

THE ESSENCE OF PROSECUTOR'S AUTHORITY IN THE EXECUTION OF CRIMINAL JUDGMENTS WITHIN THE JURISDICTION OF THE SOUTH SULAWESI HIGH PROSECUTOR'S OFFICE

A ESSÊNCIA DA AUTORIDADE DO MINISTÉRIO PÚBLICO NA EXECUÇÃO DE SENTENÇAS CRIMINAIS NA JURISDIÇÃO DO MINISTÉRIO PÚBLICO DA PROVÍNCIA DE SULAWESI DO SUL

Article received on: 8/29/2025

Article accepted on: 11/28/2025

Sigid Triyono*

*Faculty of Law, Universitas Muslim Indonesia, Sulawesi Selatan, Indonesia
sigitriyono7@gmail.com

Sufirman Rahman*

*Faculty of Law, Universitas Muslim Indonesia, Sulawesi Selatan, Indonesia
sufirman.rahman@umi.ac.id

Sufirman Rahman*

*Faculty of Law, Universitas Muslim Indonesia, Sulawesi Selatan, Indonesia
sufirman.rahman@umi.ac.id

Askari Razak*

*Faculty of Law, Universitas Muslim Indonesia, Sulawesi Selatan, Indonesia
askari.razak@umi.ac.id

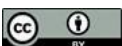
The authors declare that there is no conflict of interest

Abstract

This study aims to analyze the scope and essence of prosecutorial authority in executing criminal judgments, assess the implementation of such executions by prosecution offices in South Sulawesi Province, and evaluate the factors influencing their effectiveness. Using an empirical legal research approach supported by philosophical, theoretical, and dogmatic perspectives, the study provides a comprehensive understanding of prosecutorial authority in law enforcement. The findings reveal that, the core of prosecutorial authority in executing criminal judgments is the exercise of law enforcement power to ensure legal certainty and uphold justice through the enforcement of final court decisions. This authority represents the state's legitimacy in achieving justice, utility, and public order. Among these, the most decisive are the legal substance and legal structure, as they directly determine the clarity of authority and the efficiency of law enforcement mechanisms. The study recommends revising regulations governing the execution of subsidiary criminal sanctions to prioritize fine payments, thereby reducing the state's financial burden. It also calls for clearer provisions to address procedural gaps

Resumo

Este estudo tem como objetivo analisar o âmbito e a essência da autoridade do Ministério Público na execução de sentenças penais, avaliar a implementação dessas execuções pelos ministérios públicos na província de Sulawesi do Sul e avaliar os fatores que influenciam a sua eficácia. Utilizando uma abordagem de pesquisa jurídica empírica apoiada por perspectivas filosóficas, teóricas e dogmáticas, o estudo fornece uma compreensão abrangente da autoridade do Ministério Público na aplicação da lei. Os resultados revelam que o cerne da autoridade do Ministério Público na execução de sentenças penais é o exercício do poder de aplicação da lei para garantir a segurança jurídica e defender a justiça por meio da execução das decisões judiciais definitivas. Essa autoridade representa a legitimidade do Estado na busca pela justiça, utilidade e ordem pública. Entre esses fatores, os mais decisivos são a substância jurídica e a estrutura jurídica, pois determinam diretamente a clareza da autoridade e a eficiência dos mecanismos de aplicação da lei. O estudo recomenda a revisão dos regulamentos que regem a execução de sanções penais subsidiárias para priorizar o



in summoning convicts after their detention period expires. Furthermore, stronger inter-agency coordination, improved facilities, and enhanced legal education are needed to foster awareness and compliance among convicts and the public. Lastly, the establishment of an independent external supervisory body is proposed to strengthen accountability and complement the internal oversight of the Prosecutorial Commission.

Keywords: Jurisdiction. Execution. Essence. Prosecutor. Authority. Criminal Judgment. South Sulawesi.

pagamento de multas, reduzindo assim o ônus financeiro do Estado. Também apela a disposições mais claras para colmatar lacunas processuais na convocação de condenados após o término do seu período de detenção. Além disso, é necessária uma coordenação interinstitucional mais forte, melhores instalações e uma educação jurídica reforçada para promover a sensibilização e o cumprimento entre os condenados e o público. Por último, propõe-se a criação de um órgão de supervisão externo independente para reforçar a responsabilização e complementar a supervisão interna da Comissão do Ministério Público.

