

**EKSISTENSI *SINGLE PROSECUTION SYSTEM* (SISTEM PENUNTUTAN TUNGGAL) TERHADAP KEWENANGAN JAKSA DALAM PENUNTUTAN ANTARA JAKSA KPK DENGAN KEJAKSAAN REPUBLIK INDONESIA**

**TESIS**

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## **ABSTRAK**

Eksistensi prinsip *single prosecution system* dalam sistem peradilan pidana di Indonesia menjadi pertanyaan setelah lahirnya KPK. Prinsip tersebut memberi manfaat dan pengertian bahwa jaksa dalam sistem peradilan pidana Indonesia terorganisir dalam lembaga negara yang dinamakan Kejaksaan Republik Indonesia. Kejaksaan Republik Indonesia di pimpin oleh Jaksa Agung. Jaksa Agung adalah pejabat tinggi hukum dan bertindak sebagai pengawal kepentingan publik. Kewenangan Jaksa Agung tersebut di laksanakan dengan prinsip Kejaksaan sebagai sebuah kesatuan dan tidak terpisahkan. Di sisi lain, KPK juga melaksanakan fungsi penuntutan dan eksekusi perkara korupsi yang justru berdiri sendiri di luar kewenangan Jaksa Agung. Sehingga masalah yang muncul adalah di mana prinsip *single prosecution system* dalam kejaksaan tidak berjalan sebagaimana mestinya. Permasalahan dalam tesis ini adalah, 1. Bagaimanakah eksistensi *single prosecution system* (system penuntutan tunggal) antara Jaksa KPK dengan Kejaksaan RI, 2. Bagaimana koordinasi terhadap kewenangan penuntutan antara Jaksa KPK dengan Kejaksaan RI, dan 3. Bagaimana tugas dan kewenangan Jaksa yang diperbantukan di KPK. Metode penelitian menggunakan metode yuridis normative dan dengan pendekatan perundang-undangan (*statute approach*). Hasil penelitian memperlihatkan bahwa, 1. Eksistensi prinsip *single prosecution system* di Indonesia terbagi menjadi dua yang terletak di Kejaksaan RI dan juga KPK, 2. Belum terdapat kejelasan aturan terkait koordinasi perihal penuntutan antara KPK dengan Kejaksaan RI, 3. Belum terdapat kejelasan terkait Jaksa yang diperbantukan di KPK perihal kedudukannya, sementara tugas dan kewenangannya masih selaku penuntut umum. Untuk perbaikan perihal eksistensi prinsip *single prosecution system* perlu dievaluasi kembali dan diperkuat.

**Kata kunci:** Eksistensi, *Single Prosecution System*, Kejaksaan, Komisi Pemberantasan Korupsi (KPK).

**THE EXISTENCE OF A SINGLE PROSECUTION SYSTEM (SINGLE PROSECUTION SYSTEM) ON THE AUTHORITY OF THE PROSECUTORS IN PROSECUTION BETWEEN THE PROSECUTORS OF THE KPK AND THE PROSECUTORS OF THE REPUBLIC OF INDONESIA**

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**ABSTRACT**

The existence of the principle of a single prosecution system in the criminal justice system in Indonesia became a question after the birth of the CEC. This principle provides benefits and understanding that prosecutors in the Indonesian criminal justice system are organized in a state institution called the Prosecutor's Office of the Republic of Indonesia. The Attorney General's Office of the Republic of Indonesia is led by the Attorney General. The Attorney General is a top legal official and acts as a guardian of the public interest. The Attorney General's authority is carried out with the principle of the Prosecutor's Office as a unit and inseparable. On the other hand, the CEC also carries out the function of prosecuting and executing corruption cases which are independent of the Attorney General's authority. The problem that arises is where the principle of the single prosecution system in the prosecutor's office does not work as it should. The problems in this thesis are, 1. How is the existence of a single prosecution system between the CEC Prosecutors and the Indonesian Attorney General's Office, 2. How is the coordination of the prosecution authority between the CEC Prosecutors and the Indonesian Attorney General's Office, and 3. What are the duties and authorities of the Prosecutors who are seconded in this thesis? CEC. The research method uses a normative juridical method and a statutory approach. The results of the study show that, 1. The existence of the principle of a single prosecution system in Indonesia is divided into two, which are located in the Indonesian Attorney General's Office and also the CEC, 2. There is no clear regulation regarding the coordination of prosecution between the CEC and the Indonesian Attorney General's Office, 3. There is no clarity regarding the Prosecutor who seconded at the CEC regarding his position, while his duties and authorities are still as public prosecutors. For improvements regarding the existence of the principle of a single prosecution system, it needs to be re-evaluated and strengthened.

**Keywords: Existence, Single Prosecution System, Attorney General's Office, Corruption Eradication Commission.**