

SUPERVISION MODEL TO THE PROSECUTORS AND EMPLOYEES OF PROSECUTORS BY DEPUTY ATTORNEY GENERAL FOR SUPERVISION

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Abstrak

Pengawasan terhadap kinerja dan perilaku kejaksaan dan kantor kejaksaan baik di dalam maupun di luar kantor adalah wewenang 2 (dua) badan pengawas, yaitu pengawas internal dan pengawas eksternal. Model pengawasan yang diterapkan oleh Wakil Jaksa Agung untuk Pengawasan bersifat represif yang memiliki kelemahan. Tujuan Penelitian ini adalah untuk mengetahui model pengawasan karyawan jaksa dan penuntut oleh Wakil Jaksa Agung untuk Pengawasan dan mengetahui konstruksi baru model pengawasan untuk jaksa dan karyawan jaksa oleh Kantor Kejaksaan Agung Republik Indonesia. Jenis penelitian ini adalah penelitian hukum sosiologis, dengan pendekatan penelitian kualitatif. Data kualitatif berupa data primer diperoleh melalui observasi dan wawancara, sedangkan data sekunder diperoleh melalui studi literatur, khususnya Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Agung Republik Indonesia dan Peraturan Presiden Nomor 18 Tahun 2011 tentang Komisi Kejaksaan Republik Indonesia. Hasil penelitian menunjukkan bahwa terdapat dualisme pengawasan terhadap jaksa dan karyawan jaksa, oleh karena itu pengawas internal dan pengawas eksternal jaksa penuntut perlu bekerja sama untuk meningkatkan kualitas kinerja dan perilaku Jaksa dan Karyawan Jaksa.

Kata kunci: Model; Pengawasan Jaksa; Wakil Jaksa Agung Untuk Pengawasan.

Abstract

Supervision of the performance and behavior of prosecutors and prosecutors' offices both inside and outside the office is the authority of 2 (two) supervisory body, namely the internal supervisorybody and the external supervisorybody. The supervisory model implemented by the Deputy Attorney General for Supervision is repressive that have weaknesses. The formulations of the problem in this research are How is the prosecutor and prosecutor's employee supervision model by the Deputy Attorney General for Supervision ? How is the new construction of the supervision model for prosecutors and prosecutors' employee by the Attorney General's Office of the Republic of Indonesia. This type of research is a sociological legal research, with a qualitative research approach. Qualitative data in the form of primary data

obtained through observation and interviews, while secondary data obtained through literature study, especially Law No. 16 of 2004 concerning the Indonesian Attorney General's Office and Presidential Regulation No. 18 of 2011 concerning the Attorney Commission of Republic of Indonesia. The results showed that there was a dualism of supervision of prosecutors and prosecutors' employees, therefore internal supervisors and prosecutors' external supervisors need to work together to improve the quality of the performance and behavior of Prosecutors and Prosecutors' Employee.

Keywords: *Model; Supervision; Prosecutor; Deputy Attorney General for Supervision.*

Introduction

Inspiration of the rule of law has been initiated since Plato's concept: that good governance is based on good legal arrangements called *nomoi*. The idea of a popular rule of law in the 17th century as a result of the political situation in Europe which was dominated by absolutism. The concept of the rule of law then developed in two legal systems, namely the Continental European system with the term *rechtsstaat* and the Anglo-Saxon system with the term rule of law. The rule of law develops in Anglo-Saxon countries, such as the United States. The concept of continental European legal state *rechtsstaat* was pioneered by Immanuel Kant and Frederich Julius Stahl.¹

The existence of the Republic of Indonesia Attorney's Office in the perspective of the concept of *rechstaat*, the concept of the rule of law, and the concept of the Indonesian rule of law should be realized through the concept of the distribution of power in law enforcement in the Republic of Indonesia. The presence of the Prosecutor's Office in the world of justice is: first, as a preventive effort, to limit, reduce or prevent the power of government or state administration (the concept of *rechtstaat*) which is suspected of being arbitrary which can be detrimental to both the people and the government itself, even to prevent collusion, corruption and Nepotism (KKN). Second, the position and function of an independent and independent body to carry out its duties and authority in law enforcement in order to create a fair, independent and independent justice system (the rule of law concept). Third, maintaining the harmonious relationship between rights and obligations between the government and the people through the task of

