

**EKSISTENSI LEMBAGA PRAPENUNTUTAN DALAM SISTEM  
PERADILAN PIDANA DI INDONESIA**  
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**INTISARI**

Penelitian ini memiliki tujuan untuk menelusuri dan menganalisis urgensi keberadaan lembaga prapenuntutan dalam sistem peradilan pidana; mengidentifikasi dan menganalisis kelemahan pengaturan lembaga prapenuntutan dalam peraturan perundang-undangan yang berlaku; dan mengkaji dan merumuskan pembaharuan pengaturan lembaga prapenuntutan dalam sistem peradilan pidana di masa mendatang.

Penelitian ini adalah penelitian normatif-empiris, menggunakan data primer dan data sekunder bersamaan. Penelitian normatif untuk memperoleh data sekunder melalui penelitian kepustakaan, kemudian penelitian empiris guna mendapatkan data primer melalui wawancara dengan narasumber, responden, kemudian data dianalisis secara kualitatif dengan metode deskriptif analitis.

Penelitian ini memiliki tiga kesimpulan. Pertama, pola hubungan antara penyidik dan penuntut dalam KUHAP menunjukkan eratnya hubungan masing-masing dengan pelaksanaan kewenangannya. Melaksanakan dan membagi tugas dalam penegakan hukum memiliki keahlian dan perbedaan, tetapi pada hakikatnya merupakan rangkaian kegiatan yang saling mendukung dalam sistem peradilan pidana terpadu. Kedua, lembaga prapenuntutan secara konseptual belum mendapat penjelasan yang memadai dalam KUHAP sehingga prosedur yang mengatur hubungan kelembagaan dan kerjasama fungsional yang diharapkan penyidik dan penuntut tidak terjadi. Ketiga, dalam pembaharuan sistem peradilan pidana, maka idealnya Jaksa dilibatkan sesegera mungkin ketika dimulainya penyidikan suatu perkara. Kewenangan Jaksa bukan hanya untuk memeriksa dan memeriksa kelengkapan persyaratan formil dan materiil suatu perkara, tetapi jauh lebih filosofis, yaitu memahami suatu perkara secara utuh.

**Kata Kunci:** prapenuntutan, sistem peradilan pidana, penuntut umum, penyidik

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## **THE EXISTENCE OF PRE-PROSECUTION INSTITUTIONS IN THE CRIMINAL JUSTICE SYSTEM IN INDONESIA**

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### **ABSTRACT**

*This study aims to explore and analyze the urgency of the existence of a pre-prosecution institution in the criminal justice system, identify and analyze weaknesses in the pre-prosecution institution arrangements in the prevailing laws and regulations, and review and formulate the reform of pre-prosecution institutions in the criminal justice system in the future.*

*This research is normative-empirical in nature, and it makes use of both primary and secondary data sources. Normative research was conducted to obtain secondary data through library research, followed by empirical research to obtain primary data through interviews with informants and respondents. The data was analyzed qualitatively using descriptive and analytical methods.*

*Three findings can be drawn from this research. First and foremost, the pattern of connections between investigators and prosecutors in the Criminal Procedure Code demonstrates the tight tie that exists between each of them and the exercise of their authority. Law enforcement responsibilities are implemented and divided in a variety of ways, each with its own set of expertise and peculiarities. However, in essence, they are a sequence of activities that work together to assist one another in an integrated criminal justice system. Second, the pre-prosecution institution has not received a sufficient conceptual explanation in the Criminal Procedure Code, as a result of which the procedures controlling institutional ties and functional cooperation that are expected by investigators and prosecutors do not take place. Third, when it comes to changing the criminal justice system, the prosecutor should be involved as early as possible in the investigation of a case, if at all possible. The prosecutor's jurisdiction extends not only to the examination and examination of the completeness of the legal and material requirements of a case, but also to a far broader philosophical understanding of the case as a whole.*

*Keywords: pre-prosecution, criminal justice system, public prosecutor, investigator*

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