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Comparison of the Implementation of the Principle of Dominus Litis in Indonesia, Usa, and Macau

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Abstract
In various countries, prosecutors are central figures in the administration of criminal justice because they have the authority to determine cases (dominus litis) to be forwarded to court. Comparative study of the application of the dominus litis principle in Indonesia with other countries. Normative legal research with a Statutory and comparative approach. The application of the Dominus Litis Principle in the Criminal Procedure Code is contained in Article 1 Number (6) letters a and b; 139, as well as the principle of functional differentiation in Articles 14 and 137, based on the position and function of prosecutors in the criminal justice system regulated in Article 140 paragraph (2); Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004. Prosecutors in Indonesia are in the Executive Institution, Investigative Authority is limited to special crimes; The scope of criminal, civil and administrative prosecution is in the hands of the State and is not dual in nature, namely the Prosecutor and Macau are in the hands of the Judiciary, authorized to conduct investigations, criminal and civil prosecutions which are dual in nature, namely the Prosecutor and the United States are in the hands of the Department of Justice, have investigative authority, prosecution arrangements in the form of Federal and state prosecutions

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1. INTRODUCTION

In general, the criminal justice system can be interpreted as a process of working of several law enforcement agencies through a mechanism that includes gradual activities starting from investigation, inquiry, prosecution, examination in court, and implementation of judge's decisions carried out by correctional institutions. (Supriyanta 2009:1) The criminal justice system in Indonesia consists of material and formal criminal law. The Indonesian criminal justice system adheres to the concept that criminal cases are disputes between individuals and society (public) and will be resolved by the state as a representative of the public. (Pangribuan 2014:18) meaning that the state plays a role in representing the victim. After Indonesia's independence based on the provisions of Article II of the transitional rules, the provisions of the Criminal Procedure Law regulated in *The Revised native Regulations* (HIR) is still in effect, but since 1981 Indonesia has not used HIR, Indonesia already has Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP).

The Criminal Procedure Code is a derivative of Pancasila as the highest norm, Hans Kelsen calls it Grundnorm, while Nawaisky calls it...*fundamental state norm* (Oesman 1991:67) The Criminal Procedure Code serves as the legal basis for law enforcement

officials such as the Police, Prosecutors, Courts, and Correctional Institutions to carry out their respective duties and authorities. This book regulates investigations, inquiries, prosecutions, adjudication, and the implementation of court decisions, which are the procedures for resolving a criminal offense.

As one of the law enforcement officers, the Prosecutor is given the mandate to exercise state power in the field of prosecution which is carried out by the Public Prosecutor, which when interpreted etymologically comes from the word "prosecution" which comes from Latin *pursued*, which consists of the words *"pro"* (before) and *"to follow"*(following). Referring to the etymological meaning of the word "Public Prosecutor" and in relation to the role of the Prosecutor's Office in a criminal justice system, the Prosecutor's Office should be seen as *Lord Litis (procurer on the day of the proceedings)* namely the controller of the case process from the initial stages of investigation to the implementation of the process of executing a decision. Principle *Dominus Litis* is a universal matter as stated in Article 11*Guidelines on the Role of Prosecutors* which was also adopted by *Eight United Nation Congress on The Prevention of Crime* at the 8th Crime Prevention Congress in Havana in 1990.

In nearly every country in the world, prosecutors are central figures in the administration of criminal justice, playing a crucial role in the decision-making process. Even in countries where prosecutors do not conduct their own investigations, such as Indonesia, prosecutors retain discretion. *(discretion)*Broad prosecution powers. In other words, the prosecutor has the power to decide whether or not to prosecute almost any criminal case. Therefore, it is not surprising that German Federal High Court Justice Harmuth Horstkotte dubbed the prosecutor "the boss of the legal process." *" (master of the procedure).* (RM 1996:7) *Because* of this extensive authority, Andi Hamzah stated that prosecutors are free to determine the regulations that will be used to charge perpetrators. (Hamzah 2001:161)