¹ Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca-Amandemen UUD 1945*, Prenadamedia Group, Jakarta, 2015, Page. 61.

prosecution (law enforcement) in the judicial process (the concept of the Indonesian rule of law).²

The Attorney General's Office, as a law enforcement agency, is the first priority for a state institution implementing a bureaucratic reform program whose implementation is coordinated by the Ministry of PAN RB. Through bureaucratic reforms, it is expected that good governance can be realized as well as the creation of a modern organization that prioritizes public services in law enforcement. Bureaucratic reform is implemented through a system of reform which includes: institutional reform, business processes, and human resources. Through this bureaucratic reform, it is hoped that at least a bureaucracy will be obtained which illustrates the process of democratization, bureaucracy's effectiveness and efficiency, transparency and accountability, and responsibility in the framework of providing excellent service to the community.³

Satjipto Rahardjo said "law enforcers must have progressive thinking in carrying out their duties in the field of law, both police, prosecutors, judges and lawyers." the law must be able to explore and find justice progressively. This progressivity demands an increase in the professionalism of law enforcement officers, so that it will foster public respect and respect for the law, while increasing the authority of the law.⁴

Increasing the professionalism of law enforcement officers, is an urgent need that must be done by law enforcement agencies, because professionalism is the key to the realization of justice and public welfare. The increase in professionalism of law enforcement officers must not stop, even though today's reality shows that people's appreciation for law enforcement has weakened, because a number of law enforcement officials have been involved in various legal cases. Actions of law enforcement officials that are against the law such as corruption, manipulation of the rule of law, discrimination of law enforcement, etc. have worsened the image of the law in the eyes of the public.⁵

The duties and authority of the Indonesian Attorney General's Office, normatively affirmed in Article 30 of Law Number 16 Year 2004 concerning

² Marwan Effendy, *Menyongsong Revisi Undang-Undang No. 16 Tahun 2004 tentang Kejaksaan Inisiatif Legislatif*, Jurnal Bina Adhyaksa Volume III Nomor 1 Juli 2011, Jakarta: Pusat Penelitian dan Pengembangan Kejaksaan Agung Republik Indonesia, Page. 4-5.

³ Bambang Waluyo, *Reformasi Pembinaan Sumber Daya Manusia Kejaksaan RI dalam Bunga Rampai Kejaksaan Republik Indonesia*, Badan Penerbit Fakultas Hukum Universitas Indonesia, 2015, Page. 18.

⁴ P. Joko Subagyo, *Aktualisasi Budaya Hukum dalam Era Demokrasi*, Jurnal Bina Adhyaksa Volume VI Nomor 1 Juli 2012, Jakarta: Pusat Penelitian dan Pengembangan Kejaksaan Agung Republik Indonesia, Page. 17.

⁵ *Ibid.*, Page. 18.

the Attorney General's Office of the Republic of Indonesia, which states that the Prosecutor's Office has the duties and authority in the field of criminal, civil and state administration, as well as organizing activities in the field of public order and peace. Besides that in certain criminal acts, the Attorney General's Office is given the authority to conduct an investigation. This is based on the provisions in Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia,⁶ Law Number 26 of 2000 concerning Human Rights Courts,⁷ Law Number 31 of 1999 as amended and supplemented by Law Number 20 of 2001 concerning Amendment to Law Number 31 of 1999 concerning Eradication of Corruption,⁸ and Law Number 30 of 2002 concerning the Corruption Eradication Commission.⁹

Based on the above, the fundamental question is how the level of success of supervision in increasing the professionalism of the Prosecutor's performance. The answer is that the Prosecutor's Office must be able to properly carry out the duties and functions mandated by the law as mentioned above. This is important to emphasize, so that the supervision spirit is not uprooted from the root, which is just to punish people without a clear purpose or direction.

