

## Elimination of Prosecutor's Authority to Submit Judicial Review (PK)

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**Abstract.** The right to justice, and human rights more generally, requires the filing of a judicial review (PK) in Indonesia. A judicial review (PK) can be requested by an individual who believes that his rights have been infringed or that the court's judgment is incorrect. The cassation decision can be challenged in court by either the convicted person or the prosecution if they believe it violates basic principles of fairness and legal certainty. However, the Constitutional Court can in its decision revoke the prosecutor's authority to submit a judicial review (PK) because it is considered contrary to human rights, especially in terms of recognition, guarantees, protection and fair legal certainty and equal treatment before the law. This study used a qualitative research method with a statutory and literature approach. The results of the study stated that it was very important for the prosecutor to have the right to submit a judicial review (PK)

on the cassation decision of the Supreme Court which was deemed not to have fulfilled legal certainty and justice for the victim and the state. If this is omitted, it will cripple law enforcement. The reason for submission, guarantee, protection and legal certainty for the convict cannot be fully recognized, because there are still rights to guarantee, protection and legal certainty for the victim and the people of Indonesia which must also be maintained and respected.

**Kata Kunci:**

Prosecutor; Judicial Review; Deletion.

## Introduction

A person who has been found guilty by a court has a number of legal options available to them, one of which is the submission of a PK or resubmission of their case. It is possible to make PK submissions with the objective of gaining better justice or of improving court decisions that have already been handed down in the past. Within the framework of the Indonesian legal system, the submission of a PK is a crucial step in the defense of human rights, most notably the right to justice. If a person believes that his legal rights have been infringed upon or that the judgment made by the court was incorrect, then he has the ability to file a PK to have the decision overturned. In addition, submitting a PK can reduce the risk of legal mistakes being made during the proceeding before the judge. By using the PK submission method, the court is able to conduct a review of decisions that have been made in the past and make adjustments to decisions that were made incorrectly.<sup>1</sup>

The justice system in Indonesia is not flawless, and there are instances in which the judgements that are handed down by the courts are not equitable. In situations like this one, submitting a PK to the court might be one way for an individual to fight for justice and reverse unfair choices. As a result of this, PK submissions are also very crucial to the process of ensuring justice within the court system. Decisions made during the judicial process are required to be objective, fair, and founded on the facts and evidence presented. It is possible that the PK filing will be an option to fix the erroneous decision if it is determined that the decision in question was unfair. As a result, PK submissions play an extremely significant part in the Indonesian court system. This is due to the fact that

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<sup>1</sup> Nugraha, A. (2020). "Pengajuan Kembali dalam Upaya Menciptakan Keadilan dan Kepastian Hukum". *Jurnal Hukum dan Pembangunan*, 50(2), 130-142.

they can protect human rights, stop legal mistakes, rectify unfair verdicts, and ensure fairness within the justice system.<sup>2</sup>

Someone who is involved in a judicial proceeding and who has been declared guilty by a court is eligible to make a submission of PK or a resubmission of their PK. Article 263 of the Criminal Procedure Code (KUHP) is where the rules governing PK submissions can be found in the Indonesian legal system. In accordance with the provisions of Article 263 of the Criminal Procedure Code, PK submissions may be made by the convicted individual, his attorney, or, in the event that the individual has passed away, by his heirs. There are new facts that have not been discovered or known during the trial; there is an error in the application of the law that results in an unfair decision; there is a new criminal act committed by another person related to the case that is being tried; there is a court decision that is contrary to law or a previous court decision. These are some of the reasons that can be submitted when filing a PK motion. In the event that an error or injustice occurred throughout the course of the legal procedure, the convict has the ability to correct a previous court judgment by submitting a PK to the court in question. This is a right that is granted by the law to a convicted person so that they can fight for justice and reverse unfair choices.