But in fact, the problem is in implementing the principle *of Dominus Litis in* the Criminal Procedure Code, the investigation and prosecution subsystems are compartmentalized, resulting in suboptimal implementation, such as horizontal supervision and case termination. Supervision within the pre-prosecution institution. However, in reality, the pre-prosecution institution has proven ineffective in achieving its goal of being a means of functional coordination and public prosecutor oversight of investigators' performance. As a result, the investigation process is solely within the investigator's jurisdiction and there is no *check and balance.* This tends to create a lack of clarity in the norms, which often leads to weak evidence in court, as Stephen C. Thaman stated about prosecutors in various countries. (Zikry et al. 2016:3)

In relation to the prosecutor's authority to stop or continue prosecution (See Article 140 paragraph (2) of the Criminal Procedure Code), in practice this authority is rarely used by public prosecutors, because the termination of cases occurs more often at the investigation stage. In addition, in general crimes, prosecutors do not have the authority to interfere in the termination of investigations carried out by investigators (See Article 109 paragraph (2) of the Criminal Procedure Code). With such a reality, is it still said that the prosecutor is the owner of the case of *(Dominis Litis principle)?*

2. RESEARCH METHOD

Normative legal research with a statutory approach; and comparison. (Marzuki 2011:126) The statute used is the statute of Law No. 8 of 1981; Law No. 15 of 1961; Law No. 5 of 1991; Law No. 11 of 2021, an amendment to Law No. 16 of 2004. The

comparisons are made in Indonesia, the United States, and the People's Republic of China, particularly Macau. The analysis used includes extensive, anticipatory, and teleological interpretations.

3. RESULTS AND DISCUSSION

The authority to prosecute is actually an absolute monopoly of the public prosecutor, which is commonly called the principle of *dominus litis*. Basically *dominus litis* firms that no other body has the right to prosecute other than the Public Prosecutor, who has absolute and monopolistic powers. The Public Prosecutor is the only institution that has and monopolizes the prosecution and resolution of criminal cases. Judges cannot request that criminal cases that occur be submitted to them, because judges in resolving cases are only passive and await demands from the public prosecutor. (Mathovani 2025)

In the criminal justice process in Indonesia, the prosecutor is a part of the criminal justice system that controls the case handling process or *the dominus litis*, because the prosecutor can determine whether a case can be submitted to the court level or not based on valid evidence according to criminal procedure law. (Effendy 2005:105) This means that the prosecutor is an official who has the authority to determine whether a case is worthy of being submitted to the prosecution process or whether the prosecution should be stopped. The prosecutor's authority to stop or continue the prosecution process is also free to apply which criminal regulations will be charged and which are not in accordance with the conscience and professionalism of the prosecutor himself, because in public prosecution there is a principle *dominus litis* (master/handler of matter), so that they are free to determine which criminal regulations will be charged and which will not. (Hamzah 2001:161)

An incident that is reasonably suspected of being a crime must immediately take the necessary action to resolve it by conducting an investigation, inquiry, prosecution, and trial in court. (Widhayanti 1996:48) The two components that serve as the gateway to the law enforcement process in the criminal justice system are the police and the prosecutor. The police act as investigators and the prosecutor as public prosecutor. These two institutions determine the fate of a citizen from suspect to defendant and then to convict. The relationship between the prosecutor and the police is a complex one. The public views the police and prosecutors as inseparable partners, but in practice, internal conflicts often occur between the police and the prosecutor's office in carrying out their respective duties.

The prosecutor's authority regarding the application of the principle of *the dominus litis* in Indonesian positive law, the authority to stop or continue prosecution is limited. However, in practice, this authority is rarely used by public prosecutors, as case terminations often occur during the investigation stage, where, for cases handled by investigators, particularly general criminal cases, prosecutors do not have the authority to intervene in the termination of investigations carried out by investigators, as stipulated in Article 109 of the Criminal Procedure Code. Given these facts, can it still be said that the prosecutor is the owner of the case of (*dominus litis*)?

Basic Application *of Dominus Litis* Based on Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP)

In Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP) the principle is adopted *of functional differentiation.* This principle states that each law enforcement officer in the criminal justice system has his or her own duties and functions which are separate from one another. The Criminal Procedure Code which adheres to the principle of

functional differentiation will raise a question regarding the position of the principle *of dominus litis* in the Criminal Procedure Code if combined with the criminal justice process which contains the principle of *functional differentiation.*

Criminal Procedure Code which adheres to the principle of *functional differentiation* not only differentiates and divides tasks and authority, but also provides a separation of responsibilities for the scope of tasks of investigation, inquiry, prosecution and examination in integrated court hearings. The criminal justice system (*Integrated justice system*) is interpreted as a criminal process which is an integration of an investigation subsystem, a prosecution subsystem, up to a trial examination subsystem and ending in a court decision implementation subsystem.