Another thing that is no less important is the external control or supervision of the community over the running of an independent judiciary.¹⁰ The formation of the Attorney Commission of the Republic of Indonesia is a very urgent need as an external oversight body of the Prosecutor's Office, because it is not enough just internal supervision as stipulated in the Regulation of the Attorney General of the Republic of Indonesia Number: PER-015 / A / JA / 07/2013 dated July 2, 2013 concerning Amendments to the Regulation of the Attorney General of the Republic of Indonesia Number: PER-022 / A / JA / 03/2011 concerning the Implementation of Supervision of the Attorney General's Office of the Republic of Indonesia, which regulates

⁶ Pasal 30 ayat (1) huruf d Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia.

⁷ Pasal 21 ayat (1) Undang-Undang Nomor 26 Tahun 2000 tentang Pengadilan Hak Asasi Manusia.

⁸ Pasal 26 Undang-Undang Nomor 31 Tahun 1999 sebagaimana telah diubah dan ditambah dengan Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

⁹ Pasal 50 Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi.

¹⁰ Sulis Setyowati, *Tinjauan Hukum Normatif Terhadap Hasil Eksaminasi Publik Atas Putusan Pengadilan dalam Perkara Tindak Pidana Korupsi*, Jurnal Surya Kencana Satu : Dinamika Masalah Hukum dan Keadilan, Volume 9 Nomor 1 Maret 2018, Page. 103.

procedures for inherent supervision that are carried out continuously with due regard to management control systems.

Supervision of the performance and behavior of prosecutors and prosecutors' administrative staff, both inside and outside the office, is the authority of 2 (two) supervisory institutions, namely internal supervisors and external supervisors. Internal oversight is carried out by the Deputy Attorney General for Supervision and external supervisors carried out by the Republic of Indonesia Prosecutors' Commission. The Deputy Attorney General for Supervision of the Republic of Indonesia carries out supervision by applying repressive supervision models that actually have many weaknesses and have the potential for violations.

Supervision conducted by the Deputy Attorney General for Supervision of the Republic of Indonesia is limited to repressive supervision as a result of the conventional Prosecutor's bureaucratic system. This is in line with the opinion of Yudi Kristiana, who stated that: "The Prosecutor's bureaucratic conventionality shows how hegemony of legalistic legalistic concepts has gripped the Prosecutor's bureaucracy. So that the logic of law has been reduced to bureaucratic logic which emphasizes rule as the only way of thinking in law enforcement.

Seen from the field of case handling control, the conventionality of the Attorney's bureaucracy has the potential to become a source of irregularities in the Attorney's bureaucracy which is difficult to stop, because the existence of any irregularities lies behind the mechanism for the handling of case handling. When viewed from the aspect of law enforcement, the Prosecutor's bureaucratic conventionality makes the Attorney General lose a chance in an effort to manifest the institutional legitimacy of the public interest in every law enforcement policy implemented by the Prosecutor's Office. The number of prosecutors and prosecutors who committed violations and received disciplinary sentences from 2015 to July 2019 are as follows:¹¹

No.	Jenis Hukuman	2015	2016	2017	2018	2019 (Januari-Juli)
1.	Ringan	92	58	122	100	17
2.	Sedang	100	85	128	95	29
3.	Berat	89	59	85	99	32

¹¹ Diolah dari Laporan Tahunan Kejaksaan Republik Indonesia Tahun 2012 sampai dengan 2017.

	Jumlah	281	202	335	294	78
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Sumber: Data Sunproglapnil Bidang Pengawasan pada Kejaksaan Agung R.I.

This condition can also be seen from the number of public complaint reports received by the Prosecutors' Commission, which can be sought to decrease in number, if a preventive supervision model is applied. Because preventive supervision can be more optimal than the implementation of repressive supervision models.

Problems

Based on the background above, this research problem can be formulated as follows: First, What is the current model of supervision of prosecutors and prosecutors' employees conducted by the Deputy Attorney General for Supervision ? Second, What is the new construction of the supervision model for prosecutors and prosecutors' offices by the Attorney General's Office of the Republic of Indonesia ?

