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PROCEEDINGS BEFORE THE POLICE, PROSECUTOR'S OFFICE, AND COURT

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Abstrak.

Background. The procedures and mechanisms of the criminal justice system regarding examination during the investigation and prosecution phases are conducted by the police and the public prosecutor in the pre-prosecution process.

Aims. This community service aims to clarify the processes that occur before the police, the prosecutor's office, and the court.

Methods. This community service initiative incorporates conversations and presentations by resource individuals during the Coffee Break event.

Result. In a criminal justice system, multiple steps must be navigated. The steps commence with investigation, prosecution, trial, court examination, verdict delivery, and execution of criminal sentences. During the Police Report phase, the police conduct inquiries and investigations in criminal situations, as per Perkap number 14 of 2012 regarding Criminal Investigation Management. During the transition from the National Police Investigator to the Public Prosecutor, the Prosecutor is required to assess the evidence acquired from the police, solicit expert witness testimonies, and do laboratory analyses on the evidence as deemed necessary.

Conclusion. According to the Decree of the Attorney General of the Republic of Indonesia No. 518/A/J.A/11/2001, dated November 1, 2001, which amends Decree No. 132/JA/11/1994 regarding the Administration of Criminal Cases, these codes serve as form codes utilized in the management and resolution of criminal cases.

Implication. The community understands the flow of law enforcement.



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Keywords: Police Investigators, Advocates, Public Prosecutors, and Judges.

INTRODUCTION

The process of law enforcement through the Indonesian criminal justice system has a long stage, starting from dealing at the level of the Police with investigations, investigations to the prosecution process by the Prosecutor's Office through the process of examinations following the Procedural Law in the court to the imposition of the verdict and the implementation of the verdict (execution) on the criminal verdict of the case, that this research and community service activity aims to introduce the existence of a Duty The main and function of the profession of Police, Prosecutors, Advocates and Judges who are Law Enforcers in Indonesia so that the public can know and understand better the process of the mechanism and flow of Law Enforcement.



Figure 1. PKM Coffee Break Discussion Participants

The Participants and Speakers in this PKM activity are Academics and Lecturers from the Painan College of Law together with the National Police at the POLRI Research and Development Center, The method of implementing this PKM is the Discussion method (coffee break) and evaluation of the results of the discussion. The discussion was held in the Meeting Room of Raden Said Soekanto Tjokrodiatmojo. The results of community service activities and coordination with the POLRI Research and Development Center to gain a better understanding of the mechanism and flow of law enforcement both by the profession of Police Investigators, Public Prosecutors and Judges in court as well as the stages that must be passed to find out the existence of law enforcement with legal certainty.

The professions introduced in this research and community service are professions such as Police Investigators, Advocates, Public Prosecutors and Judges. Based on the above explanation, it has been conveyed that the problems encountered are regarding the understanding of the mechanism of criminal law enforcement stages both in front of the Police Investigator, at the Public Prosecutor and the Court by the Judge. Therefore, the implementation of this PKM will further examine the main duties and functions of Police Investigators, Public Prosecutors and Judges related to the enforcement of fair laws with legal certainty for public order.

METHODS

In general, before the PPKM activity takes place, in the implementation of this PPKM there will be activities to identify general problems that will be discussed and discussed. The general problem that has been successfully identified is the problem of the application of criminal procedural law at the level of Police Investigators, Public Prosecutors and Judges in the Court so that the public can better understand and can be useful for the progress of law enforcement so that legal order is created in the community, for that the results of identification in the implementation of this PKM will continue to the proposal preparation stage. The proposal will then be submitted to the Institute for Research and Community Service at the University of Dharma Indonesia (LPPM UNDHI).

The PPKM method used here involves a Discussion and lecture to deliver material on all aspects of Criminal Law enforcement, including the roles of police investigators, Public Prosecutors, and Judges in court. The delivery time for the material is 1 1/2 hours. After the material is delivered, the PPKM implementer will evaluate the extent to which the participants understand the material presented. A question-and-answer session or discussion will then be held between the speaker and the participants of the community service activities. During the implementation process of PPKM, contributions from the POLRI Research and Development Center can occur in various forms, including assisting in the identification of problems faced and

facilitating the implementation of community service activities.