It is also possible for the prosecutor to carry out the process of PK submission or resubmission. According to the third paragraph of Article 263 of the Criminal Procedure Code (KUHP), the prosecutor is allowed to file a PK when there are newly discovered facts that have the potential to alter a court judgment that is in effect permanently. In addition, the third paragraph of Article 253 of the Criminal Procedure Code grants the prosecutor the authority to conduct a review (PK)

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<sup>2</sup> Lestari, P., & Al-Fatah, A. (2018). "Analisis Putusan Pengadilan Tinggi tentang Pengajuan Kembali dalam Rangka Mewujudkan Keadilan dan Kepastian Hukum". *Jurnal Ilmu Hukum*, 11(2), 197-214.

of an acquittal that has attained permanent legal force. This authority is granted if, after the acquittal, there are sufficient new facts that are supported by valid evidence and have sufficient legal force. In this instance, the purpose of the prosecutor's filing of a PK is to enhance the decision that has already been rendered by the court so that it is more just and in compliance with the applicable legal standards. However, in order to be accepted by the judge, PK arguments made by the prosecution need to be based on true facts and evidence, as well as fulfill the conditions outlined in the Criminal Procedure Code. As a representative of the public interest, the prosecutor is tasked with ensuring that the conclusions reached by the courts are accurate and impartial in order to bring about justice for society and the state.<sup>3</sup>

Following the release of a Constitutional Court decision revoking the Prosecutor's authority to submit a Judicial Review in a Supreme Court-decided legal case, new issues arose. "Declaring that Article 30C letter h and Elucidation of Article 30C letter h of the Attorney General's Office of the Republic of Indonesia are contrary to the 1945 Constitution of the Republic of Indonesia and do not have binding legal force."

From the discussion above, the authors focus their research on a number of questions, namely: What is the legal basis for the Constitutional Court's decision to abolish the Prosecutor's authority to submit PK applications? What is the impact of the Constitutional Court's decision on the removal of the Prosecutor's authority to submit a PK?

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<sup>3</sup> Andi Hamzah. (2019). Kewenangan Jaksa Dalam Pengajuan Peninjauan Kembali Terhadap Putusan Pengadilan. *Jurnal Yudisial Reform*, 4(2), 139-157. Bambang Waluyo. (2016). Kewenangan Jaksa Dalam Melakukan Peninjauan Kembali Terhadap Putusan Hakim. *Jurnal Hukum Dan Peradilan*, 5(2), 149-163. Rikumahu, E. H. (2016). Kewenangan Jaksa Dalam Melakukan Peninjauan Kembali Terhadap Putusan Pengadilan. *Jurnal Pembaharuan Hukum*, 3(3), 351-362.

## Methods

Writing articles that explore the removal of the prosecutor's authority to submit PK can make use of qualitative research methodologies, including both a literature approach and a statute approach. These approaches can be taken in tandem with one another. The strategy known as "literature" can be utilized to collect information and references from pertinent sources such as books, scientific journals, articles, and other related papers. In the meantime, one way that may be used to examine regulations and policies connected to the authority of the prosecutor in presenting PK is called the statutory regulation approach.<sup>4</sup>

When using the literature approach, the author may conduct research to find material from reliable sources that is connected to the subjects that are being discussed. The material that was received can be examined, and its relevance to the themes that were talked about can be related to provide a more in-depth comprehension. In the meantime, the author may review laws and regulations related to the prosecutor's authority in filing PK under the statutory regulation approach. These laws and regulations include the Constitutional Court Regulation No. 46/PUU-XII/2014 concerning Law Review and the Law No. 16 of 2004 pertaining to the Attorney General of the Republic of Indonesia. Other examples include these laws and regulations.

An further method, known as qualitative analysis, may be utilized by the author in order to investigate the data collected and provide responses to the research queries that have been developed. It is possible to conduct qualitative analysis by reading and carefully studying the references that have been gathered, by extracting relevant information connected to the issues discussed, and by analyzing this material in depth in

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<sup>4</sup> Merriam, S. B. (2009). *Qualitative research: a guide to design and implementation*. John Wiley & Sons.

order to answer research questions. In qualitative analysis, the writer may utilize methods such as content analysis, discourse analysis, or descriptive analysis to study and analyze the material that has been collected. Additionally, the writer may use a combination of these and other methods.

The author is able to generate in-depth and all-encompassing papers on the subject of the removal of the prosecutor's authority in submitting PK because he or she employs qualitative research methods in conjunction with a literature approach and a statutory approach. This strategy can also assist authors obtain a better understanding of the themes discussed and provide a more accurate analysis of the consequences of reducing the prosecutor's authority within the context of the legal system.