Research Method

This research is a type of sociological legal research (socio-legal research) which sees law as an empirical social phenomenon. The method used in this study is a qualitative method using descriptive analysis.¹² This study uses primary data through observation and interviews, while secondary data obtained through library research, especially Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia and Presidential Regulation No. 18 of 2011 concerning the Republic of Indonesia Prosecutors' Commission.

Result and Discussion

Oversight Model of Attorney General and Attorney General Staff by Supervising Attorney General

The idealization of the concept of separation of powers initiated by Montesquieu, in practice it is difficult to do even give birth to the arbitrariness of each branch of power, therefore a modification theory is born

¹² Ita Anastianah, *Peran Wakaf dalam Membentuk Civil Society, Studi Kasus Pesantren Al-Amin Prenduan Sumenep Madura*, Al-Awqaf Jurnal Wakaf dan Ekonomi Islam Volume 6 Nomor 2 Juli 2013, Page. 124.

such as the theory of power sharing (checks and balances).¹³ Supervision as the main scope of authority possessed by the bearer of state power is implemented in various models. Institutional oversight itself in law as a concept can be found in state administrative law. Oversight in the administration of government, especially in the legal aspects of public services is at least carried out in a way that according to Nomensen Sinamo is as follows:¹⁴ Inherent supervision, namely supervision conducted by the direct supervisor, in accordance with statutory provisions; Functional supervision, namely supervision carried out by functional supervisory officers in accordance with statutory provisions and Community oversight, namely supervision conducted by the community, in the form of reports or complaints from the public about irregularities and weaknesses in the administration of public services.

The three ways of supervision, can be a model of supervision of Prosecutors and Prosecutors' Officers which includes supervision of performance and supervision of their behavior. In line with the opinion of R.M. Surachman, that it is also important to perfect Article 8 paragraph (5) of Law No. 16 of 2004, is associated with optimal protection for prosecutors and their families. Protection in accordance with the provisions of Article 4 and Article 5 of the United Nations Guidelines on the Role of Prosecutors (United Nations Guidelines on The Role of Prosecutors), which states as follows:¹⁵

The state should guarantee that prosecutors can carry out their professional functions without intimidation, obstruction, harassment, improper intervention or unfair protection from civil, criminal or other liability; and Prosecutors and their families should be physically protected by the authorities if their security is threatened by the implementation of the prosecution function.

Maintaining commitment and consistency in carrying out tasks requires guidance, a code of ethics and supervision of prosecutors. The internal is mainly by the Attorney General for Supervision and External Affairs based on Article 38 of Law Number 16 of 2004 by the Prosecutors' Commission. Provisions for guidance, code of ethics and supervision related to punishment. Therefore the balance is an award. In addition to protection and rewards in other forms, the provisions of the prosecutor's allowance (Article 17 of Law

¹³ Bagir Manan dalam Mei Susanto, *Hak Angket sebagai Fungsi Pengawasan Dewan Perwakilan Rakyat-Kajian Putusan Mahkamah Konstitusi Nomor: 36/PUU-XV/2017*, Jurnal Yudisial Volume 11 Nomor 3 Desember 2018, Page. 388.

¹⁴ Nomensen Sinamo, *Hukum Administrasi Negara*, Jala Permata Aksara, Jakarta, 2010, Page. 77.

¹⁵ Bambang Waluyo, *Menyoal Perubahan Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia*, Jurnal Bina Adhyaksa Volume II Nomor 1 Maret 2011, Jakarta: Pusat Penelitian dan Pengembangan Kejaksaan Agung Republik Indonesia, Page. 8.

Number 16 of 2004), should be better maintained and realized despite remuneration.

Departing from the oversight model known in the country's administrative law, the performance of prosecutors in carrying out prosecution tasks is mainly carried out more functional supervision. Supervision of functional prosecutors by the Republic of Indonesia Prosecutor's Commission or the Deputy Attorney General for Supervision of the Republic of Indonesia has not been carried out optimally yet. Optimization is reflected in the arrest of prosecutors who have ignored public services that should be their duty. For this reason, a change of supervision model that can be carried out for prosecutors is needed.