Figure 2. Criminal Law Enforcement Discussion



Figure 3. PKM Implementation Team

DISCUSSION

This community service initiative is a response to the situational analysis of law enforcement in Indonesia, as identified by academics, lecturers, and law enforcement officials (Polri). The community service implementation team executes this activity to elucidate the processes and mechanisms of the criminal justice system, encompassing the investigative procedures of the police, the prosecutorial functions of the public prosecutor during pre-prosecution, and the judicial proceedings overseen by the relevant judge, culminating in a final and legally binding verdict; various stages must be navigated within the criminal justice system. The steps commence with investigation, prosecution, courtroom examination, verdict delivery, and execution of criminal sentences. The delineation of the procedural functions of law enforcement agencies, including the Police, Prosecutor's Office, and judiciary, is as follows: During the Police Report phase, the investigation of criminal cases by the police, per Perkap number 14 of 2012 about Criminal Investigation Management, encompasses:



Figure 4. Team of the Prosecutor

Police Report

Police Reports/Complaints, as referred to above, consist of:

1. A Model A Police Report is a report generated by officers of the National Police who have experienced, witnessed, or directly encountered the incident in question.

2. The Model B Police Report is a document generated by National Police personnel based on public reports or complaints received.
3. Police reports, as said, are received by the Integrated Police Service Center (SPKT) or the Alert Criminal Investigation Branch of the National Police.

Following the filing of the Police Report, the investigator or assistant investigator on duty at the SPKT or the Criminal Investigation Branch of the National Police promptly examines the complainant, documenting the witness examination report.

The Head of SPKT, or the Head of Standby of the Criminal Investigation Branch of the National Police, promptly transmits the police report and the minutes of the examination of the complainant's witnesses as referenced to:

1. Karobinops Bareskrim of the National Police for reports received at the National Police Headquarters;
2. Director of Police Criminal Investigation for reports received at the SPKT Polda according to the type of case reported;
3. Chief of Police/Deputy Chief of Police for reports received at SPKT Polres; and
4. Police Chief/Deputy Police Chief for reports received at the SPKT Police.
5. Police reports and minutes of examination of reporting witnesses can be delegated to a lower unit or on the contrary can be withdrawn to a higher unit.



Figure 5. Police

Duty Warrant.

In the duty order as referred to in Article 4 letter b, at least contains: Basis for assignment; Identity of the officer; Type of assignment; Length of assignment time; and Ordering officials.

Research Results Report

The LHP as referred to in Article 4 letter c, is made by the investigation team and signed by the head of the investigation team. The LHP at least contains a report on the time, place of the activity, research results, obstacles, opinions and suggestions.

Investigation Warrant

In the investigation warrant as referred to in Article 4 letter d, at least contain: The basis of the investigation; The identity of the investigating team officer; The type of matter being investigated; The time of the start of the investigation; and the identity of the investigator as the official who gave the order.

Warrant For The Commencement Of Investigation

The SPDP includes: the foundation of the inquiry as evidenced by a police report and an investigative warrant; The commencement time of the investigation; The category of case, the alleged article, and a concise account of the criminal act under investigation; The identification of the suspect, if known, and the identity of the official who endorsed the SPDP.

Investigation

Investigative operations are conducted both before and after the filing of a Police Report/Complaint, as well as within the framework of an ongoing inquiry. Investigative efforts are conducted to identify and uncover criminal behavior. This activity serves as a method for investigating whether an incident constitutes a criminal infraction, to illuminate the topic until the culprit is identified, and to establish the foundation for exerting coercive measures. The investigative actions conducted by the Police encompass: crime scene processing, observation, interviews, surveillance, undercover operations, tracking, and document research and analysis.

The investigations carried out include: People, Objects or goods, Place, Events/events. To carry out the investigation task, it is necessary to pay attention to the following:

1. Investigating officers must complete their investigative tasks with a warrant approved by their supervisor, who serves as the investigator.