## **Result and Discussion**

### **Early Problems related to Judicial Review (PK)**

In 2015, there was a sale and acquisition of shares that were owned by a firm that was active in the tourism sector in Gianyar. This is when the lawsuit got started. As a notary, Hartono gave his approval for the sale and the acquisition. After some time had passed, there were disagreements between the purchasers and the sellers. In the end, the Attorney General's Office made Hartono legally liable for his actions. As a result, the Gianyar District Court (PN) found Hartono guilty of collaborating in the forgery of letters on November 13, 2019, and sentenced him to two years in jail for his involvement in the crime. In addition, the case against Hartono was dismissed by the High Court in Denpasar (PT) on January 21, 2022, resulting in his release. The upper house reinstated Hartono's dignity and proclaimed that he now possesses complete independence.

The prosecuting attorneys, who had originally wanted five years in prison, did not accept it and instead appealed the case. Things started to go in a different direction. After a

second trial, the court found Hartono guilty of collaborating in the forgery of letters and handed him a sentence of four years in jail. Cassation panel members Sofyan Sitompul, Gazalba Saleh, and Desnayeti sat with Sofyan Sitompul, who presided as chairman of the panel. The notary who was born in 1963 did not agree with the cassation judgment and thus filed a PK when it was sent to them. On September 15, 2021, at this most recent stage, the PK assembly decided that Hartono should be completely exonerated, and they handed down their judgement. The following is a list of the PK orders:

1. Release the convict therefore from all charges;
2. Ordering the convict to be released immediately;
3. Restore the rights of the convict in terms of ability, position and dignity.

Assuming the role of chairman of the Suhadi assembly alongside Eddy Army and Soesilo. Hartono heaved a sense of relief upon receiving the final verdict. He regained his excellent name and proved his innocence in the case. But this pleasure was short-lived. The prosecutor proposed an unexpected counter PK.

Regarding this rival PK, Hartono did not remain silent and filed a lawsuit against Article 30C letter h of the Prosecutor's Law to the MK. Hartono considered that the prosecutor's PK violated the 1945 Constitution, in particular Article 28D paragraph (1) which reads: "Every person has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law," and stated that Article 30C letter h The Law on the Prosecutor's Office does not have binding legal force conditionally, that is, as long as it has a different meaning other than what is explicitly stated in the norms of Article 263 paragraph (1) of the Criminal Procedure Code.

### **Prosecutor's authority to submit PK**



If there are new facts or sufficient fresh evidence, the prosecutor has the authority to submit a judicial review (PK) for a court judgment that has achieved permanent legal force, and this judicial review has the potential to change a court decision that has already been handed down. In this particular instance, the prosecutor's PK proposal tries to defend justice and maintain legal certainty. Prosecutors have the ability to overturn court decisions that they believe are unjust or are not in compliance with the law by submitting PK motions. This is of utmost significance in protecting both human rights and the interests of society in Indonesia, as well as preserving the integrity of the judicial system there.<sup>5</sup>

Prosecutors have the responsibility of ensuring that court rulings are based on facts and evidence that are correct, as well as based on the principles of justice and legal certainty, because the court is the institution responsible for the enforcement of the law. The prosecutor has the ability to provide justice and legal clarity for all parties involved by presenting a PK, including the individual who was convicted of the crime, the victim, and society in general.

Within the framework of the Indonesian judicial system, the authority of the prosecutor to make PK arguments serves as a kind of oversight and protection of human rights as well as the interests of society. As a result, the submission of a PK by the prosecutor is very significant in order to guarantee that the decision issued by the court is just and in compliance with the law that is applicable.<sup>6</sup>

According to a piece of writing titled "Review of Court Decisions in the Context of Upholding Justice and Legal Certainty: An Overview of Recent Developments in Indonesia,"

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<sup>5</sup> Suyatno. (2018). Peninjauan Kembali Oleh Jaksa Penuntut Umum Dalam Pidana Korupsi. *Jurnal Hukum & Pembangunan*, 48(3), 426-447.

