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Optimization of File Return of Case Files at The Pre-Indictment Stage in Realizing an Integrated Criminal Justice System Based on Law Number 20 of 2025 Concerning The Book Of Criminal Procedure

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ABSTRACT

The enactment of Law Number 20 of 2025 concerning the Code of Criminal Procedure (New KUHAP) brings a fundamental transformation to Indonesia's criminal justice system, especially at the pre-indictment stage. Previously, under Law Number 8 of 1981, the mechanism of returning case files (the back-and-forth file phenomenon) between investigators and the public prosecutor often triggered protracted delays (undue delay), which threatened the principles of speedy, simple, and low-cost justice. This study aims to analyze the optimization of returning case files at the pre-indictment stage based on Law Number 20 of 2025 and its implications for the realization of an Integrated Criminal Justice System (Integrated Criminal Justice System/ICJS). Through normative legal research methods with a statutory approach and conceptual approach, this study evaluates new mechanisms such as time limitation strict, joint case exposure (joint case exposure), as well as digital-based coordination through an Information

Technology-Based Integrated Criminal Justice System. The research results show that Law Number 20 of 2025 fundamentally changes the pre-prosecution paradigm by strengthening the principle of *dominus litis* also forcing an increase in the institutional competence of Investigators. This synchronization cuts down the "ping-pong" phenomenon of case files, minimizes human rights violations, and promotes horizontal integration among law enforcement officials in Indonesia.

Keywords: Pre-prosecution, Return of Case Files, Law Number 20 of 2025, Integrated Criminal Justice System, *Dominus Litis*.

INTRODUCTION

The criminal justice system is the core of all law enforcement mechanisms in a legal state (*rechtsstaat*). It is not merely a series of administrative procedures, but a normative expression of the state's commitment to uphold rights human rights, especially the rights of suspects and defendants who are most vulnerable to abuse of power. In the context of Indonesia, the criminal justice system is based on the Constitution, anchored in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia of 1945, which states that Indonesia is a legal state, as well as Article 28D paragraph (1), which guarantees every person's rights to recognition, assurance, protection, and fair legal certainty. A concrete manifestation of that constitutional mandate in the realm of formal law is the Criminal Procedure Code (KUHP).

For more than four decades, KUHP, which was enacted through Law Number 8 of 1981, has become the backbone of the administration of criminal justice in Indonesia. The law, was, in its time, touted as the nation's "masterpiece" (*masterpiece*) in the field of law, because for the first time it codified procedural law in a single, systematic document and replaced *Het Herziene Inlandsch Reglement (HIR)*, the legacy of Dutch colonial rule. However, along with social dynamics, social developments, technological advances, and growing demands for stronger legal reform.¹

The criminal justice system in Indonesia has entered a new phase with the enactment of Law Number 20 of 2025 concerning the Code of Criminal Procedure (hereinafter referred to as Law Number 20 of 2025 or the New KUHP). This monumental legislation is present to replace Law

¹ Andi Hamzah, *Hukum Acara Pidana Indonesia*, Sinar Grafika, Jakarta, 2014, hlm. 3-5.

Number 8 of 1981 concerning the old Code of Criminal Procedure which is deemed no longer relevant with the dynamics of modern law, development of human rights, and the need for efficiency in law enforcement.²

One of the crucial phases in the criminal justice system that is often under sharp scrutiny, by both academics and legal practitioners, is the pre-indictment stage. This stage occupies the upstream position that bridges the investigative function by the police (or civil servant investigators) with the prosecutorial function by the Public Prosecutor.³

Under the provisions of the old procedural law (KUHP) the structural-work relationship between investigators and the public prosecutor at the pre-indictment stage is often characterized by institutional deadlock, popularly known as the phenomenon of the 'back-and-forth case files' or the 'ping-pong' disease of cases.⁴ The back-and-forth case file phenomenon occurs when the investigation file submitted to the Public Prosecutor is deemed incomplete (P-18), thus returned to the investigator with instructions (P-19) to be fulfilled.⁵

However, in empirical implementation, the process of fulfilling these instructions often proceeds without defined time limits and frequency, allowing files to change hands many times for months, even years.⁶ (undue delay), violation of the rights of suspects detained without clarity of status, up to the squandering of state budget in the law enforcement process.⁷

This has clearly violated the fundamental principles of due process, especially the principles of due process and the principles of a speedy, simple, and low-cost trial (speedy, simple, and low-cost trial). This misalignment reflects a failure of the concept Integrated Criminal Justice

² Satjipto Rahardjo, *Ilmu Hukum: Sintesis Teori Progresif dalam Peradilan Pidana*, (Bandung: Citra Aditya Bakti, 2020), hlm. 112.