2. The investigating officer must submit a report on the investigation's findings to the officer who issued the order.
3. The investigation results are reported in writing or orally, accompanied by a written report within 48 hours.

Criminal investigations are carried out based on Police Reports and investigation warrants. Furthermore, investigation activities are carried out in stages, including: Investigation; SPDP Delivery; coercive efforts; examination; title of the case; settlement of case files; submission of case files to the public prosecutor; submission of suspects and evidence; and Termination of Investigation.

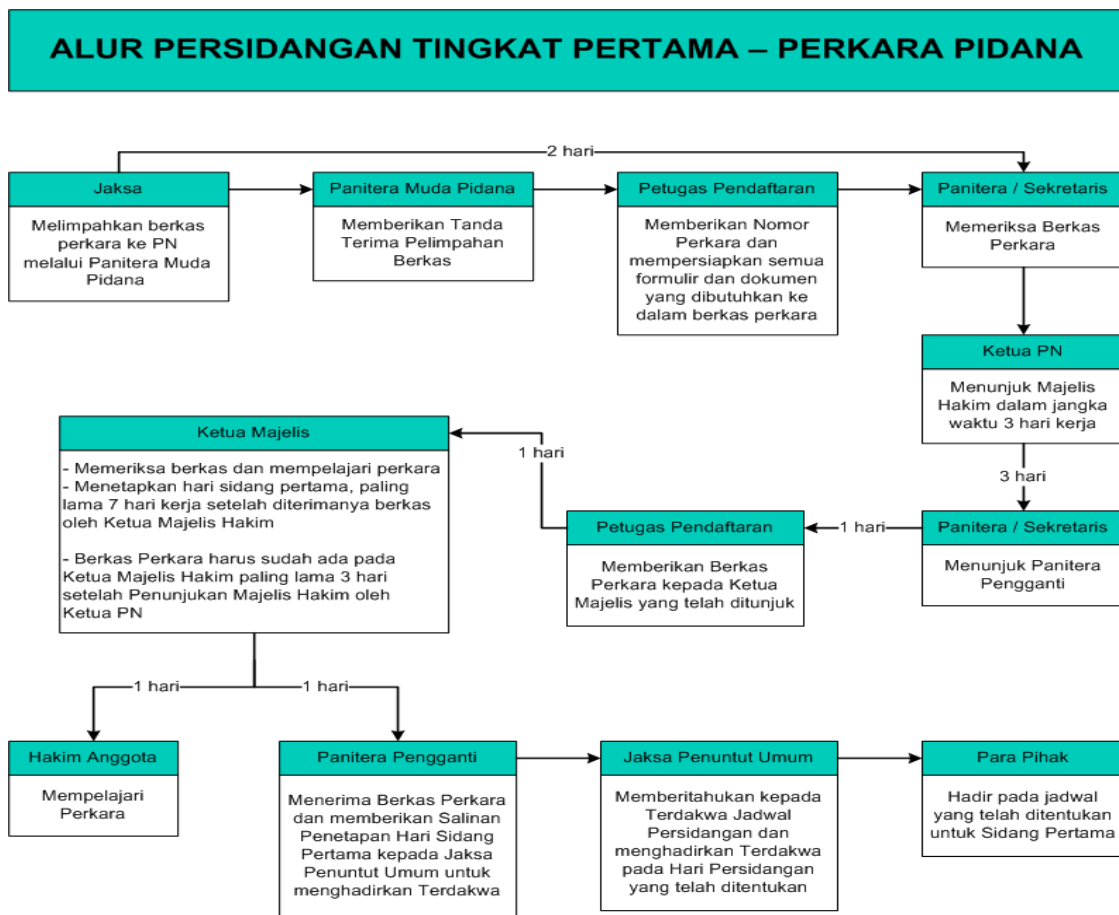


Diagram 1. First-Level Trial Flow

During the transition from the National Police Investigator to the Public Prosecutor, the Prosecutor is required to evaluate the evidence collected by the police, solicit expert witness testimonies, and do laboratory analyses on the evidence as needed. This is pursuant to the Decree of Chairul Aman

