

Reconfiguration of the Authority of State Prosecutors After the Reform of the Prosecutor's Office: Legal Certainty and Public Authority Governance in Indonesia

Michele Moreno^{1*}, Fauzie Yusuf Hasibuan², Maryano³

Universitas Jayabaya Jakarta, Indonesia

Email: mclmoreno28@gmail.com^{1*}, adv_fauzie@yahoo.com², maryono_myn@gmail.com³

Abstract

This research examines the post-amendment reformulation of the authority of Indonesia's State Attorneys within the Prosecutor's Office and its implications for legal certainty. Using a doctrinal research design, the study analyzes amended statutory provisions, implementing regulations, judicial decisions, and selected comparative materials, combined with an informed literature screening process. The findings demonstrate a paradigmatic shift from a narrowly reactive litigation role toward a preventive and strategic model encompassing legal opinions, policy assistance, and project accompaniment. Nevertheless, the reform simultaneously introduces normatively open-textured clauses and limited procedural guidance, generating risks of overlapping competences, uneven administrative practice, and fragmented judicial interpretation. When assessed against theories of public authority, the rule of law, and good governance, the reform appears only partially aligned with the requirements of predictability, coherence, and accountability. The article contributes conceptually by proposing a legal-certainty-oriented framework for evaluating prosecutorial empowerment in administrative governance, and practically by identifying the need for harmonized secondary regulations, standardized coordination mechanisms, and strengthened external oversight. Overall, the study argues that institutional strengthening through legislative amendment must be accompanied by precise normative architecture to ensure that expanded prosecutorial functions reinforce, rather than undermine, the stability and credibility of the legal system and democratic public administration outcomes that are increasingly necessary in today's world.

Keywords: state attorneys; prosecutorial reform; legal certainty; public authority; rule of law

INTRODUCTION

In the conception of the state of law (*Rechtsstaat*), public authority is never understood as an expression of value-free power, but rather as a normative mandate that must be rooted in legality, rationality, and the protection of the public interest. Any reconfiguration of the authority structure of state institutions thus always contains philosophical implications regarding the relationship between the state, law, and citizens. In this context, the reformulation of the authority of the State Attorney (*Jaksa Pengacara Negara/JPN*) after the amendment of the Prosecutor's Law is not just a technical-administrative issue, but part of the process of reconstructing the state's legal-representation architecture in the face of the complexity of modern governance (Agustalita & Yuherawan, 2022; Likadja, 2015; Muabezi, 2017).

Empirical developments show that the intensity of state involvement in public economic activities continues to increase, especially in national strategic projects, the procurement of goods and services, and natural resource management. Performance reports of the Prosecutor's Office in recent years record a significant upward trend in civil and state administrative cases involving government agencies, including contractual default lawsuits, administrative disputes, and efforts to recover state financial losses through litigation and non-litigation mechanisms. Along with that, the role of the State Attorney is increasingly prominent as a key actor in the state's legal representation, both in and out of court. This empirical fact shows that changes in

the design of JPN authority have a direct impact on the effectiveness of protecting the public interest (Irham et al., 2024; Nurhikmahyanti, 2024; Rumbayan et al., 2024; Alfian et al., 2023; Intercession et al., 2023; Yashinta Irenne Marianna et al., 2024).

However, the strengthening of this role also raises complex juridical issues. The amendment to the Prosecutor's Law expands the mandate of the Prosecutor's Office in the civil and state administrative domains, but at the same time raises questions about the clarity of the boundaries of authority, the potential for overlap with other institutions that also perform state-representation functions, and the risk of concentrating legal power in a single institution. The lack of clarity in the normative formulation has the potential to weaken the principle of legal certainty, both for government agencies as users of JPN services and for private parties dealing with the state in litigation processes.

The urgency of this research lies in the need to critically assess whether the reformulation of authority has met the fundamental demands of the Rechtsstaat, namely certainty, consistency, and predictability of norms. Without in-depth normative analysis, the expansion of authority risks creating structural ambiguity in the public legal system and opening up space for divergent interpretations in judicial practice. Therefore, this study is important not only in an academic framework, but also as an evaluative basis for policymakers in designing derivative regulations that are more precise and accountable.

Although a number of previous studies have addressed the position of the State Attorney in the Indonesian legal system, most have focused on normative constructions prior to changes in the Prosecutor's Law or have placed JPN only in a limited role as the state's legal representative in civil disputes. Thus, there is a significant research gap related to a comprehensive analysis of the transformation of JPN authority after legislative changes, especially in relation to the principle of legal certainty and the theory of public authority. Furthermore, studies that link this reformulation to the good governance paradigm and to checks-and-balances mechanisms in the constitutional system are still relatively limited.