³ Lusi Hermina, "Analisis Kritis Penanganan Fenomena Bolak-Balik Berkas Perkara Pidana", *Beraja Niti*, Vol. 11, No. 2, Agustus 2021, hlm. 45.

⁴ Abdulkadir Muhammad, *Hukum Acara Pidana Indonesia Kontemporer*, (Bandung: PT Citra Aditya Bakti, 2020), hlm. 89.

⁵ Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP Baru*, (Jakarta: Sinar Grafika, 2023), hlm. 201.

⁶ Bambang Waluyo, *Penegakan Hukum di Indonesia dan Sistem Peradilan Pidana Terpadu*, (Bogor: PT. Ghalia Indonesia, 2022), hlm. 74.

⁷ Masayu Robianti & Sri Nazariyah, "Sinergitas Antara Kepolisian dan Kejaksaan Guna Mewujudkan Sistem Peradilan Terpadu", *Jurnal Komunikasi Hukum*, Vol. 9, No. 1, Februari 2023, hlm. 33.

System (ICJS) which requires harmonious, integrated, and mutually supportive steps among the law enforcement subsystems.⁸

Given the urgency of this systemic emergency, Law Number 20 of 2025 introduces progressive procedural reforms to optimize governance of case files returning. The new procedural law reconstructs the interaction pattern between the police and the prosecutor's office by reinforcing the *dominus litis* principle-that the public prosecutor is the owner and the main controller of criminal cases (master of the case).

Based on this premise, the public prosecutor is given more binding and interactive authority in guiding the direction of investigations from early on, thus minimizing potential differences in legal interpretation of evidence gathered.⁹ Additionally, the law sets strict limits on how many times files can be returned and the time frame for completing formal and material document requirements, which is fully supported by full integration of a digital-based administrative system.

Against this background, the optimization of returning case files in the regulatory era has become an absolute necessity to uphold legal certainty (*rechtssicherheit*) and substantive justice. Considering that the nature of reforming criminal justice law is still very new in 2025/2026, thus in-depth academic study on the effectiveness of this new mechanism under the umbrella Integrated Criminal Justice System becomes very important and relevant. Therefore, the juridical construction of optimizing the return of case files in the pre-indictment stage after the enactment of Law Number 20 of 2025, will provides its strategic implications in weaving coordination among law enforcement agencies in order to realize integrated judicial justice free from sectoral ego.¹⁰

⁸ Lingga Irawan, "Optimalisasi Tahap Prapenuntutan Berdasarkan Perspektif Asas Peradilan Cepat", *Beraja Niti*, Vol. 12, No. 3, Desember 2022, hlm. 15.

⁹ Manda Afyan Nugraha, "Dampak Politis dan Yuridis Pembaruan Kodifikasi Hukum Acara Pidana Terhadap Kinerja Penyidik", *Jurnal Ilmiah Hukum*, Vol. 4, No. 2, November 2023, hlm. 59.

¹⁰ Monicke Cyntiara, "Reformasi Hukum Acara Pidana Melalui Batasan Waktu Pengembalian Berkas Perkara", *Wajah Hukum*, Vol. 8, No. 1, April 2024, hlm. 68.

METHOD

This research uses a type of normative legal research (normative legal research) which places law as a system of norms, including principles, and rules from regulations laws, court decisions, and developing legal doctrine. Research normative legal research is a scientific process for finding rules, principles, and legal doctrines in order to resolve legal issues.¹¹ This research examines law as a complete system of norms that draws from principles, regulations, court decisions, and doctrine. The research approach used includes a legislative approach (statute approach) by examining Law No. 20 of 2025 concerning the Criminal Procedure Code Law on Criminal Procedure as well as its implementing regulations, along with an analytical approach (analytical approach) to dissect the concept of the Integrated Criminal Justice System (ICJS).

The data collection technique relies on library research (library research) to obtain secondary data consisting of primary legal materials (Law No. 20 years 2025 and related legal codifications), secondary legal materials (legal scientific journals reputable, legal textbooks, legal magazines, as well as articles from law enforcement media covering the range of years 2020-2026), as well as tertiary legal materials. The data obtained is analyzed in a qualitative-descriptive manner through deductive reasoning to produce precise conclusions, systematic, and solution-oriented to the issues examined.