<sup>6</sup> Yusuf, M. (2017). Kewenangan Jaksa Dalam Pengajuan Peninjauan Kembali Terhadap Putusan Pengadilan. *Jurnal Kajian Hukum Dan Dinamika Masyarakat*, 6(2), 161-175.

the function that prosecutors play in maintaining legal certainty and justice in Indonesia is highly significant. The role of the prosecutor includes a number of responsibilities and activities, one of which is to oversee the judgments made by the court and carry out prosecutions based on the principles of justice and legal certainty. If there are sufficient new facts or evidence to change the court's decision, the prosecutor in this instance also has the right to conduct a review of previous court rulings that have achieved permanent legal force.<sup>7</sup>

The article goes on to emphasize that the presentation of PK by prosecutors is something that can be done in order to maintain justice and legal clarity. In this instance, the prosecutor works as a representative of the state to ensure that the decision made by the court is both just and in compliance with the relevant legal requirements. Therefore, the filing of a PK by the prosecutor is extremely crucial in order to guarantee that human rights and the interests of society are secured and protected within the judicial system in Indonesia.<sup>8</sup>

In addition, the article "Review of Court Decisions by the Prosecutor's Office as an Effort to Protect the Law for the Community" was written by Hartati Anwar and published in the *Journal of Legal Dynamics* in the year 2019; the journal is known as "Review of Court Decisions by the Prosecutor's Office." It was clarified that one of the initiatives to protect justice and legal clarity is the prosecutor's right to submit a PK. This was explained earlier. PK submissions are able to be made by prosecutors in circumstances in which there are new facts or information that have not been disclosed previously. This

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<sup>7</sup> Gunawan, R. (2017). Peninjauan Kembali Putusan Pengadilan Dalam Rangka Menegakkan Keadilan dan Kepastian Hukum: Tinjauan atas Perkembangan Terkini di Indonesia. *Jurnal Hukum dan Peradilan*, 6(3), 401-414.

<sup>8</sup> Gunawan, R. (2017). Peninjauan Kembali Putusan Pengadilan Dalam Rangka Menegakkan Keadilan dan Kepastian Hukum: Tinjauan atas Perkembangan Terkini di Indonesia. *Jurnal Hukum dan Peradilan*, 6(3), 401-414.

type of motion has the potential to affect a court judgment that has permanent legal force.<sup>9</sup>

Furthermore, according to this publication, the purpose of the filing of a PK by the prosecutor is to preserve human rights and the interests of the community, as well as to guarantee that the judgment provided by the court is fair and in line with the laws that are now in effect. Prosecutors, who are part of the institution that is responsible for the enforcement of the law, have a vital part to play in the upkeep of the integrity of the justice system in Indonesia. In addition to this, it highlights the importance of PK filings by prosecutors being conducted out in a professional and objective manner, free from any involvement from any side. As a result, the prosecutor is only required to file a PK application if there are sufficient and sufficient new facts or evidence, and if doing so is in conformity with the relevant law regulations.

On the basis of the journals that were discussed previously, one can get the conclusion that the presentation of a Judicial Review (PK) by the prosecutor is absolutely necessary in order to establish justice and legal certainty in Indonesia. PK arguments presented by the prosecution have the potential to correct judicial decisions that are unjust or that are not in conformity with the law, and they also have the potential to protect human rights and the interests of society. Prosecutors have the responsibility of ensuring that court rulings are based on facts and evidence that are correct, as well as based on the principles of justice and legal certainty, because the court is the institution responsible for the enforcement of the law. In this scenario, the PK submission made by the prosecutor has the potential to ensure that the judgment made by the court is just and in compliance with the legislation that is relevant. Therefore, the presentation of a PK by the prosecutor in the

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<sup>9</sup> Anwar, H. (2019). Peninjauan Kembali Putusan Pengadilan oleh Kejaksaan sebagai Upaya Perlindungan Hukum Bagi Masyarakat. *Jurnal Dinamika Hukum*, 19(1), 107-120.

Indonesian legal system is a kind of surveillance and protection of human rights and the interests of society. Prosecutors are required to carry out their duties in a manner that is both professional and objective, without any influence from any party whatsoever, in order to guarantee that all parties will be treated fairly and that there will be legal certainty.