In criminal law, the Prosecutor's Office acts as a functional institution authorized by law to act as a public prosecutor and implement court decisions that have obtained permanent legal force as well as other authorities based on law.

The prosecutor has been placed in a position as a "prosecutor" agency with the authority to prosecute every case, including: (Harahap 2000:26)

1) On one side, the investigator receives the case files resulting from the investigation;
2) On the other hand, the file of the case he received was handed over to the judge to be claimed and examined in court proceedings".

The duties of the prosecutor as public prosecutor are regulated in Article 14 of the Criminal Procedure Code and are reaffirmed in Article 137 of the Criminal Procedure Code which states that:

Article 14 of the Criminal Procedure Code: The public prosecutor has the authority to:

a. Receive and examine investigative case files from investigators or assistant investigators;
b. Conducting pre-prosecution if there are deficiencies in the investigation by paying attention to the provisions of Article 110 paragraph (3) and paragraph (4), by providing instructions for improving the investigation by the investigator;
c. Granting an extension of detention, carrying out detention or further detention and/or changing the status of the detainee after the case has been transferred by the investigator;
d. Making a letter of indictment;
e. Submitting the matter to the court;
f. Submitting notification to the defendant regarding the day and time the case will be heard, accompanied by a summons, both to the defendant and to witnesses, to come to the appointed hearing;
g. Conducting prosecution;
h. Closing matters for the sake of law;
i. Carry out other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of this law;
j. Implement the determination of the judge.

Article 137 of the Criminal Procedure Code:

"The public prosecutor has the authority to prosecute anyone accused of committing a crime within his jurisdiction by referring the case to a court with the authority to try it."

Based on the explanation that the author has presented above, if we look back at the definition of the principle of *functional differentiation* which is contained in the Criminal Procedure Code where Each law enforcement officer in the criminal justice system has its own duties and functions which are separate from one another, so according to the compiler's perspective, the prosecutor's office in Indonesia is no longer *dominus litis in* a

criminal case because the relationship between the Police as investigators and the authority of the Prosecutor's Office as public prosecutor must be seen in the sense division *of powers* (division of authority), not reviewed as separation *of powers* (separation of powers). The purpose of this division is to ensure mutual oversight, thereby creating synergy in the law enforcement process in Indonesia.

Implementation of *Dominus Litis Principle* Based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia

The Prosecutor's Office, as a law enforcement institution, holds a central position and a strategic role in a state governed by the rule of law. It serves as a filter between the investigation and the trial process. Therefore, its presence in society must be able to carry out its duties of law enforcement. (Santika 2021:79)

In order to understand the application of the principles of *dominus litis* in positive law in Indonesia at the prosecution stage, it can be studied in the provisions contained in Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia. If we examine the Law concerning the position of the Attorney General's Office of the Republic of Indonesia in law enforcement in Indonesia, it becomes increasingly clear and firm that c*limiting* has formulated the existence of absolute prosecutorial authority in the prosecutor's office, thus confirming that the principle *dominus litis is* very active in carrying out the duties and authority of prosecution of criminal acts by the Prosecutor as public prosecutor.

Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia in its general explanation states that the enactment of this Law is for the renewal of the Attorney General's Office so that its position and role as a government institution can better carry out state power in the field of prosecution that is free from the influence of any party's power.

In the provisions contained in Article 1 Point 2 of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, it is stipulated that:

"A prosecutor is a civil servant with a functional position who has special characteristics and carries out his duties, functions and authority based on the law."

The provisions governing the application of the principles of *dominus litis for* the Prosecutor, it is a rule (law) that must be followed in carrying out the inherent duties and authorities, which are absolute and independent, making prosecution the main task so that this principle will strengthen and establish the Prosecutor as a public prosecutor in carrying out prosecution of criminal cases that occur, and only the Prosecutor can proportionally and professionally determine whether or not the criminal case that occurs will be resolved.