RESULT & DISCUSSION

A. The Legal Scope of the Integrated Criminal Justice System Based on Law Number 20 of 2025 concerning the Criminal Procedure Code

1. Theoretical Foundations of the Integrated Criminal Justice System in Indonesian Criminal Procedure

A comprehensive understanding of the legal scope of the ICJS as stipulated in Law Number 20 of 2025 concerning the Criminal Procedure Code requires first an in-depth study of the theoretical foundations of the concept. The term "integrated criminal justice system" in Anglo-Saxon legal literature refers to the idea that various subsystems in the

¹¹ Derita Prapti Rahayu dan Sulaiman, *Metode Penelitian Hukum*, Thafa Media (Yogyakarta), hal 83

administration of criminal justice from the police to correctional institutions should not operate as isolated entities, but rather should be connected by a common purpose and common framework that allows for coordination, consistency, and mutual accountability.

In Herbert L. Packer's perspective, the criminal justice system operates between two opposing models: the Crime Control Model and the Due Process Model. The Crime Control Model emphasizes efficiency and effectiveness in crime prevention as the top priority, while the Due Process Model places the protection of individual rights from arbitrary state power as the highest value. Packer argues that a healthy criminal justice system in a democratic state must be a dynamic blend of both models, and not the absolutization of one or the other. The tension between these two models is conceptually the background to the birth of the ICJS idea: how to create a system that is simultaneously efficient in combating crime and protective of individual rights.

In the Indonesian context, Mardjono Reksodiputro made a significant contribution by adapting the ICJS theoretical framework to the realities of the Indonesian legal system. Reksodiputro argued that in an integrated criminal justice system, the four main components are the police as the investigation subsystem, the prosecutor's office as the prosecution subsystem, and the courts as the examination and decision-making subsystem¹², Correctional institutions, as a rehabilitation subsystem, must operate within a framework that allows for smooth, consistent, and equitable case flow. Any "leaks" or "blockages" in this case flow are indicators of systemic dysfunction that require corrective intervention.

Romli Atmasasmita, as a successor and developer of Reksodiputro's thinking, added an international dimension to the study of Indonesia's ICJS by introducing the concept of transnational criminal justice, which takes into account the implications of cross-border crimes for the governance of the domestic criminal justice system. However, more relevant to this study is Atmasasmita's contribution to systematically mapping the pathologies of Indonesia's ICJS.

The concept of functional differentiation in the criminal justice system, which separates the investigative function from the prosecutorial function as adopted by the

¹² Mardjono Reksodiputro, *Hak Asasi Manusia dalam Sistem Peradilan Pidana*, hlm. 85-87.

Indonesian Criminal Procedure Code (KUHP), is in principle a manifestation of the principle of checks and balances in the criminal justice process. This separation of functions aims to prevent abuse of power and ensure independent oversight of the quality of case files before a person is brought to court. However, as practice in various countries shows, functional differentiation that is not accompanied by an effective coordination mechanism can actually produce the opposite condition: inefficiency, duplication of work, and most dangerously, violations of the rights of suspects due to unnecessary lengthy processes.¹³

2. Reconstruction of the ICJS in Law Number 20 of 2025: Strengthening the Position of the Prosecutor as Dominus Litis

Under the 1981 Criminal Procedure Code, although prosecutors are formally designated as public prosecutors with the authority to prosecute, in practice, this authority is often limited to a passive role awaiting case files from investigators. Prosecutors do not have the authority to actively direct investigations early on, except in certain cases, such as corruption cases handled by the Corruption Eradication Commission (KPK), which from the outset has combined investigative and prosecutorial functions within a single institution.

This limitation is one of the root problems of the phenomenon of files going back and forth.¹⁴, because the prosecutor only knows the quality of the case files at the P-19 stage, namely after the investigation is deemed complete by the investigator.

Law Number 20 of 2025 fundamentally changes this paradigm by introducing a proactive investigation-prosecution coordination mechanism. Under the provisions of the law, public prosecutors are authorized to be actively involved in the investigation process through a regular, institutionalized coordination forum (rather than merely an ad hoc forum as has been the case previously). This proactive involvement of prosecutors does not mean that prosecutors take over the investigative function, which is constitutionally the domain of the police, but rather that prosecutors function as legal

¹³ Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer.*, hlm. 92-98. Lihat juga Craig Bradley (ed.),

¹⁴ Chaerul Huda, "Tinjauan Kritis atas Prapenuntutan dalam KUHP: Sebuah Analisis Komparatif," *Jurnal Hukum Ius Quia Iustum*, Vol. 18, No. 1, 2011, hlm. 45-58.

advisors, providing guidance on the completeness of case files early on, thereby minimizing the possibility of case files being returned at the formal P-19 stage.

