy in a region is influenced by economic growth in the scope of its region, which can be interpreted as an increase in the income of the people in a region as a whole. This growth reflects an increase in the level of prosperity and well-being, resulting from the added value created through the factors of production operating in the region. This means that the success of a strategic project is not only measured by physical or financial achievements, but also by its contribution to the well-being of the local community. In relation to the security function of the Prosecutor's Office, supervision and the provision of legal considerations are strategically important instruments to ensure that economic added value and community welfare benefits can be realized. Early detection by the Prosecutor's Office prevents budget abuse, regulatory overlap, or corrupt practices that can reduce project effectiveness. Thus, the legal considerations given by the Prosecutor's Office are not just administrative formalities, but instruments to ensure the integrity and efficiency of the project, so that the economic benefits are truly felt by the community in the project area, by ensuring that the PSN is implemented legally, transparently, and accountably, the security function of the Prosecutor's Office contributes to balanced regional economic growth, in line with the principles stated by Tarigan. Increased community income, prosperity, and regional well-being can only be achieved if national strategic projects are carried out with legal certainty and effective risk mitigation. The intelligence function and legal considerations of the Prosecutor's Office are a bridge between legal certainty and the achievement of economic development goals, so that PSN really functions for the welfare of the people.

CONCLUSION

The essence of the Prosecutor's Office's security function in the process of sustainable economic development legislation lies in its role as an instrument for early detection and prevention of potential legal threats that can hinder development. Through the law enforcement intelligence function by the Deputy Attorney General for Intelligence (Jamintel), the Prosecutor's Office oversees the formation of laws and regulations to be in line with the principles of justice, legal certainty, and utility, while preventing abuse of authority, corruption, and non-conformity with legal norms. This role emphasizes that the function of the Prosecutor's Office is not only repressive but also preventive, especially in supporting economic development and the implementation of the National Strategic Project (PSN), therefore, it is necessary to reformulate Article 34 of the Prosecutor's Law so that the involvement of the

Prosecutor's Office is mandatory in every stage of designing regulations related to sustainable economic development. The implementation of the security function is carried out through a mechanism of analysis and strategic intervention from the design stage to public participation in the legislation process, with the **approach of the CIDA** (*Collecting, Identification, Disguise, Action*) model as a systematic and measurable law enforcement intelligence framework, which is a *novelty* in this study.

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