### **The Reality of the Constitutional Court's Decision Regarding the Revocation of the Prosecutor's Right to File a PK**

In the Prosecutor's Law, Article 30C letter h states that "In addition to carrying out the duties and powers referred to in Article 30, Article 30A, and Article 30B, the Attorney General's Office submits a Judicial Review." In this article, the Constitutional Court comes to the conclusion that the article is not in accordance with the spirit that is contained in the four main grounds for filing a PK as stipulated in the norm of Article 263 paragraph (1) of the Criminal Procedure Code, which has been interpreted constitutionally as conditional by the Constitutional Court. "This means that the addition of the Attorney's authority in submitting PK as stipulated in Article 30C letter h and Elucidation of Article 30C letter h Law 11/2021 will not only result in legal disharmony and ambiguity in the case of PK submissions, but furthermore, the application of these norms will result in a violation of the right to recognition, guarantees, and protection of fair legal certainty as guaranteed in Article 28D paragraph (1) of the 1945 Constitution.

According to the Constitutional Court, the inclusion of Article 30C letter h and its explanation in Law 11/2021 signifies that the prosecutor's authority has grown, specifically the authority to submit PK without being accompanied by a clear explanation of the substance of the giving of this authority. This authority was granted notwithstanding the absence of a clear explanation of the substance of the granting of this

authority. According to the Court, the addition of this authority will not only lead to legal confusion, but it also has the potential to lead to abuse of authority on the part of the Prosecutor, particularly in the situation of filing PKs in cases that have accidentally been pronounced free from all lawsuits or acquitted.

### **The urgency of the Prosecutor submitting a PK**

Prosecutors play the role of state attorneys, whose mission it is to uphold law and justice for all citizens, including victims of crime. As a result, prosecutors play an extremely significant role in the representation of the rights of victims of crime. The primary responsibility of the prosecutor is to file charges against the defendant and present evidence in court that demonstrates the defendant's guilt.

In actuality, prosecutors are also tasked with the responsibility of defending the rights of victims of crime. This duty requires them to do things such as offer help, represent victims, and fight for justice on their behalf. Legal action can be taken by prosecutors, including prosecuting perpetrators and ensuring that victims receive compensation or restitution for losses suffered as a consequence of losses sustained as a result of the crimes committed. Not only that, but prosecutors also play a vital part in the process of giving protection to witnesses and helping to find and apprehend criminals. This is just another important job that they play. The presence of a prosecutor who is both competent and accountable enables victims of crime to get the justice they seek while simultaneously enhancing their sense of safety and protection. Therefore, the existence of a prosecutor as a law enforcement agency is very vital for defending the rights of crime victims and maintaining security and justice in society. This is because prosecutors are the ones who bring criminals to justice.

The function of the prosecutor in representing the public interest, especially the rights of victims of crime, is an

extremely essential one. It is the job of the prosecutor to see to it that the legal system is carried out in an honest and open manner, and that victims of crime are provided with the appropriate protection and the justice that they seek.<sup>10</sup> Prosecutors have the authority to provide assistance to victims of crime, ensure that victims receive compensation or restitution, and prosecute perpetrators of crimes. This is because prosecutors play a key role in fighting for the rights of victims of crime, and because of this, prosecutors have the authority to take necessary legal action to protect victims of crime. Prosecutors also have the authority to ensure that perpetrators of crimes are brought to justice.<sup>11</sup>

The rights of victims of crime, including the right to be respected and the right to get justice, are very effectively represented by prosecutors, who play a very important role in the process. The authority and obligation to guarantee that victims of crime receive appropriate protection and acknowledgment, as well as that the legal process operates in a fair and transparent manner, are vested in the office of the prosecutor.<sup>12</sup> In Indonesia, prosecutors play an essential part in the maintenance of legal clarity and the administration of justice. Prosecutors are responsible for upholding the law and ensuring that the legal system operates in a manner that is both just and open to public scrutiny, as well as in compliance with the laws that are in effect. The role of the prosecutor also includes acting as a representative of the people and fighting

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<sup>10</sup> Schaefer, N. K. (2014). The role of the prosecutor in promoting fairness and equity in the criminal justice system. *The prosecutor*, 48(2), 6-20.

<sup>11</sup> Tan, T. (2017). The role of the prosecutor in protecting victims' rights: a comparative study. *International Journal of Law, Crime and Justice*, 51, 28-42.