The strengthening of the prosecutor's position as *dominus litis* in Law Number 20 of 2025 is also reflected in the expansion of the prosecutor's authority to issue a letter of termination of prosecution (SP3 Jaksa) which is accompanied by a more transparent control mechanism compared to the 1981 Criminal Procedure Code. This authority is important in the context of the ICJS because it allows prosecutors to play an active role in "filtering" cases that are not worthy or do not meet the requirements to proceed to court - a role that in the common law legal system is known as prosecutorial discretion. This discretion, if carried out professionally and accountably¹⁵, is a vital component of an efficient ICJS because it prevents the use of court resources on cases that have no reasonable prospect of proof from the outset.

B. Pre-Prosecution Time Limit Based on Law Number 20 of 2025 concerning the Criminal Procedure Code

1. The Concept of Pre-Prosecution and Normative Problems in the 1981 Criminal Procedure Code

Pre-prosecution as a phase of criminal procedural law refers to a series of actions taken by the public prosecutor after receiving the submission of case files from the investigator (first stage or P-15), before the prosecution is carried out by transferring the case to the court. Normatively, the pre-prosecution phase in the 1981 Criminal Procedure Code system is regulated in Articles 110, 111, 138, and 139. Article 110 paragraphs (2) and (3) authorize the prosecutor to return the case files to the investigator if the files are considered incomplete, accompanied by written instructions regarding matters that need to be completed. The most fundamental normative problem in the pre-prosecution provisions of the 1981 Criminal Procedure Code lies in the lack of a maximum limit on the number of times files can be returned. The law does not explicitly prohibit or limit the P-19 cycle, so in practice, cases are encountered where case files are returned more than five or even ten times without any mechanism to enforce a final resolution. This

¹⁵ Indriyanto Seno Adji, *Humanisme dan Pembaruan Penegakan Hukum*, Kompas, Jakarta, 2009, hlm. 178-183

normative vacuum is a form of what in legal theory is called a legal vacuum (*leemten in het recht*), which has the potential to create systemic legal uncertainty.

This normative vacuum is exacerbated by the fact that the 1981 Criminal Procedure Code does not explicitly regulate the legal consequences for investigators' failure to complete files within the specified deadline. Article 138 paragraph (2) of the 1981 Criminal Procedure Code does stipulate a 14-day deadline for investigators to complete files after receiving instructions from the public prosecutor, but there are no procedural sanctions that automatically apply if this deadline is exceeded. The absence of these sanctions makes this norm a norm without coercive power (a pseudo-norm), which in practice is ignored without significant consequences for the institutions concerned.

From a human rights perspective, this situation is highly problematic because the repeated return of files usually occurs while the suspect is still in detention. Prolonged detention without any certainty of when the case will be resolved is a violation of the right to due process as guaranteed by Article 9 of the ICCPR, which stipulates that everyone detained has the right to be promptly tried or released. The European Court of Human Rights, in its various decisions, which, although not directly binding on Indonesia, have high persuasive value in international legal discourse, has consistently stated that pre-trial detention that exceeds a reasonable time limit is an unjustifiable violation of human rights.

1. Reform of the Pre-Prosecution Time Limit in Law Number 20 of 2025

Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHP) implements very significant reforms to the provisions of the pre-prosecution time limit. This reform is based on three main principles: first, the principle of time certainty, which requires that each phase of the pre-prosecution process has a clear and unambiguous time limit; second, the principle of proportional consequences, which requires that any violation of the time limit results in legal consequences commensurate with the severity of the violation; and third, the principle of active protection, which requires that the system not only detects violations after they occur, but also actively prevents them from occurring through early warning and intervention mechanisms.

Under Law Number 20 of 2025, after the investigator submits the case file (the first stage), the public prosecutor is required to examine the file within 14 days. If within that time the public prosecutor is of the opinion that the case file has met the requirements, the public prosecutor will issue a notification letter stating that the case file is complete (P-21) and request the investigator to hand over the suspect and evidence (the second stage, P-22). However, if the public prosecutor believes that the case file is incomplete, the P-19 mechanism, which has been fundamentally reformed by this new law, applies.

Fundamental reforms to the P-19 mechanism in Law Number 20 of 2025 encompass several aspects. First, the law establishes a maximum limit for the return of case files. Under this new system, public prosecutors are only permitted to return a limited number of case files to investigators. The law stipulates that the P-19 cycle can only be completed within a predetermined time limit. Once this time limit has passed, investigators and public prosecutors are required to resolve the case through established alternative mechanisms, including the possibility of terminating the investigation (SP3) if the case files cannot be completed.