Article 8 Paragraph (2) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia states that in carrying out his duties and authorities, the Prosecutor acts for and on behalf of the state and is responsible according to hierarchical channels. This provides an understanding that in carrying out duties on behalf of the state, the Prosecutor as a public prosecutor is responsible according to hierarchical channels, namely to the official who

gives the duties and responsibilities, which are in stages, the Head of the District Attorney's Office, the Head of the High Prosecutor's Office and the Attorney General.

The actions of the prosecutor before prosecuting a criminal case in court are as follows: (Hartanti 2009:37)

1) Study and examine the criminal case files received from the investigator. Determine whether they are strong enough and contain sufficient evidence that the defendant has committed a crime. If, in the investigator's opinion, the case file is incomplete, immediately return it to the investigator for completion.
2) After obtaining a clear and definite picture of the crime committed by the defendant, the prosecutor will prepare an indictment. The prosecutor must prove the indictment in court. If the charges are proven, the prosecutor will then prepare the charges. The indictment is the basis for preparing the charges.

The duties and authorities of the prosecutor's office in criminal justice based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia are as follows: (Djunaedi 2013:87)

a. Conducting prosecution;
b. Implementing judges' decisions and court decisions that have obtained permanent legal force;
c. Supervise the implementation of conditional criminal decisions, supervised criminal decisions and conditional release decisions;
d. Conducting investigations into certain criminal acts based on law;
e. Complete certain case files and for this purpose can carry out additional examinations before being submitted to the court, the implementation of which is coordinated with investigators.

Based on the explanation that the author has presented above, regarding the application of the principle *the dominus litis* based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, it is clear that in the application of the principle *dominus litis* (case controller/owner) at the prosecution stage in this case, if linked to the duties and authority of the prosecutor's office, is to carry out prosecutions that are free from the influence of the power of any party.

The Constitutional Court as the *sole interpreter of the constitution* (sole interpreter of the constitution) and *the guardian of the constitution* (protector of the constitution) in various legal considerations, explicitly positions the prosecutor as the public prosecutor as dominus litis in criminal cases. This is based on Constitutional Court Decision Number 55/PUU-XI/2013, which states that:

> "*The function of the Prosecutor's Office and the profession of prosecutor as the organizer and controller of prosecution or as dominus litis has an important role in the case handling process which is essentially aimed at building a life order based on law and upholding human rights."*

Apart from the Constitutional Court decision above, there is also Constitutional Court decision Number 29/PUU-XIV/2016 which states:

> "*As the sole holder of the authority to prosecute (dominus litis), the Prosecutor is obliged to transfer the case to the District Court with a request to immediately try the case accompanied by an indictment, but the Prosecutor can also stop the prosecution, if the case does not have sufficient evidence, the case being examined turns out not to be a criminal case, or the case is closed by law (vide Article 140 of the Criminal Procedure Code)".*

According to the perspective of the compilers of the two Constitutional Court decisions that have been explained above, the Constitutional Court explicitly states the principle of *the dominus litis* clearly and explicitly considering the position of the prosecutor as public prosecutor as *dominus litis* which plays a crucial role in the criminal justice system. The public prosecutor is positioned as the case owner with a real interest in ensuring that a case is prosecuted, examined, and tried in court. Furthermore, the Constitutional Court considers that, as a party with a real interest, the public prosecutor can also discontinue prosecution, preventing a case from being prosecuted, examined, and tried in court.

Although so far there have only been 2 (two) Constitutional Court decisions that explicitly consider the position of the public prosecutor as *dominus litis* in the criminal justice system, according to the compiler it is sufficient to acknowledge that the principle *dominus litis* is the position of the prosecutor/public prosecutor in the criminal justice system to create legal certainty in every decision and strengthen the criminal justice system which should be integrated.

Comparison of Criminal Prosecution in Indonesia with other countries.
People's Republic of China (Macau)

Prosecution of criminal cases carried out People's Republic of China (Macau)led directly by the Attorney General (*Prosecutor General*) its primary authority is in the field of criminal justice. But it also covers the civil field (including family and employment law). In the field of criminal justice, the prosecutor's office People's Republic of China (Macau)authorized to: (Lebang 2021:8)

a. Receive accusations (*denounce*) and complaints (*complaint*).
b. Conducting an investigation (*investigation*)
c. Conducting prosecution (*prosecution*)
d. Make an appeal (*appeal*)
e. Carrying out executions and taking security measures (*security measures*).