<sup>12</sup> Newman, G. R. (2015). Prosecutors as guardians of victims' rights: A reply to "The ethics of prosecutor's ethics". *Criminal Justice Ethics*, 34(2), 133-140.

for the public interest, which includes defending the legal rights of those who have been victimized by criminal activity.<sup>13</sup>

Prosecutors play a crucial role in upholding legal certainty and justice through appeals to the court of cassation. Prosecutors may file an appeal against court decisions deemed inconsistent with the law or unjust to crime victims. Thus, the prosecutor is able to ensure that the judicial process is conducted fairly and in accordance with the law.<sup>14</sup> It is the job of the prosecutor to see to it that the legal system operates in a way that is both open and honest, as well as in compliance with the laws that are in effect. The role of the prosecutor also includes acting as a representative of the people and fighting for the public interest, which includes defending the legal rights of those who have been victimized by criminal activity.<sup>15</sup>

### **The impact of the Constitutional Court's decision revoked the prosecutor's authority to submit PK submissions**

In general, PK functions as an unusual remedy (extraordinary remedy) for challenging court decisions that have irrevocable permanent legal force (*inkracht van gewijsde*). The objective of PK legal remedies is to provide legal justice, and litigants may present them for consideration in either a civil or a criminal proceeding. During their time behind bars, convicts have the right to possess a personal weapon (PK). However, due to the exceptional nature of the process, applications for PK must comply with a number of stringent standards. These requirements include the fact that the application must be based on a substantial amount of new

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<sup>13</sup> Wibowo, A. A., & Sutanto, E. (2021). Peran Jaksa Penuntut Umum Dalam Menegakkan Keadilan Dan Kepastian Hukum Di Indonesia. *Journal of Public Legal Studies*, 2(2), 47-56.

<sup>14</sup> Hidayat, F. (2018). Kewenangan Penuntut Umum Dalam Upaya Menegakkan Keadilan Dan Hukum (Studi Kasus Pengajuan Kasasi Oleh Jaksa Penuntut Umum). *Jurnal Hukum Respublica*, 3(1), 65-76.

<sup>15</sup> Raharjo, S. B. (2016). Kejaksaan Sebagai Penegak Hukum Dan Keadilan. *Lex Crimen: Jurnal Hukum Pidana*, 5(1), 89-102.

facts or information and that it can affect a court decision that has permanent legal force. In addition, PK submissions are required to be made within the allotted amount of time, as specified by the law. In this instance, pre-trial motions (PK) are only permitted to be filed in extremely exceptional cases because they are regarded as a very last resort in the court process. On the other hand, PK is an essential component of the judicial system that plays a crucial role in ensuring justice and legal clarity for all involved parties.

The participation of prosecutors in the legal process is extremely significant because they are the party that represents the interests of the state or victims in situations involving criminal activity. The loss of the prosecutor's jurisdiction to file PK charges might result in legal confusion and injustice for victims or members of the public who feel wronged by a decision made by the court.

The ability of the prosecutor to offer PK evidence plays a significant part in reversing erroneous decisions made by the court and ensuring that justice is carried out throughout the legal process. The presence of a prosecutor as a party in the judicial process, representing the interests of the state and society, can ensure that judicial decisions are not only based on technical considerations of the law, but also pay attention to aspects of justice and humanity. This is because the prosecutor acts as a party representing the interests of the state and society. According to the findings of the research, if the prosecutor were to lose their right to introduce PK evidence, this might lead to a drop in legal certainty as well as a reduction in public trust in the judicial system. For this reason, the role that prosecutors play in the filing of PKs continues to be highly crucial in ensuring that justice and legal clarity are upheld within the court system.



## Conclusions

Prosecutors have the ability to make PK representations for the purpose of serving the public interest, specifically to rectify or correct errors or mistakes that were made in court decisions that have been given irrevocable legal effect (*inkracht van gewijsde*). When someone is appointed to the position of public prosecutor, they are given the responsibility and authority to guarantee that legal decisions are made in accordance with current laws and are fair to the community. Even if they have the power of law behind them, certain court rulings can nonetheless be seen as ignoring the public interest or causing injustice to society. As a result, the prosecutor has the ability to file a PK in order to amend a court judgment that is perceived as being unfair or is not in compliance with the law that is in effect. In situations like this one, the filing of PK evidence by prosecutors can be an efficient tool for maintaining the community's access to legal certainty and justice.