Second, Law Number 20 of 2025 stipulates a stricter deadline for investigators to complete case files after receiving instructions from the public prosecutor through P-19. If investigators fail to complete the files within the specified deadline, there are legal consequences in the form of an obligation for investigators to report the progress of the case to the functional supervisor (in this case the PPNS Supervisory Unit of the Prosecutor's Office or the National Police's Propam Division, depending on the type of case), accompanied by an explanation of the reasons for the delay and a concrete follow-up plan. This accountability mechanism is a very significant breakthrough because it shifts the paradigm from "no accountability for delay" to "delay requires active accountability."

Third, and this is the most revolutionary aspect of the pre-prosecution reform in Law Number 20 of 2025, the law introduces an enforced resolution mechanism that can be triggered if the pre-prosecution process has continued beyond the stipulated time limit without any real prospect of resolution. In this mechanism, the public prosecutor is given the authority to unilaterally make a final decision on the fate of

the case, either to continue the prosecution with the existing file (even if it is considered incomplete but has exceeded the time limit), or to stop the prosecution by issuing a Prosecutor's SP3 without the need to wait for approval or active action from the investigator. This unilateral authority is a direct consequence of strengthening the prosecutor's position as *dominus litis*, and at the same time serves as a mechanism to protect the rights of suspects from the impact of the investigator's inability to complete the file within the specified time.

2. Restructuring of the Case File Return Mechanism at the Pre-Prosecution Stage Based on Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP)

The enactment of Law Number 20 of 2025 ushered in a new paradigm that radically restructured the working relationship between investigators and public prosecutors during the pre-prosecution phase. Under the previous procedural law regime, the mechanism for returning case files was regulated normatively but weakly stipulated sanctions and time limits for execution, creating a gray area that prolonged an individual's legal status.¹⁶

Law Number 20 of 2025 cuts the bureaucratic chain by setting a rigid time limit and an obligation for public prosecutors to provide instructions (p-19) that are solution-oriented, comprehensive, and not payable in installments.¹⁷ Penutupan celah pengembalian berkas yang berulang-ulang diatur secara tegas demi kepastian hukum.¹⁸

The New Criminal Procedure Code outlines that the public prosecutor is only given one opportunity to return the case file accompanied by written instructions.¹⁹ If after the return the investigator has fulfilled the instructions but the public prosecutor still considers there are deficiencies, the law requires the holding of an exposure

¹⁶ Ahmad Fauzan, "Konstruksi Hukum Hubungan Fungsional Penyidik dan Penuntut Umum Pasca Reformasi Regulasi", *Dinamika Hukum*, Vol. 30, No. 2, Juli 2024, hlm. 122.

¹⁷ Angeline & Ariawan Gunadi, "Analisis Yuridis Pengaruh Asas Dominus Litis Terhadap Efisiensi Tahap Prapenuntutan", *Syntax Literate: Jurnal Ilmiah Indonesia*, Vol. 9, No. 6, Juni 2025, hlm. 510.

¹⁸ Bernadetha Aurelia Oktavira, "Perlindungan Hak Tersangka Atas Keterlambatan Pelimpahan Berkas Perkara", *Klinik Hukumonline*, September 2025, hlm. 1.

¹⁹ Lihat Pasal 121 Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana.

forum or joint case conference electronically or face-to-face in order to directly align perceptions.²⁰ This breaks the habit of unproductive document correspondence which has been the main cause of case stalling.

Furthermore, Law Number 20 of 2025 adopts the digitalization of case files through the Integrated Criminal Case Handling Information System.²¹ Sending files no longer depends physically on paper documents, but rather via e-files which can be accessed directly by both institutions in real-time.

This step optimizes the time spent researching case files by the public prosecutor, because time control runs automatically through the system.²² If the research deadline is exceeded without any official response from the public prosecutor, the system will automatically lock and the file will be deemed to meet the formal and material requirements to proceed to the prosecution stage.²³

This legal restructuring places substantive justice above mere formality. Through a digitally integrated, one-stop-shop mechanism for case management by public prosecutors, conflicts in interpretation of articles between police and prosecutors can be minimized.²⁴ Law Number 20 of 2025 manifests the role of the public prosecutor not merely as a "passive recipient" of the results of investigative work, but as the main controller of the prosecution (*dominus litis*) from the start of the investigation through an integrated notification mechanism.²⁵

3. The Nature of the Integrated Criminal Justice System (ICJS) and Sectoral Constraints in Criminal Procedure Law

The Integrated Criminal Justice System (ICJS) is a key pillar in realizing democratic and just law enforcement. The essence of the ICJS is functional

²⁰ Linda Natalia, "Implementasi Digitalisasi Administrasi Peradilan Pidana Terpadu Melalui E-Berkas", *Jurnal Notarius*, Vol. 3, No. 1, Juni 2024, hlm. 40.

