

## CHAPTER V

### CLOSING

#### A. Conclusion

Based on the description of all the material from this research, it can be concluded as follows:

1. The basis for the withdrawal of the indictment by the public prosecutor in the case of domestic violence committed by Valencya, is summarized as follows:

a. Juridically it is not regulated, but based on the findings of the research and discussion, the withdrawal of the indictment by the Public Prosecutor is based on the provisions in Article 2 of Law Number 16 of 2004 as amended by Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia which states that the Prosecutor's Office is a government agency that exercises state power in the field of prosecution and other authorities based on law, which is carried out independently.

b. Article 18 paragraph (1) of Law Number 11 of 2021 Concerning the Amendment to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia where the Attorney General is not only the highest leader in the Prosecutor's Office institution but also the highest leader in the field of

prosecution in institutions throughout Indonesia authorized by law.

- c. The regulation of the principle of opportunity is regulated in Article 35 letter c of Law Number 11 of 2021 in this case also relates to the principle of opportunity, where the Attorney General set aside the Valencya case in the public interest.
- d. Decree of the Attorney General of the Republic of Indonesia Number: KEP-033/JA/3/1993 Regarding Case Examination
- e. Article 182 paragraph (1) of Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure (KUHP)
- f. Progressive law in the Valencya case can be described as a law that provides substantial justice. The Attorney General who withdrew Valencya's indictment and acquitted Valencya aimed to fulfill the sense of justice that exists in society. Substantive justice is justice related to the content of the judge's decision in examining, trying, and deciding a case that must be made based on considerations of rationality, honesty, objectivity, impartiality, without discrimination, and based on conscience. In other words, it can ignore the sound of the law if the law does not provide a sense of justice, but is still guided by formal procedural laws that provide legal certainty.

2. The withdrawal of the indictment by the Public Prosecutor in the case of Domestic Violence committed by Valencya is an application of the dominus litis principle, namely that the dominus litis principle has the consequence that the control of prosecution policy in a country must be carried out in one hand, namely under the control of the Attorney General as the Supreme Public Prosecutor. In Indonesia, the existence of the Attorney General as the Supreme Public Prosecutor is regulated in various laws and regulations. Historically, Law Number 15 of 1961 concerning the Basic Provisions of the Prosecutor's Office was later accommodated by Law Number 16 of 2004 as amended by Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia, the authority of the Attorney General as the Supreme Public Prosecutor remains inherent as stipulated in Article 18 paragraph (1) that the Attorney General is the highest leader and person in charge who controls the implementation of the duties and authority of the prosecutor's office, so the Attorney General is also the highest leader and person in charge in the field of prosecution.

## B. Suggestion

Suggestions that the author can give in the withdrawal of charges by the Public Prosecutor in the case of domestic violence committed by Valencya are as follows:

1. The Panel of Judges in deciding criminal cases should better assess and consider the facts revealed in the trial process in terms of examining evidence, including witness statements, statements of the defendant, and evidence presented by the Public Prosecutor and so that the Panel of Judges in sentencing the defendant can be resolved effectively and efficiently. The Panel of Judges in considering and deciding a case must pay attention to the principles of justice, legal certainty, and expediency so that the decision issued becomes an ideal decision.
2. Investigators and Public Prosecutors should be sensitive in seeing the perspective of the case, and not force a case. Then the Investigator and Public Prosecutor should previously seek Restorative Justice in the case.
3. There is a need for a legal product that specifically regulates the withdrawal of charges. This regulation must be regulated in the law, the Criminal Code, and the Criminal Procedure Code. This is because these regulations are used as guidelines in handling similar cases in the future.