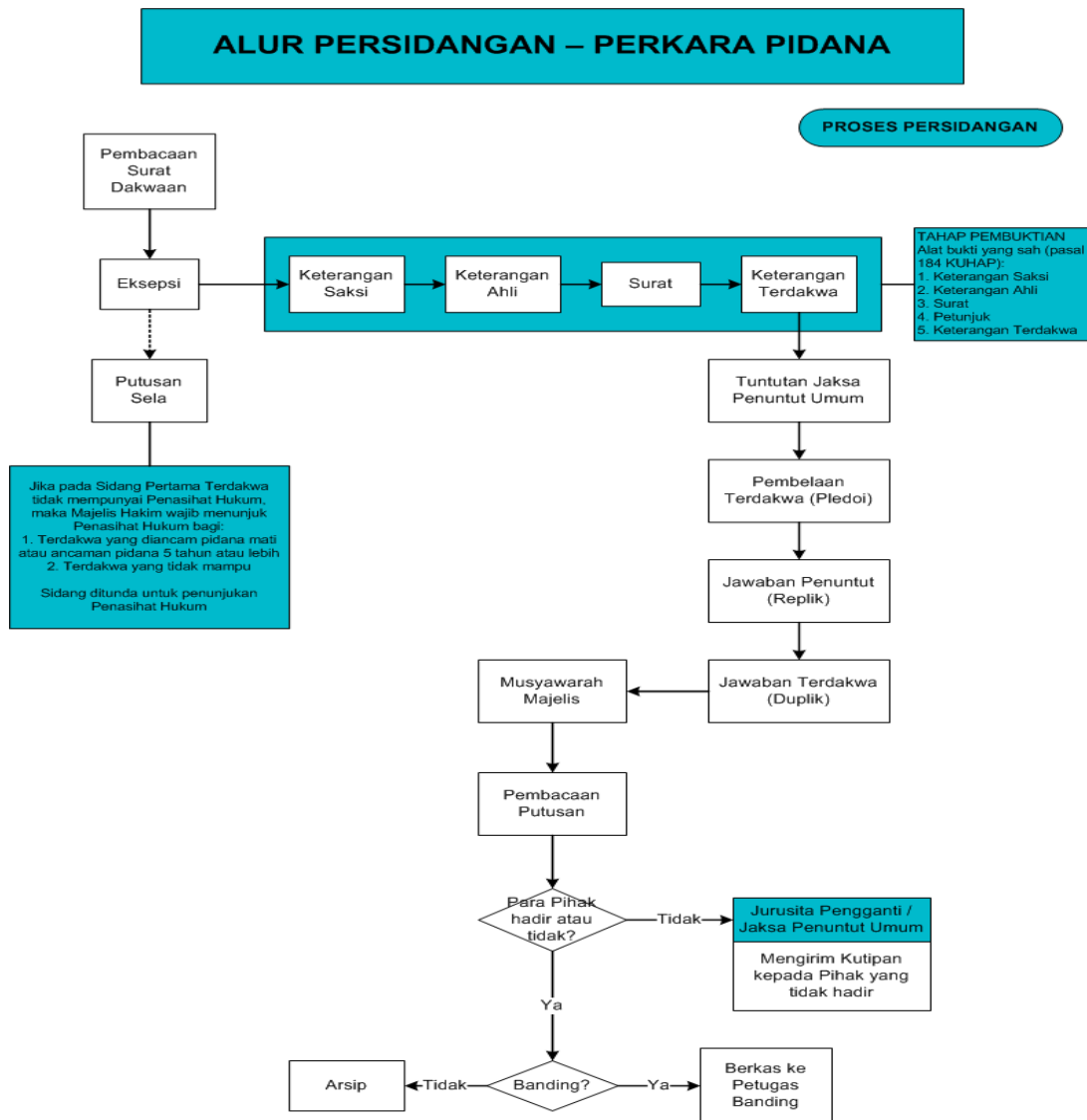
the Attorney General of the Republic of Indonesia No. 518/A/J.A/11/2001, dated November 1, 2001, which amends the Decree of the Attorney General of the Republic of Indonesia No. 132/JA/11/1994 concerning the Administration of Criminal Cases. These rules are procedural codes utilized in the management and resolution of criminal cases.