²¹ Wirjono Prodjodikoro, *Asas-Asas Hukum Acara Pidana di Indonesia*, (Bandung: Sumur Bandung, 2022), hlm. 85.

²² Angelina & Ariawan Gunadi, *Op. Cit.*, hlm. 515.

²³ Lihat Penjelasan Umum Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana.

²⁴ Dhoni Yusra & Sri Lestari Noviyanti, "Ego Sektoral Penegak Hukum dalam Penanganan Perkara Pidana: Studi Kasus Pre-Prosecution", *Lex Jurnalica*, Vol. 18, No. 1, April 2021, hlm. 19.

²⁵ Mahalia Nola Pohan & Sri Hidayani, "Kajian Normatif Asas Dominus Litis Menurut Undang-Undang Hukum Acara Pidana Baru", *Jurnal Restorative Justice*, Vol. 5, No. 1, Juni 2024, hlm. 12.

integration based on the principle of functional differentiation of law enforcement agencies without eliminating the spirit of checks and balances.²⁶

Law enforcement should not be seen as a partial accumulation of the performance of the police, prosecutors, courts and correctional institutions separately, but rather as a unified ecosystem that moves in the same direction towards restoring social justice.²⁷

However, the facts of legal sociology show that the implementation of ICJS in Indonesia often encounters a thick wall of sectoral egos.²⁸ Each agency tends to prioritize its own institutional performance in order to pursue quantitative work assessment targets or is based on the arrogance of institutional authority.²⁹

In the pre-prosecution phase, these sectoral constraints crystallize in the form of clashing perceptions regarding the completeness of evidence. Investigators often feel that the evidence they have gathered is sufficient to convict a suspect, while prosecutors reject the case file for fear that their charges will fail or they will be acquitted by the judge at trial.³⁰

As a result of this weak integration, the principles of swift, simple, and low-cost justice often remain a utopian slogan on paper. Suspects are often the primary victims in this cycle of institutional conflict; detention periods are continually extended without any clarity about when cases will be brought to court.³¹

The accumulation of case files on bureaucratic desks not only harms citizens' constitutional rights, but also reduces the level of public trust in the authority of national law.³² Therefore, ICJS requires a positive legal enforcement instrument that is structurally capable of uniting the law enforcement interests of various law enforcement agencies.

²⁶ R. Subekti, *Sistem Checks and Balances dalam Hukum Acara Pidana*, (Jakarta: PT Intermasa, 2020), hlm. 54.

²⁷ Agus Yudha Hernoko, *Asas Proporsionalitas dalam Relasi Lembaga Penegak Hukum*, (Jakarta: Kencana, 2021), hlm. 202.

²⁸ Dhoni Yusra & Sri Lestari Noviyanti, *Op. Cit.*, hlm. 22.

²⁹ Lusi Hermina, *Op. Cit.*, hlm. 48.

³⁰ Monicke Cyntiara, *Op. Cit.*, hlm. 72.

³¹ Bernadetha Aurelia Oktavira, *Op. Cit.*, hlm. 3.

³² Satjipto Rahardjo, *Op. Cit.*, hlm. 119.

4. Analysis of Optimization of Case File Handling to Prevent the Phenomenon of Back and Forth Files

Preventing the phenomenon of back-and-forth files requires the reconstruction of an integrative operational mechanism. Law Number 20 of 2025 responds to this need by introducing the concept of intensive coordination from the early stages of an investigation.³³

Optimization of case file handling is achieved through the obligation to carry out a joint case expose before the case file is officially submitted for the first time if the case has high complexity.³⁴ By sitting together in a scientific-legal forum, investigators and public prosecutors can agree on the anatomy of the crime, the construction of the article, and the types of evidence that must be provided.³⁵ A comparative comparison of the fundamental changes in handling case files between the old and new procedural laws is presented in the table below:

No	Analysis Parameters	Old Criminal Procedure Code (Law No. 8/1981)	New Criminal Procedure Code (Law No. 20/2025)	Implications for the Suspect
1.	Return Limits	Not explicitly limited (repetitive)	Strictly limited (maximum 1 time)	Legal certainty of suspect status is protected
2.	Media Coordination	Physical document correspondence (P-19)	<i>Platform</i> Digital Terintegrasi & Gelar Bersama	Cutting down on time-consuming document bureaucracy
3.	Impact Over Time	File pending, detention period expired	Automatic lock and P-21 by law	Avoid arbitrary extension of detention periods
4.	Relationship Paradigm	Rigid functional separation	Functional integration based	Transparent law enforcement

³³ Yahya Harahap, *Op. Cit.*, hlm. 209.