Based on the Regulation of the Attorney General of the Republic of Indonesia (PERJA) No. PER-022 / A / JA / 03/2011 dated March 18, 2011 concerning the Implementation of the Republic of Indonesia Prosecutor's Office Oversight stated that Supervision (Waskat) is supervision carried out by structural officials to subordinates to direct all activities in each work unit so that the Prosecutor's Strategic Plan can be achieved effectively and efficiently; whereas Functional Oversight (Wasnal) is supervision carried out by functional oversight officials of all elements of the Prosecutor's Office and attitudes, behaviors and speech of Prosecutors' Officers.¹⁶

Regulation of the Attorney General of the Republic of Indonesia Number: PER-015 / A / JA / 07/2013 dated: July 2, 2013 concerning Amendments to the Regulation of the Attorney General Number: PER-022 / A / JA / 03/2011 concerning the Implementation of Supervision of the Attorney General's Office of the Republic of Indonesia, that the form of supervision in Article 4 consists of inherent supervision and functional supervision. Waskat is a series of activities that are as a continuous control, carried out by direct superiors to subordinates, preventive or repressive so that the implementation of subordinates' tasks is carried out effectively and efficiently in accordance with the planned activities and applicable laws and regulations. Whereas wasnal is oversight carried out by functional supervision officers both internal and external government of the government, which is carried out on

¹⁶ Eri Satriana as Head of the Sunproglapnil Supervision Division of the Attorney General's Office of the Republic of Indonesia in the results of an interview at the Sunproglapnil Office on Monday, July 8, 2019 at 13:00 West Indonesia Time stated that "The Prosecutor Commission's domain encourages oversight of public complaints reports with two options namely to deepen and take over. Whereas Supervision by the Deputy Attorney General for Supervision (JAM WAS) in accordance with Regulation No. PER-022/A/JA/03/2011 is implementing two supervisory functions, namely Supervision (Waskat) and Functional Supervision (Wasnal) which are the prerogative rights of JAM WAS.

the implementation of general governmental and development tasks to be in accordance with the plans and regulations in force.¹⁷

The supervisory function is attached in accordance with Article 6 of the Attorney General's Regulation of the Republic of Indonesia Number: PER-015 / A / JA / 07/2013 dated: July 2, 2013, are: 1) Preventing and taking action so that routine and development tasks and attitudes, behavior and speech said the Attorney General's office was carried out in accordance with statutory regulations, strategic plans and policies set by the Attorney General; 2) uphold discipline, improve work ethic, and build cooperation; 3) carry out the steps of fostering, empowering, controlling, and monitoring the deficiencies and deviations found as an effort to optimize the implementation of the tasks in each work unit; 4) take steps to award recommendations regarding work performance found.

The provisions of Article 11 of the Attorney General's Regulation of the Republic of Indonesia Number: PER-015 / A / JA / 07/2013 dated: July 2, 2013, regulates functional oversight functions are: 1) Preventing and taking action so that routine and development tasks as well as attitudes, behavior and speech said the Attorney General's staff were carried out in accordance with the laws and regulations, work plans and work programs and policies determined by the Attorney General; 2) take steps in the form of inspection, control and enforcement of deviations found; 3) follow up on the attached supervision report as one of the bases for the implementation of functional supervision. The form of functional supervision in Article 12, consists of: 1) supervision behind the desk; 2) leadership inspection; 3) general inspection; 4) monitoring; 5) special inspection; 6) case inspection.