Palavras-chave: *Jurisdição. Execução. Essência. Procurador. Autoridade. Sentença penal. Sulawesi do Sul.*

1 INTRODUCTION

Criminal law enforcement represents the function of the state in ensuring order, justice, and the protection of human rights. Within the integrated criminal justice system, prosecutors serve not only as public prosecutors but also as executors of court decisions that have obtained permanent legal force (*inkracht van gewijsde*). This authority is constitutional in nature and serves as a primary instrument to realize the values of justice, legal certainty, and legal utility. Philosophically, the execution of criminal judgments represents the concrete manifestation of law that extends beyond written norms and is realized within social reality. The prosecutor ensures that court decisions produce tangible legal and social effects. Juridically, prosecutorial authority is regulated in Article 30 paragraphs (1) and (2) of Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia and Article 270 of the Criminal Procedure Code (KUHAP), which stipulate that the execution of court decisions is carried out by prosecutors after receiving an official copy from the court clerk. However, in practice, within the jurisdiction of the South Sulawesi High Prosecutor's Office, execution often faces various obstacles such as delays, low payment rates of fines and compensation, and the tendency of convicts to choose imprisonment instead. Empirical data reveal that many special criminal cases have not been executed effectively, with unpaid compensation reaching hundreds of billions of rupiah. Other challenges include weak inter-agency coordination, limited resources, and ineffective internal oversight. Therefore, strengthening legal regulations, prioritizing fine

execution, and establishing an independent external supervisory body are necessary to ensure transparency and accountability. This study emphasizes that prosecutorial authority in criminal execution is not merely administrative but constitutes an essential part of law enforcement to realize justice and legal certainty in society.

In the context of modern law enforcement, the execution of criminal judgments by prosecutors must also reflect the principles of good governance and due process of law. Prosecutorial authority carries not only technical but also moral and social responsibility to ensure that substantive justice is achieved. Therefore, prosecutors must act professionally, transparently, and avoid any form of abuse of power in carrying out executions.

Furthermore, the effectiveness of criminal execution largely depends on synergy between the Prosecutor's Office, Police, Courts, and Correctional Institutions. Cross-institutional collaboration is essential to ensure an efficient process and prevent impunity for offenders. Public and media oversight also play a vital role in maintaining transparency, especially in cases of public concern such as corruption.

From a restorative justice perspective, execution by prosecutors should not merely focus on punishment but also on restoring state financial losses, victims' rights, and social order. Thus, prosecutorial orientation must balance repressive and rehabilitative aspects, aligning with the direction of national criminal law reform that emphasizes utility and justice.

Therefore, strengthening institutional capacity, implementing digital execution information systems, and developing professional and ethical human resources are strategic steps to improve the quality of criminal execution in Indonesia. Prosecutorial authority in executing court decisions thus represents not only a juridical duty but also a constitutional mandate to uphold the rule of law and maintain public trust in the criminal justice system.

In the context of national legal reform, enhancing the prosecutorial role in criminal execution should be integrated with the principles of restorative justice and public accountability. Institutional reform must aim to establish a more professional, transparent, and technology-based execution system. The digitalization of case administration and execution reporting will minimize irregularities, improve efficiency, and ensure public access to information and supervision.

Moreover, stronger coordination between the Prosecutor's Office, Police, and Correctional Institutions is crucial to ensure the successful execution of court rulings. Integrated and data-driven inter-agency mechanisms should be developed to prevent procedural and administrative barriers. Equally important is continuous education and training to enhance prosecutors' integrity, ethics, and professionalism.

From a sociological perspective, successful criminal execution also depends on public support and understanding that executions are part of justice enforcement. Therefore, legal education and social outreach are essential to foster higher legal awareness.

In conclusion, the execution of criminal judgments by prosecutors is not merely an administrative task but a concrete manifestation of the supremacy of law. Through regulatory reform, improved coordination, and independent supervision, prosecutorial authority in criminal execution can become an effective instrument for upholding justice, legal certainty, and legal utility in Indonesia—particularly within the jurisdiction of the South Sulawesi High Prosecutor's Office.