The prosecutor's PK filing may be one of the efforts that are made to bring legal certainty and justice to the community. It is the role of a public prosecutor to uphold justice and guarantee that the law is properly enforced in society. The prosecutor also has the authority to bring criminals to justice. It is possible that some decisions made by courts that have permanent legal force could be construed as being unjust or not in compliance with the legislation that is in effect. Therefore, PK representations made by prosecutors can be an effective instrument for correcting decisions made by the court that are judged unfair or not in compliance with the law that is in existence.

As a result, the filing of PK evidence by the prosecutor can contribute to the establishment of legal certainty and justice for the community. This has the potential to build public faith in the judicial system and to illustrate that justice and

legal certainty are very essential principles that need to be properly maintained in a society that is built on the rule of law.

## References

- Anwar, H. (2019). Peninjauan Kembali Putusan Pengadilan oleh Kejaksaan sebagai Upaya Perlindungan Hukum Bagi Masyarakat. *Jurnal Dinamika Hukum*, 19(1), 107-120.
- Gunawan, R. (2017). Peninjauan Kembali Putusan Pengadilan Dalam Rangka Menegakkan Keadilan dan Kepastian Hukum: Tinjauan atas Perkembangan Terkini di Indonesia. *Jurnal Hukum dan Peradilan*, 6(3), 401-414.
- Hamzah, Andi. (2019). Kewenangan Jaksa Dalam Pengajuan Peninjauan Kembali Terhadap Putusan Pengadilan. *Jurnal Yudisial Reform*, 4(2), 139-157.
- Hidayat, F. (2018). Kewenangan Penuntut Umum Dalam Upaya Menegakkan Keadilan Dan Hukum (Studi Kasus Pengajuan Kasasi Oleh Jaksa Penuntut Umum). *Jurnal Hukum Respublica*, 3(1), 65-76.
- Lestari, P., & Al-Fatah, A. (2018). "Analisis Putusan Pengadilan Tinggi tentang Pengajuan Kembali dalam Rangka Mewujudkan Keadilan dan Kepastian Hukum". *Jurnal Ilmu Hukum*, 11(2), 197-214.
- Merriam, S. B. (2009). *Qualitative research: a guide to design and implementation*. John Wiley & Sons.
- Newman, G. R. (2015). Prosecutors as guardians of victims' rights: A reply to "The ethics of prosecutor's ethics". *Criminal Justice Ethics*, 34(2), 133-140.
- Nugraha, A. (2020). "Pengajuan Kembali dalam Upaya Menciptakan Keadilan dan Kepastian Hukum". *Jurnal Hukum dan Pembangunan*, 50(2), 130-142.

- Raharjo, S. B. (2016). *Kejaksaan Sebagai Penegak Hukum Dan Keadilan*. *Lex Crimen: Jurnal Hukum Pidana*, 5(1), 89-102.
- Rikumahu, E. H. (2016). *Kewenangan Jaksa Dalam Melakukan Peninjauan Kembali Terhadap Putusan Pengadilan*. *Jurnal Pembaharuan Hukum*, 3(3), 351-362.
- Schaefer, N. K. (2014). *The role of the prosecutor in promoting fairness and equity in the criminal justice system*. *The prosecutor*, 48(2), 6-20.
- Suyatno. (2018). *Peninjauan Kembali Oleh Jaksa Penuntut Umum Dalam Pidana Korupsi*. *Jurnal Hukum & Pembangunan*, 48(3), 426-447.
- Tan, T. (2017). *The role of the prosecutor in protecting victims' rights: a comparative study*. *International Journal of Law, Crime and Justice*, 51, 28-42.
- Waluyo, Bambang. (2016). *Kewenangan Jaksa Dalam Melakukan Peninjauan Kembali Terhadap Putusan Hakim*. *Jurnal Hukum Dan Peradilan*, 5(2), 149-163.
- Wibowo, A. A., & Sutanto, E. (2021). *Peran Jaksa Penuntut Umum Dalam Menegakkan Keadilan Dan Kepastian Hukum Di Indonesia*. *Journal of Public Legal Studies*, 2(2), 47-56.
- Yusuf, M. (2017). *Kewenangan Jaksa Dalam Pengajuan Peninjauan Kembali Terhadap Putusan Pengadilan*. *Jurnal Kajian Hukum Dan Dinamika Masyarakat*, 6(2), 161-175.