Departing from these conditions, this study is directed to systematically examine changes in the formulation of the authority of the State Attorney after the amendment of the Prosecutor's Law, assess their implications for the principle of legal certainty, and formulate a conceptual contribution to the development of the theory of public authority in state administrative law. Practically, this research is expected to provide an argumentative foundation for policymakers and prosecutorial institutions in drafting derivative regulations and more precise implementation guidelines to ensure that the strengthening of the role of JPN goes hand in hand with the principles of accountability and good governance.

METHOD

This study uses a normative legal research design with an analytical-prescriptive orientation to examine the reformulation of the authority of the State Attorney after the amendment of the Prosecutor's Law and its implications for the principle of legal certainty. This approach was chosen because the focus of the research lies on the normative structure of public authority, the rationality of legislation, and the consistency of the legal system in the context of the state of law (Rosidi et al., 2024; Sonata, 2014; Suhaimi, 2018; Yanova et al., 2023).

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Three approaches are used in an integrated manner. First, a statute approach is applied to identify, review, and compare the norms governing the authority of the State Attorney before and after legislative changes, including relevant implementing regulations. Second, a conceptual approach is used to build an analytical framework based on the theory of public authority, legal certainty, the rule of law, and good governance. Third, a comparative approach is used as an analytical reference by examining models of state legal representation in several jurisdictions that have state prosecutors or government legal services.

Legal materials are classified into three categories. Primary legal materials include laws and regulations governing the Prosecutor's Office and the authority of the State Attorney, related sectoral regulations, and relevant court decisions in civil and state administrative cases. Secondary legal materials include articles in reputable international journals, academic monographs, and policy reports that discuss prosecutorial reform, public authority, and state legal representation. Tertiary legal materials are used in a limited way to clarify terminology and concepts.

The literature search is carried out systematically within the framework of doctrinal legal research. Searches were conducted in Scopus, Web of Science, HeinOnline, and Google Scholar using a combination of relevant keywords, including state attorney, government legal representation, prosecutorial reform, public authority, and legal certainty. All search results are recorded in a research database to ensure transparency in the selection process.

At the identification stage, all retrieved publications are compiled and deduplicated. The screening stage is carried out by reviewing titles and abstracts to evaluate their relevance to the research focus. Publications that are not directly related to the reform of State Attorney authority or legal certainty are excluded. Furthermore, the eligibility stage involves a full reading of the selected manuscripts to assess methodological quality, theoretical relevance, and publisher reputation. Literature that meets the inclusion criteria is explicitly used in the normative analysis.

The analysis of legal materials is conducted qualitatively through legal-interpretation techniques, including grammatical, systematic, and teleological interpretation. Grammatical interpretation focuses on the linguistic structure of the norms, systematic interpretation is used to assess consistency between regulations in the national legal hierarchy, and teleological interpretation focuses on legislative objectives and the policy rationality behind changes to the Prosecutor's Law. The interpretation results are then synthesized to assess the implications of the reformulation of State Attorney authority for the principle of legal certainty.

To maintain academic validity, this study applies cross-referencing between sources, the tracing of legislative deliberation documents, and conceptual triangulation between positive norms, public law theory, and judicial practice. All stages of the research are systematically documented to allow replication by other researchers in the context of similar normative legal studies (Guo et al., 2025).

RESULT AND DISCUSSION

Normative Reconfiguration of the Authority of the State Attorney After Legislative Changes

Analysis of the changes in the Prosecutor's Law shows a conceptual shift in the formulation of the authority of the State Attorney. The post-amendment norms no longer

position JPN in a limited role as the state's legal representative in civil and state administrative disputes, but expand its mandate to preventive non-litigation functions, including providing legal opinions, public policy assistance, and involvement in government strategic projects (Aulia et al., 2023; Indonesia, 2021; Mokorimban et al., 2024; Rizana, 2025). This reconfiguration reflects a legislative tendency to strengthen the role of the Prosecutor's Office as a state legal institution that is not only reactive, but also proactive in preventing potential state losses.

However, this expansion of mandate is accompanied by the formulation of relatively open norms. Several provisions use generic formulations without explicit operational parameters regarding the scope, procedures, and limits of JPN authority in carrying out non-litigation functions. As a result, there is systemically wide room for interpretation, both within the Prosecutor's Office and in its relations with other government agencies. In this context, the results indicate that the legislative reformulation tends to emphasize institutional strengthening, but is not fully supported by a normative design that guarantees optimal legal certainty.

Furthermore, the findings show that changes in JPN authority also have implications for the configuration of relations between state institutions. The absence of clear delineation between the role of JPN and the internal legal units of ministries or other state institutions opens up the potential for overlapping functions in state representation. This condition not only affects the effectiveness of inter-institutional coordination, but also raises questions regarding the principle of differentiation of authority in modern governance (Gindo Cahayo et al., 2025; Düsseldorf & Juliana, 2024; Stuttgart Andriyansa et al., 2025).