The power to conduct investigations is the complete power (*exclusive power*) prosecutor's office of People's Republic of China (Macau)However, despite having full investigative powers, People's Republic of China (Macau)It is not appropriate to conduct direct investigations. In everyday practice, this authority is delegated to the police of People's Republic of China (Macau), so that the prosecutor's office People's Republic of China (Macau) never involve technical intelligence in the investigation carried out by the police. Despite this, the power of investigation fully given by law to the impartial Macau prosecutor (*impartial*) and independent, is a guarantee of protection for citizens People's Republic of China (Macau). (Lebang 2021:11)

In addition to full investigative powers, the prosecutor's office People's Republic of China (Macau) given full authority to prosecute. After that, the Macau prosecutor will analyze and determine whether the case in question will be brought to court or not. Because the prosecutor's office People's Republic of China (Macau)adheres to the principle of legality, not the principle of opportunity, so as long as the evidence is sufficient and as long as the prosecutor has the authority (*legitimacy*), the case will be submitted to court.

Prosecutor's Office People's Republic of China (Macau)In carrying out prosecution, two things must be taken into consideration, namely: (Lebang 2021:13)

a. Is the evidence for the case at hand sufficient (*sufficient evidence*) or not.
b. Does the prosecutor have the authority for this case (*legitimacy*)? prosecute him or not.

The differences in the roles of Indonesian and PRC (Macau) prosecutors are as follows:

Comparison Table of the Role of Indonesian and Macau Prosecutors

No	INDONESIA	FEAR
1	Government Institutions	Judicial Institution
2	Has several principles	Focused on the principle of legality
3	Does not have the authority to conduct investigations into general crimes	Has the authority to conduct investigations into general crimes and special crimes
4	The scope of prosecution consists of Criminal, Civil and State Administrative Law.	The scope of prosecution is only in Criminal and Civil cases.
5	Not of a nature *double nature of the prosecutors*	Characteristic double *nature of the prosecutors.*

United States of America

Prosecution arrangements in the United States are divided into two, namely prosecution by the federal government and prosecution by state governments. Prosecution by the federal government is regulated in *United States Code* (United States Code) And *Justice Manual* (Justice Guidelines). Prosecution by state governments is regulated in each state's positive laws, for example, prosecution of criminal cases carried out by the state of Washington is regulated in *Revised Code of Washington,* different from the prosecution of criminal cases in the state of Texas which is regulated in *Texas Penal Code* (Texas Penal Code)*, Texas Government Code* (Texas Government Code)*, dan Code of Texas Criminal Procedure* (Texas Code of Criminal Procedure).

Prosecution in the United States is divided into several stages which are generally known by various terms, namely the stages *Initial Appearance* and *Preliminary Hearing.* All of these stages are initial examinations by the prosecutor's office to determine whether the case can be continued to trial or whether it will simply stop at the prosecutor's office with the case being settled outside of court.

Public prosecutors in the United States include *District Attorney* (district attorney) and *Assistant District Attorneys* (assistant district attorney), *City Attorneys* (city attorney), *Attorney Generals* (attorney general) and *Assistant Attorneys General* (assistant attorney general). Every lawyer who prosecutes someone is a Public Prosecutor of *District Attorney* is a special prosecutor who is usually someone from a local jurisdiction who is elected. Most cities have one of *District Attorney* who was elected in the general election of *District Attorney* has the authority and responsibility to prosecute persons who commit (or are accused of committing) crimes within its jurisdiction of *District Attorney* has another lawyer working for him as *Assistant District Attorney* to handle cases that exceed capacity which often occurs.

The United States adheres to the doctrine *Dual Sovereignty* namely the legal principle that more than one sovereign can prosecute individuals without violating the prohibition against double *jeopardy* if an individual's actions violate any of those sovereign laws, then the federal and state governments can prosecute a person for a crime without violating the Constitution's protections against double *jeopardy* if a person commits a crime in both legal jurisdictions.