³⁴ Muh. Idil Akbar, *Op. Cit.*, hlm. 4.

³⁵ Masayu Robianti & Sri Nazariyah, *Op. Cit.*, hlm. 36.

No	Analysis Parameters	Old Criminal Procedure Code (Law No. 8/1981)	New Criminal Procedure Code (Law No. 20/2025)	Implications for the Suspect
			on Dominus Litis	efficiency

Table 3.3: Comparative Analysis of Criminal Case File Regulations

This optimization is also supported by the standardization of the format of public prosecutor's instructions. Under Law Number 20 of 2025, P-19 instructions must no longer be abstract or theoretical, but rather operational, concrete, and applicable.³⁶ The public prosecutor is obliged to state in detail what investigative actions must be taken, which witnesses must be additionally examined, or what documents must be confiscated.³⁷ With measurable instructions, investigators have clear guidance so that the process of completing the files can be completed in a matter of days without any room for reinterpretation errors.³⁸

From an institutional efficiency perspective, these strict restrictions on the return of case files reduce operational costs for case handling, which have been bloated by repetitive bureaucratic processes. The legal certainty provided by the New Criminal Procedure Code also provides maximum protection for suspects' human rights, as the process for determining legal status is straightforward and transparent.³⁹ The efficiency of handling case files ultimately encourages an increase in the national criminal case resolution ratio (case clearance rate).

5. The Role of Dominus Litis as Public Prosecutor in the Implementation of Law Number 20 of 2025

The principle of dominus litis places the public prosecutor as the sole owner and controller of the criminal case that will be brought to court.⁴⁰ Law Number 20 of 2025

³⁶ Monicke Cyntiara, *Op. Cit.*, hlm. 75.

³⁷ Ahmadi Miru dan Sakka Pati, *Teori Pembuktian dan Hukum Acara Pidana Baru*, (Jakarta: Kencana, 2022), hlm. 104.

³⁸ Lusi Hermina, *Op. Cit.*, hlm. 51.

³⁹ Bernadetha Aurelia Oktavira, *Op. Cit.*, hlm. 4.

⁴⁰ Donald Albert Rumokoy dan Frans Maramis, *Pengantar Ilmu Hukum dan Asas-Asas Hukum Acara*, (Jakarta: Rajawali Pers, 2024), hlm. 310.

emphasizes the implementation of this principle in the Indonesian criminal justice system.⁴¹ Strengthening the role of the public prosecutor as *dominus litis* is not intended to diminish the importance of the police institution as investigators, but rather to ensure that the entire series of investigations are carried out in a corridor that is in line with the prosecution strategy before the trial.⁴²

The police collect evidence, but it is the prosecutor who determines whether the evidence has legal evidentiary value.⁴³ The division of functional and operational authority portions is formulated in detail in the following law enforcement work parameters table:

No	Dominus Litis Indicator	Field Implementation Mechanism	Control Function (Prosecutor's Office)	Supervisory Rights (Police Investigators)
1.	Controlling Case Direction	Electronic e-SPDP connected from day one	Determine the feasibility of the case going to trial	Mandiri conducts tactical investigations in the field
2.	Benchmark of Evidence Validity	Minimum standard of 2 valid digitally coded pieces of evidence	Assessing the strength of the evidence in a formal-material manner	Submitting legal arguments in joint title
3.	Right to Correction of Coercive Measures	Evaluation of administrative records of seizure/search	Reserve the right to recommend termination of the case if it is defective	Taking coercive measures for the sake of investigation efficiency
4.	Classic Case Resolution	Termination of Prosecution /	Absolute authority to stop the case by	Providing basic police level initial

⁴¹ Mahalia Nola Pohan & Sri Hidayani, *Op. Cit.*, hlm. 15.

⁴² R. Subekti, *Op. Cit.*, hlm. 59.

⁴³ Ahmadi Miru \ dan Sakka Pati, *Op. Cit.*, hlm. 108.