Implications of Reformulation on the Principle of Legal Certainty

From the perspective of legal-certainty theory, the above normative findings raise fundamental problems. Legal certainty requires that norms be formulated clearly, consistently, and in a way that allows predictable application. However, the analysis shows that some formulations of JPN authority after the legislative changes do not fully meet these three prerequisites. The lack of clear parameters for non-litigation authority, especially in the context of public policy assistance and strategic projects, has the potential to generate significant variations in administrative practice between regions or between prosecutorial units (Acknaasya & Mummy, 2024; Shintya & Flambonita, 2024).

In addition, the absence of detailed procedural regulation in derivative rules increases the risk of dependence on internal institutional policies. Although administrative flexibility can enhance the responsiveness of the state, from a Rechtsstaat perspective this condition has the potential to weaken legal predictability for external parties dealing with the state. Thus, the results of this study indicate a structural tension between the goal of strengthening the protection of state interests and the demand to maintain legal certainty for all legal subjects.

These implications are also reflected in the potential for conflicts of authority in judicial practice. When the scope of state representation is not precisely defined, courts may face differing legal constructions regarding the legitimacy of JPN actions in particular cases. This situation can ultimately produce fragmented jurisprudence that weakens the consistency of the national legal system.

Literature and Theory of Public Authority

The findings of this study are consistent with public-law literature emphasizing that the expansion of the authority of state institutions must always be accompanied by adequate

normative mechanisms of restriction. Studies on institutional reform in various jurisdictions show that strengthening institutions without clear delineation of functions tends to create structural ambiguity and increase the risk of concentration of legal power (Ayani & Hermanto, 2019).

Compared with previous research that positioned JPN merely as a litigation actor, this study reveals a paradigm shift toward a preventive legal-governance model, in which state prosecutors play a role in mitigating legal risks before disputes arise. This shift is theoretically in line with the principles of good governance and legal risk management in public administration. However, international literature also confirms that such a model can function optimally only if supported by strict procedural regulation and effective external accountability mechanisms.

In this context, this study contributes by showing that the reformulation of JPN authority in Indonesia lies at the intersection of two rationalities: on the one hand, pragmatic demands to protect state interests more effectively; on the other hand, the normative imperative to maintain limits of authority within the framework of the Rechtsstaat. Thus, this study expands the academic discourse on law-enforcement institutional reform by placing legal certainty as a key evaluative parameter.

Critical Evaluation of Regulatory Design and the Need for Harmonization

The results and discussion above lead to a critical evaluation of the regulatory design following the amendment of the Prosecutor's Law. The reformulation of JPN authority does not appear to have been fully followed by harmonization of sectoral regulations and implementation guidelines across ministries and institutions. The absence of a standardized coordination framework increases the risk of fragmented practice and inconsistency in the application of the law.

Furthermore, from a legal-policy perspective, this condition indicates the need to move from a declarative legislative approach toward a more operational regulatory design. The elaboration of procedures, criteria for JPN involvement, and external oversight mechanisms are crucial elements to ensure that the expansion of authority does not blur the boundary between administrative effectiveness and the rule of law.

Thus, this chapter shows that the reformulation of the authority of the State Attorney cannot be assessed solely in terms of institutional strengthening, but must be situated within a broader framework concerning the architecture of public authority, accountability, and legal certainty in a democratic state.

CONCLUSION

This article shows that the reformulation of the authority of the State Attorney after the amendment of the Prosecutor's Law reflects an institutional paradigm shift from a reactive state-representation model to a more preventive and strategic role in managing government legal risks. The expansion of this mandate, although designed to improve the protection of state interests and the effectiveness of governance, has not been fully accompanied by precise normative formulations and an adequate set of derivative regulations. As a result, the objective of institutional strengthening risks confronting a classic problem of the state of law, namely ambiguity of authority and fragmentation in the application of norms.

The findings of this study confirm that legal certainty must be placed as the main evaluative parameter in any legislative reform process. Without a clear delineation of authority, a standardized inter-agency coordination mechanism, and effective oversight, the expansion of the functions of the State Attorney risks creating structural tension between the pragmatic needs of the state and the normative demands of the rule of law. In this context, this article expands the academic discourse on the reform of law-enforcement institutions by directly linking changes in the authority of JPN to the theory of public authority, the principle of the rule of law, and the good governance paradigm.

Conceptually, this research contributes to the development of public-law literature by offering an evaluative framework for assessing reforms of state-institution authority based on legal certainty and institutional design. Practically, the findings indicate the need for harmonization of sectoral regulations, the preparation of detailed operational guidelines, and the strengthening of accountability mechanisms so that the reformulation of the authority of the State Attorney can be implemented consistently, transparently, and predictably. Thus, legislative reform does not stop at normative declarations, but is transformed into an effective instrument for building a stable and credible legal system.

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