2 THEORETICAL FRAMEWORK

The theoretical framework of this study is grounded in three interconnected perspectives—philosophy of law, legal theory, and legal dogmatics—which together explain the essence of prosecutorial authority in executing criminal judgments. Philosophically, this authority embodies the realization of justice, legal certainty, and utility as articulated by Radbruch's triad of legal values, transforming abstract legal norms into tangible justice within society. Theoretically, following Lawrence M. Friedman's legal system theory, prosecutorial authority functions effectively when supported by coherent legal substance, a strong institutional structure, and a legal culture that upholds professionalism and integrity. Dogmatically, this authority is explicitly regulated in Article 30 paragraphs (1) and (2) of Law No. 16 of 2004 and Article 270 of the Criminal Procedure Code (KUHAP), establishing the prosecutor as the lawful executor of final and binding court decisions. Integrating these perspectives, the framework views prosecutorial authority not merely as an administrative function but as a constitutional mandate that reflects the harmony between law, justice, and societal order in the pursuit of an effective and credible criminal justice system.

3 RESULT AND DISCUSSION

3.1 The essence of prosecutorial authority in the execution of criminal judgments

The essence of prosecutorial authority in the execution of criminal judgments lies at the heart of the justice system, serving as a bridge between judicial decisions and their material enforcement in society. This authority reflects not only the legal mandate vested in prosecutors but also the moral and philosophical responsibility to uphold justice, ensure the rule of law, and protect public order. The present research, which combines normative and empirical approaches, seeks to uncover the deeper meaning of this prosecutorial function. The normative aspect draws from statutory frameworks, legal doctrines, and academic interpretations that define the prosecutor's role as the state's representative in carrying out judicial verdicts, while the empirical aspect explores how these principles are implemented in practice through the operations of the South Sulawesi High Prosecutor's Office. Through this integration, the research underscores that prosecutorial authority is not merely a technical or administrative duty but an embodiment of justice values that demand fairness, integrity, and proportionality in execution.

From a philosophical standpoint, the study emphasizes that the prosecutorial execution of criminal judgments must balance three essential legal values: justice as a moral imperative ensuring that punishment aligns with culpability; legal certainty as a guarantee that judicial decisions are executed according to established procedures; and utility as the pursuit of societal welfare and deterrence against future crimes. Moreover, the authority to execute criminal judgments represents the culmination of the criminal justice process, marking the state's final act in ensuring accountability and restoring social balance. The prosecutor's role as executor thus embodies the unity of legal theory and practice, translating abstract judicial rulings into concrete actions that affect individuals and society. This balance between philosophical ideals and practical enforcement reinforces the prosecutor's function as both a guardian of justice and a stabilizing agent within the legal system. Therefore, understanding the essence of this authority requires recognizing its multidimensional nature—legal, ethical, and sociological—where the prosecutor not only enforces the law but also sustains public trust in the justice system as an instrument of fairness and order.

Building upon this foundation, the essence of prosecutorial authority in executing

criminal judgments must also be viewed as a vital instrument for realizing the rule of law (rechtstaat) within a democratic legal framework. The prosecutor, as the executor of court decisions, holds a strategic position in ensuring that judicial rulings are not merely symbolic but effectively implemented to achieve justice. This responsibility extends beyond administrative compliance—it represents the state's moral and constitutional duty to guarantee that every court decision carries binding power and produces tangible legal consequences. Without effective prosecutorial execution, judicial verdicts risk losing their authority and undermining public confidence in the justice system. Therefore, the prosecutor's authority serves as the final safeguard that ensures the supremacy of law and the integrity of judicial institutions.

Furthermore, this authority encompasses a balance between coercive power and ethical responsibility. While prosecutors are empowered to use state coercion to enforce criminal sanctions, such power must be exercised within the boundaries of legality, proportionality, and respect for human rights. This dual aspect of authority demands that prosecutors act not only as law enforcers but also as moral agents who prioritize fairness and humanity in every action. In this sense, the prosecutor's execution of criminal judgments is not an act of vengeance but a rational and just enforcement aimed at restoring social harmony and preventing future transgressions.