Furthermore, the Prosecutor's external supervision is carried out by the Prosecutors' Commission established under Article 38 of Law Number 16 of 2004 concerning the Republic of Indonesia Prosecutor's Office as a form of community participation to improve the Prosecutor's Office as a law enforcement institution, as well as being a strategic partner of existing internal oversight institutions. With the existence of this external oversight commission, it will not only be able to spur the performance of the internal control apparatus so that it can carry out its duties effectively, efficiently,

¹⁷ According to Presidential Instruction Number 15 of 1983 concerning Guidelines for Supervision Implementation there are 2 (two) forms of supervision, namely: 1) Supervision carried out by the leaders / supervisors of each organizational unit / work unit against their subordinates or commonly called inherent supervision (*waskat*) and 2) supervision carried out by the relevant functional supervision apparatus or functional (*wasnal*) supervision. See Marwan Effendy, *Capita Selecta Criminal Law Developments and Actual Issues in Financial Crimes and Corruption*, South Jakarta: REFERENCES, 2012, Page. 15.

and structured, but in the future it can encourage the performance of the Prosecutor's Office apparatus to be better and in line with the expectations of the community. Thus the Prosecutors' Commission is expected to make the Prosecutors' room to deviate and abuse their authority even more limited.¹⁸ Internal Attorney General oversight carried out by the Junior Attorney General Supervision is a watchdog in improving the performance of Prosecutors and Prosecutors' Officers.

New Construction Model for Supervision of Prosecutors and Prosecutors' Officers by the Attorney General's Office of the Republic of Indonesia

The new construction of the internal supervision model on the performance and behavior of prosecutors and prosecutors has undergone a shift from watchdog to consultant and catalyst. In the old paradigm as a watchdog, the internal control apparatus has the role of monitoring operational activities and providing warnings of irregularities, through observation, calculation and re-checking activities to ensure that all operational activities are in accordance with applicable regulations and Standard Operating Procedures (SOP). The watchdog's role generally produces recommendations that have a short-term impact, which is an improvement over the mistakes that have occurred.¹⁹ The role of internal supervision as a consultant,²⁰ in this role the internal control apparatus is expected to be able to provide suggestions for improvement and participate actively in making improvements to ensure all activities have been carried out effectively, efficiently, and use resources that are economically owned so as to assist the duties of leaders at the operational level. The examination is carried out to ensure that the organization has used the organization's resources economically, efficiently and effectively so that it can be assessed whether management has carried out organizational activities that lead to its objectives. The internal control apparatus actively acts as a facilitator to discuss the right choices to solve the problem. Improve and enhance the effectiveness and efficiency of organizational operations.

¹⁸ Marwan Effendy, *Op.Cit.*, Page. 17.

¹⁹ Attorney General's Office of the Republic of Indonesia, Republic of Indonesia Attorney National Work Meeting 2018, Bali, 27-30 November 2018, Page. 96-97.

²⁰ Dayan as the Examining Attorney in the Banten High Prosecutor's Office in the interview results on Tuesday, July 17, 2019 at 11:12 WIB stated that "preventive supervision of Prosecutors and Prosecutors' Officers in the Banten High Prosecutor's work unit by the Supervisory Assistant is conducted through the Gratuity Control Unit, Conflict of Interests, and the Extortion Saber Unit as a manifestation of the Supervision Sector acts as a catalyst, consulting and assurance.

The role of internal supervision as a catalyst related to quality assurance, internal control apparatus has the role of motivating, guiding and moving the organization and ensuring there are no violations of applicable regulations and SOPs, where it is related to the development of values, morals, and culture organization conducted in the long run. The provision of quality assurance aims to ensure that the activities of the organization carried out have produced outputs that can meet the needs of its users. In the role of catalyst, the internal supervisor plays the role of facilitator and agent of change.²¹ Based on Government Regulation No. 60/2008 concerning the Government Internal Control System (SPIP), the Government Internal Oversight Apparatus (APIP) has two important roles, namely unity, providing adequate confidence in compliance, saving, efficiency, and effectiveness in achieving the objectives of carrying out the duties and functions Government agencies, and secondly, provide early warning and increase the effectiveness of risk management in carrying out the duties and functions of Government Agencies. Internal supervision is expected to be a quality assurance (quality assurance) that can guarantee the activities of the organization can run efficiently, effectively, and in accordance with applicable regulations.