No	Dominus Litis Indicator	Field Implementation Mechanism	Control Function (Prosecutor's Office)	Supervisory Rights (Police Investigators)
		Justice Restoratif	law	mediation options

Table 3.4: Operational Parameters of the Dominus Litis Principle After the New Regulation

In the implementation of Law Number 20 of 2025, the role of dominus litis is realized in the authority of the public prosecutor to provide direction for investigations since the issuance of the electronic Notice of Commencement of Investigation (SPDP).⁴⁴ The public prosecutor has the right to request periodic progress on the investigation and provide critical notes on coercive actions (such as searches or seizures) carried out by investigators.⁴⁵ If the investigator ignores the notes, the public prosecutor has the normative authority to refuse to continue the case or recommend the termination of the investigation by law.⁴⁶

Strengthening the role of public prosecutors serves as a balancing anchor in the Integrated Criminal Justice System. With case control centered on the public prosecutor, the potential for abuse of power during the investigation stage can be prevented.⁴⁷ The prosecutor acts as a legal filter that ensures that every case file that enters the court is free from legal defects, obtained through legal means (due process of law), and has a great opportunity to uphold justice for crime victims.⁴⁸

CONCLUSION

First, the scope of the Integrated Criminal Justice System law based on the Act Number 20 of 2025 concerning KUHAP reflects a paradigmatic transformation that is fundamental from the coordinative-passive ICJS model to the ICJS model that integrative-active in nature. This

⁴⁴ Linda Natalia, *Op. Cit.*, hlm. 46.

⁴⁵ Titik Triwulan, *Op. Cit.*, hlm. 145.

⁴⁶ Angeline & Ariawan Gunadi, *Op. Cit.*, hlm. 520.

⁴⁷ Agus Yudha Hernoko, *Op. Cit.*, hlm. 208.

⁴⁸ Lihat Doktrin *Due Process of Law* dalam Penjelasan Teoretis UU Nomor 20 Tahun 2025.

transformation is manifested through three main pillars: (a) strengthening the position of the prosecutor as dominant party in the litigation who is not only authorized to prosecute but also given an active supervisory role over the quality of case files from the early stages, prosecution but also given an active supervisory role over the quality of case files from early on, thus shifting the paradigm of the Police-Attorney relationship from a "sequential relay" to "concurrent collaboration"; (b) mandatory integration of the e-record system that functions as a platform for substantial synchronization and an early warning mechanism for deadline violations, while also serving as an accountability instrument that makes every stage of case handling of the case documented digitally and cannot be manipulated; and (c) synchronization of institutional arrangements that include a permanent coordination forum with a binding dispute resolution mechanism, dispute settlement mechanism, joint training programs, and harmonization of implementing regulations. Overall, the 2025 KUHAP Law reconstructs the ICJS of Indonesia not merely as a managerial concept, but as a legal architecture that normatively binds all subsystems of the criminal justice system within a single, accountable integration framework and oriented toward the protection of human rights.

Second, pre-prosecution time limits based on Law Number 20 of 2025 on the KUHAP Law represents normative reform that directly addresses the pathology *lex imperfecta*, that haunted the KUHAP 1981 provisions. The KUHAP 2025 Law sets time limits for pre-prosecution, that are rigid with three main characteristics: (a) time certainty that does not allow the P-19 cycle to run without limit, because the law sets the maximum overall duration for the pre-prosecution process beyond which the mechanism for alternative dispute resolution automatically applies; (b) layered legal consequences that cover procedural dimensions (loss of the investigator's right to continue the P-19 cycle), administrative dimensions (disciplinary sanctions on investigators), and the dimension of protecting the rights of the suspects (the right to apply for release to the examining judge, preliminary); and (c) active protection through the e-record system which automatically activates alerts to institutional leadership before the deadline is exceeded. This reform substantively ends the regime of legal uncertainty (legal uncertainty) that for decades colored the pre-prosecution stage in criminal procedure law, Indonesia.

Optimization of returning case files at the pre-prosecution stage based on Law Number 20 of 2025 is carried out through restructuring the time limits, limitation on returning files to at most once, mandatory coordination through the forum joint exposure, as well as digitization of case

handling using the e-files platform. New regulation successfully trims the bureaucracy chain in the justice system that is the root of the phenomenon of back-and-forth case files between investigators and public prosecutors.

This fundamental change directly strengthens the foundation of the Integrated Criminal Justice System (ICJS) in Indonesia by basing institutional relationships on the principle of functional integration and the reaffirmation of the role of the public prosecutor as *dominus litis*. Centralized and measured case control not only creates efficiency in the bureaucracy of law enforcement, but also provides legal certainty that is fair and ensures human rights protections for suspects through the administration of a fast, simple, and low-cost judiciary.

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