The research thus highlights that prosecutorial authority must continuously evolve alongside societal changes and legal developments. In the context of the South Sulawesi High Prosecutor's Office, the exercise of this authority reflects both institutional discipline and adaptive governance in implementing justice. It also reveals the dynamic relationship between legal norms and social realities, where the prosecutor's actions serve as a tangible expression of the state's commitment to justice. Ultimately, the essence of prosecutorial authority in executing criminal judgments lies in harmonizing law, morality, and social order—ensuring that every decision enforced by the prosecutor not only fulfills procedural legality but also embodies the substantive values of justice, certainty, and benefit for the people.

In addition, the execution of criminal judgments by prosecutors represents the final stage in the criminal justice process, which determines the effectiveness and credibility of the entire judicial system. A court decision, regardless of how fair or well-reasoned it may be, will lose its meaning if not properly executed. Therefore, the prosecutor's authority functions as a bridge between judicial determination and its practical realization, ensuring that justice is not only pronounced but also materially achieved. This stage reflects the concrete manifestation of state sovereignty in upholding law and order, where prosecutors act as the embodiment of the state's coercive power to implement binding legal decisions. Moreover, the exercise of prosecutorial authority is closely linked to the principle of accountability and transparency in law enforcement. The process of execution must be guided by clear procedures, objective considerations, and adherence to the rights of both victims and offenders. This principle ensures that prosecutorial actions remain within the limits of fairness and proportionality, avoiding any potential misuse of power. In this context, prosecutors are required to maintain professional integrity, uphold ethical standards, and ensure that the implementation of criminal judgments aligns with the broader goals of justice and social harmony. From a philosophical standpoint, the essence of this authority also embodies the integration of retributive and restorative justice. While the prosecutor enforces punishment as a deterrent and retributive measure, the ultimate goal of execution extends to restoring public confidence and rehabilitating social balance disrupted by criminal acts. Thus, the prosecutorial function in execution does not merely serve as an administrative formality but as a transformative process that reinforces moral order and societal peace. Consequently, the authority of prosecutors in executing criminal judgments within the jurisdiction of the South Sulawesi High Prosecutor's Office illustrates how law operates as a dynamic system that combines normative legitimacy with practical effectiveness. Through this authority, prosecutors become key actors in ensuring that the values of justice, legal certainty, and public welfare are not only upheld but also experienced by society as tangible realities of a fair and functioning legal order.

4 CONCLUSION

The essence of the prosecutor's authority in executing criminal court decisions is a manifestation of law enforcement authority that upholds the value of legal certainty, which

is implemented through the execution of court decisions that have permanent legal force. This authority is a strong basis for legitimacy in realizing the values of justice, certainty, and benefit, as well as maintaining security and public order.

REFERENCES

- Achmad Ali (2009) – Menguak Teori Hukum dan Teori Peradilan → dasar teori penemuan hukum dan interpretasi undang-undang.
- Adami Chazawi (2002) – Pelajaran Hukum Pidana → asas dan unsur tindak pidana.
- Andi Hamzah (1986, 2014) – Sistem Pidana dan Hukum Acara Pidana Indonesia → konsep pidana dan sistem pemidanaan nasional.
- Arief Sidharta (2009) – Pengantar Ilmu Hukum → konsep epistemologi hukum dan peran logika hukum.
- Bagir Manan (2006, 2014) – Wajah Hukum di Era Reformasi; Hakim dan Pemidanaan → independensi hakim dan prinsip kemerdekaan kekuasaan kehakiman.
- Bagong Suyanto & M. Khusna Amal (2010) – Anatomi dan Perkembangan Ilmu Sosial → konteks sosial penegakan hukum.
- Barda Nawawi Arief & Muladi (1984–2005) – Teori dan Kebijakan Pidana → konsep keadilan dalam kebijakan kriminal dan sistem pemidanaan.
- Dudu Duswara Machmudin (2006) – Peranan Keyakinan Hakim dalam Memutus Perkara → konsep keyakinan hakim sebagai dasar pembuktian.
- Eddy O.S. Hiariej (2014) – Prinsip-Prinsip Hukum Pidana → pembaruan asas dan interpretasi dalam hukum pidana modern.
- Evi Hartanti (2006) – Tindak Pidana Korupsi → hukum materiil dan pembuktian dalam perkara korupsi.
- France M. Wantu (2007) – Anatomi Dalam Penegakan Hukum Oleh Hakim → dimensi etis dan moralitas hakim.
- George Ritzer & Douglas Goodman (2004) – Teori Sosiologi Modern → relevan untuk memahami perilaku hukum masyarakat.
- Hans Kelsen (melalui Ashidiqqie & Safa'at, 2012) – Teori Hukum Murni → teori normatif dan hierarki norma hukum.
- Hatta Ali (2012) – Peradilan Sederhana, Cepat dan Biaya Ringan → asas efisiensi dan akses keadilan.
- John Rawls (1981) – A Theory of Justice → prinsip keadilan distributif dan proporsionalitas.