President Joko Widodo in the 2015 Government Internal Supervision Meeting of the Government dated May 13, 2015, among others, stated that in 2019 APIP's capability level was targeted to reach 85% at level-2; and 1% at level-1. The capability of APIP at level-3 is intended that APIP must be able to assess the efficiency, economic effectiveness of an activity and be able to provide consultation on governance, risk management and internal control.²²

The Deputy Attorney General for Supervision as the Government Internal Supervisory Apparatus (APIP) in the Attorney General's Office of the Republic of Indonesia, actually has a very strategic role for the realization of just law enforcement. The field of supervision must be able to ensure that the law enforcement process carried out in accordance with applicable regulations, both at the level of legislation and technical instructions in the Republic of Indonesia Attorney's Office. The field of supervision must also be able to encourage and motivate prosecutors so that in carrying out their duties, they always uphold the values of honesty and values that live in society.²³

Efforts to realize the role of the field of effective supervision requires strengthening from various aspects, including HR (Human Resources),

²¹ *Ibid.*, Page. 97.

²² Kejaksaan Agung Republik Indonesia, *Laporan Rapat Kerja Nasional Kejaksaan RI Tahun 2018*, Bali, 27-30 November 2018, Page. 98.

²³ Kejaksaan Republik Indonesia, *Laporan Hasil Rapat Kerja Teknis Bidang Pengawasan Tahun 2019*, tanggal 3-4 Juli 2019, Page. 1-2.

institutions, business processes, regulations, and budgets. As an example in terms of HR, there is still a need to recruit auditors and increase their competence through training, in-house training, or focus group discussions. Some important factors that support the achievement of the effectiveness of supervision, including professional expertise, quality of functional supervision, organizational independence, career path, and leadership support.

In connection with the above, the Deputy Attorney General for Supervision as an internal supervisory apparatus within the Republic of Indonesia Prosecutor's Office in accordance with the Regulation of the Attorney General of the Republic of Indonesia Number: PER-022 / A / JA / 03/2011 dated 18 March 2011 concerning Administration Supervision of the Attorney General's Office of the Republic of Indonesia as amended by Regulation of the Attorney General of the Republic of Indonesia Number: PER-015 / A / JA / 07/2013 dated July 2, 2013 carrying out internal oversight tasks within the Republic of Indonesia Prosecutor's Office through functional supervision activities, which include General Inspection, Leadership Inspection, Special Inspection, Case Monitoring and Inspection. The implementation of functional supervision activities is based on the Annual Supervision Work Program (PKPT), which contains the time of implementation, the object of inspection, the target of inspection, and the executor with the inspection material based on the Audit Work Program (PKP).²⁴

Based on these provisions, currently the field of supervision in carrying out functional supervision still shows the role as a watchdog which is oriented towards the findings of the examination results and punishment for each violation, so that it is not uncommon to find the findings of the audit results repeatedly on administrative matters such as filling case handling register. The supervision sector has not been able to play the role of assistance for other fields in an effort to achieve performance effectively and efficiently. The field of supervision is expected to play a role of prevention and early warning system (early warning system) to prevent the occurrence of disciplinary violations, violations of the code of ethics and violations of the law by the Prosecutor's Office. Therefore, a joint commitment in the field of supervision is needed to change the paradigm in carrying out their duties and obtain support from other fields at the Attorney General's Office in implementing the above paradigm changes.

²⁴ *Ibid.*, Page. 98.

Closing Conclusion

Model of supervision of prosecutors and Attorney General staff by the Junior Attorney General Supervision, conducted in the form of inherent supervision and functional supervision that is repressive, still has many weaknesses. The new construction of the supervision model of prosecutors and prosecutors' offices by the Attorney General's Office of the Republic of Indonesia, carried out by internal supervision (Attorney General for Supervision) on the performance and behavior of Prosecutors and Prosecutors' Officers has experienced a shift from watchdog to consultant and catalyst.

Recomendation

Internal supervisors (Deputy Attorney General for Supervision) and external supervisors (Attorney Commission of the Republic of Indonesia) must continue to work together to improve supervision of the performance and behavior of Prosecutors and Prosecutors' Officers to create a better Prosecutor's Office.

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