After the prosecutor studies the information from the investigators and the information, he or she has gathered through conversations with the people involved, the prosecutor then

decides whether to present the case to an impartial group of citizens called *Grand Jury* when a person is accused, he is given official notification that he has committed a crime in the form of an indictment containing information about the charges against him.

In the United States there is an Attorney General (*Attorney General*) which does not oversee a department or government agency at departmental level, but is within the Department of Justice (*Department of Justice*). In carrying out his duties, the Attorney General is not only a law enforcement officer, especially in the field of prosecution, but also serves as a legal advisor to the President, Ministers or other government institutions, including those in charge of intelligence agencies, foreigners, narcotics, and others. The authority to conduct investigations is not inherent in his institution but in his position of *independence* This means there is no interference from the United States Government, so that the prosecutor in America has the authority to conduct investigations.

For a serious crime charge, a prosecutor in the United States will present evidence to the grand *jury*. Witnesses may be called to testify, evidence presented to the jury, and an outline of the case presented to the members of *grand jury*. *Grand jury* listen to prosecutors and witnesses, and then decide secretly whether they believe there is enough evidence to charge the person with the crime of *Grand jury* can decide not to indict an individual based on evidence, no indictment comes apart from *grand jury*. All work events and statements made by the grand *jury are sealed*, meaning only the people in the room have knowledge of who said what about whom. *Grand jury* Consisting of approximately 16-23 members, their proceedings can only be attended by certain individuals. Only parties representing the state, such as the police and prosecutors, are present in the proceedings of *grand jury*. At least twelve jurors must agree to prosecute or decline to prosecute. After the defendant is charged, an indictment is issued by the court of *grand jury*, he can hire a lawyer or if he cannot afford it, he can choose to be represented by a lawyer provided by the Government or called a public defender without or at minimal cost.

From the results of the compiler's explanation above, when compared with the process of prosecuting criminal cases in Indonesia, where the pre-prosecution stage in Indonesia is still in the investigation area (police) and the prosecution stage is in the prosecution area (prosecutor's office), while in the United States, the pre-prosecution process is already in the prosecutor's area, where the investigation report has been submitted from the police to the prosecutor's office. In addition, in making an indictment, the prosecutor's office in Indonesia has full authority in making an indictment, however in the United States, an indictment is obtained after the United States prosecutor shows evidence and testimony in a criminal case to *Grand Jury,* Then *Grand Jury* issue an indictment after being approved by at least 12 people consisting of 16-23*Grand Jury*.

4. CLOSURE

Conclusion

Basic implementation *of dominus litis* in positive law in Indonesia, it is divided into two (2), namely: 1) Based on Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), and 2) Based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia. In the KUHAP there are the principle of functional differentiation, the meaning of which is**: "**Each law enforcement officer in the criminal justice system has its own duties and functions which are separate from one another. So based on the principle of functional differentiation, The Prosecutor's Office is no longer *dominus litis in* a criminal case. But if based on the position and function of the prosecutor's office in the criminal justice system,

the prosecutor's office occupies the principle *dominus litis* because the public prosecutor has a strategic position as the case owner who is obliged to be actively involved from the start of the investigation, prosecution, examination in court until the implementation of the court decision.

Prosecutors in Indonesia are in the Executive Institution, have several principles, do not have investigative authority; the scope of prosecution is criminal, civil and state administrative and is not of an administrative nature of *double nature of the prosecutors*. Meanwhile, Macau in the Judiciary, focuses on the principle of legality, has the authority to investigate, prosecute criminal and civil cases and is of a judicial nature of *double nature of the prosecutors* in America, prosecutors under the Department of Justice have investigative powers that are not inherent in their institutions but are their positions, and the prosecution arrangements are in the form of federal and state prosecutions.

Suggestion

Should be the principle of *dominus litis* indeed, it is occupied by the prosecutor's office. There should no longer be any distinction between the powers and authorities of other judicial subsystems. Considering that the duties, functions, and authorities of the prosecutor's office in a criminal case are very broad. At the public prosecutor stage, the prosecutor is obliged to be actively involved from the beginning of the investigation, prosecution, trial examination, to the implementation of the court decision. Therefore, it is appropriate for the prosecutor's office to uphold the principle of *dominus litis* as in other countries in general.

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