- Johnny Ibrahim (2006) – Teori dan Metodologi Penelitian Hukum Normatif → langkah-langkah penelitian doktrinal.
- Lexy Moleong (2007) – Metodologi Penelitian Kualitatif → panduan analisis deskriptif kualitatif dalam konteks hukum.
- Lili Rasjidi & Ira Thania (2012) – Pengantar Filsafat Hukum → hubungan hukum, moral, dan keadilan.
- Lilik Mulyadi (2007) – Hukum Acara Pidana: Normatif, Teoritis, dan Praktik → panduan praktik yudisial dan asas fair trial.
- M. Yahya Harahap (2003, 2016) – Pembahasan Permasalahan dan Penerapan KUHAP → referensi utama dalam hukum acara pidana.
- Moeljatno (2002) – Asas-asas Hukum Pidana → dasar legalitas dan kesalahan dalam hukum pidana Indonesia.
- Muhammad Taufiq (2014) – Keadilan Substansial → penerapan keadilan substantif dalam sistem hukum nasional.
- Nurul Qamar dkk. (2017) – Metode Penelitian Hukum → pendekatan multidisipliner dalam penelitian hukum.
- Peter Mahmud Marzuki (2008) – Penelitian Hukum → dasar sistematis penelitian hukum normatif-analitis.
- Ranto Sabungan Silalahi (2014) – Penemuan Hukum oleh Mahkamah Konstitusi → yurisprudensi dan inovasi hukum dalam praktik peradilan konstitusi.
- Razak Pellu (2015) – Ex Officio dan Keberanian Hakim Mengambil Keputusan → peran aktif hakim dalam menegakkan keadilan substantif.
- Rommelink, Jan (2003) – Hukum Pidana → analisis sistem hukum pidana Belanda dan relevansinya bagi Indonesia.
- Roscoe Pound (1978, 1952) – An Introduction to the Philosophy of Law → pandangan sosiologis terhadap hukum sebagai alat rekayasa sosial.
- Satjipto Rahardjo (2000, 2010) – Ilmu Hukum dan Hukum Progresif → dasar teori hukum progresif dan keadilan substantif.
- Selo Soemardjan (2009) – Perubahan Sosial → relasi antara perubahan sosial dan adaptasi hukum.
- Soerjono Soekanto (1986, 1989) – Pengantar Penelitian Hukum dan Sosiologi Hukum → metodologi penelitian hukum normatif dan empiris.
- Soetandyo Wignjosoebroto (2002) – Hukum: Paradigma, Metode dan Dinamika Masalahnya → pendekatan kritis terhadap hukum dan metodologi penelitian hukum.

Sudarto (1981) – Kapita Selektta Hukum Pidana → prinsip tanggung jawab pidana dan kebijakan kriminal.

Syahrudin Nawi (2021) – Penelitian Hukum Normatif vs Empiris → komparasi metodologis dua pendekatan hukum.

2. Hukum Pidana dan Pemidanaan

Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

How to cite this article (APA)

Triyono, S., Rahman, S., Rahman, S., & Razak, A. THE ESSENCE OF PROSECUTOR'S AUTHORITY IN THE EXECUTION OF CRIMINAL JUDGMENTS WITHIN THE JURISDICTION OF THE SOUTH SULAWESI HIGH PROSECUTOR'S OFFICE. *Veredas Do Direito*, e233503.

<https://doi.org/10.18623/rvd.v23.n3.3503>