The details of the Case Form codes are as follows:

P-1	Report Receipt (Fixed)
P-2	Search Warrant
P-3	Research Articles
P-4	Request for Clarification
P-5	Research Results Report
P-6	Criminal Incident Report
P-7	Criminal Case Matrix
P-8	Investigation Warrant
P-8A	Investigation Activity Schedule Plan
P-9	Witness / Suspect Summons Letter
P-10	Expert Testimony Assistance
P-11	Witness/Expert Summoning Assistance
P-12	Investigation Development Report
P-13	Motion to Stop Investigation / Prosecution
P-14	Investigation Termination Order
P-15	Letter of Submission of Case File
P-16	Warrant for the Appointment of the Public Prosecutor to Follow the Progress of the Investigation of Criminal Cases

P-16A	Order for the Appointment of the Public Prosecutor for the Settlement of Criminal Cases
P-17	Request for Development of Research Results
P-18	Results of the investigation are not complete
P-19	Return of Items to Be Completed
P-20	Notice that the Investigation Time Has Expired
P-21	Notification that the Investigation Results are Complete
P-21A	Follow-up Notification of Investigation Results Is Complete
P-22	Submission of Suspects and Evidence
P-23	Follow-up Letter on the Submission of Suspects and Evidence
P-24	Opinion Minutes
P-25	Warrant to Complete Case File
P-26	Letter of Termination of Prosecution
P-27	Letter of Determination of Revocation of Termination of Prosecution
P-28	Case History
P-29	Indictment
P-30	Public Prosecutor's Notes
P-31	Letter of Transfer of Ordinary Examination Event Case (APB)
P-32	Letter of Transfer of Brief Examination Procedure (APS) Case to Adjudicate
P-33	Receipt of APB / APS Case Transfer Letter
P-34	Receipt of Evidence

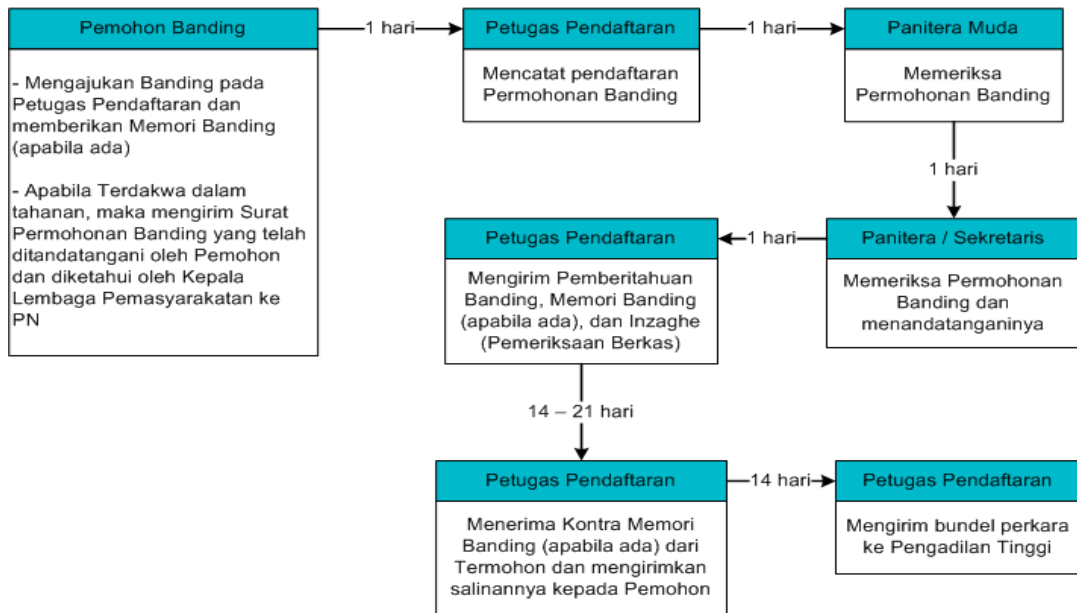
P-35	Conference Security Case Transfer Report
P-36	Conference Escort/Security Assistance Request
P-37	Summons Letter of Expert Witness / Defendant / Convicted
P-38	Assistance in Calling Witnesses/Suspects/Defendants
P-39	Report of the Outcome of the Trial
P-40	Public Prosecutor's Resistance to the Appointment of the Chairman of the District Court / Appointment of Judges
P-41	Criminal Prosecution Plan
P-42	Criminal Prosecution Plan
P-43	Criminal Charges Report
P-44	Public Prosecutor's Report Immediately after Verdict
P-45	Court Decision Report
P-46	Appeal Memory
P-47	Cassation Memory
P-48	Warrant for the Execution of Court Decision
P-49	Decree of Termination / Removal of Execution Authority
P-50	Motion for Cassation for Legal Interest
P-51	Conditional Criminal Notice
P-52	Notification of Implementation of Conditional Release
P-53	Criminal Case Card



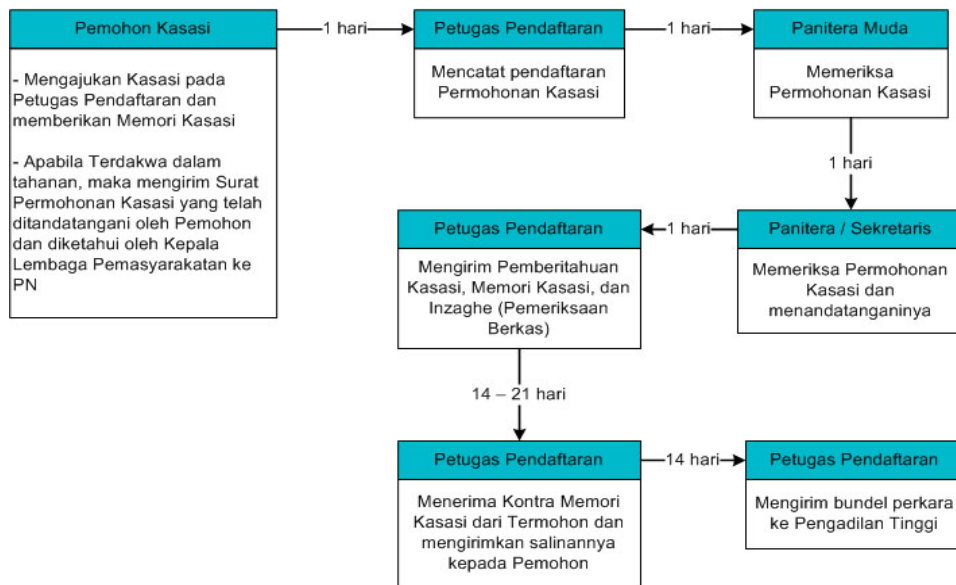
At the Trial Stage in Court:

1. Assessment. The judge will examine the facts and evidence presented by both parties.
2. Argument. The defendant, his attorney, and the prosecution will articulate their arguments prior to the trial.
3. Judgment. The judge will adjudicate the case and either punish or acquit the offender based on the relevant facts and law.

ALUR PENDAFTARAN BANDING – PERKARA PIDANA



ALUR PENDAFTARAN KASASI – PERKARA PIDANA



CONCLUSSION

In light of the discussion mentioned above, it can be concluded that this community service initiative is instrumental in familiarizing participants with the professional authority of law enforcement officials and the significance of comprehending criminal procedural law in practice to uphold justice and legal certainty within the judicial system. Consequently, it is recommended that efforts be made to enhance the competencies of police investigators, advocates, prosecutors, and judges to achieve equitable legal certainty for public order.

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