

Urgency of Establishing Qanun on the Functional Duties of the High Prosecutor's Office in Aceh Province

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Abstract

The success and sustainability of the implementation of Islamic Shari'a in Aceh is not only the burden of local law enforcement agencies such as Wilayatul Hisbah, the Syar'iyah Court and the Islamic Shari'a Office, law enforcement agencies on a national scale are also involved such as the Indonesian National Police through the Aceh Regional Police and the Attorney General's Office in Aceh Province in charge of transferring Jinayat (Islamic criminal law) cases to the Syar'iyah Court. However, this task of the prosecutor's office is considered by the researcher to need improvement because the role of the prosecutor's office is responsible for the delegation of cases to 2 (two) different courts. Of course, this improvement is needed through Qanun which has legitimacy as a regional regulation in the Indonesian legal system. Based on this description, this research is a typology of normative (legal) research. The results and discussion in this study conclude: First, the area of Islamic shari'a law enforcement has a synchronization between Law Number 1 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia with the Aceh Qanun in the enforcement of Islamic shari'a in Aceh. The presence of Islamic law enforcement agencies in Aceh does not mean that the task of enforcing Islamic law is only government agencies. Second, the Urgency of the establishment of Qanun Aceh Prosecutor's Functional Duty is a social condition that requires improvement in the enforcement of Islamic shari'a in Aceh

Keywords : Urgency; Qanun; Prosecutor's Office.

INTRODUCTION

The success and sustainability of the implementation of Islamic Sharia in Aceh is not only limited to institutions incorporated in the Aceh Working Unit (SKPA) such as Wilayatul Hisbah, the Syar'iyah Court and the Islamic Sharia Office, but law enforcement agencies on a national scale are also involved as well as the Indonesian National Police through the Aceh Regional Police. As a product of regional legislation following the enactment of Special Autonomy for Aceh, Qanuns are protected by law, namely Law No. 44 of 1999, Law No. 18 of 2001 and Law No. 11 of 2006. (Sukron Kamil, *et.al*, 2007). Law No. 44 of 1999 Article 12 explains that laws and regulations that contradict and or are not in accordance with this law are declared invalid. In addition, Qanun in Aceh is also protected by the Law on the Governing of Aceh. Article 269 explains that existing laws and regulations at the time the Law on the Governing of Aceh is enacted remain in force as long as they do not contradict this law.

The Prosecutor's Office of the Republic of Indonesia is an institution whose functions are related to judicial power according to the 1945 Constitution of the Republic of Indonesia, while the position of this institution is regulated in detail in Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. This law also states that the Attorney General's Office is a government agency that exercises state power in the field of prosecution and other authorities based on the law organized by (1) the Attorney General's Office which is domiciled in the capital city of the Republic of Indonesia and its jurisdiction covers the territory of the Republic of Indonesia. (2) The High Prosecutor's Office is located in the provincial capital and its jurisdiction covers the territory of the province. (3) The District Attorney's Office is located in the capital city of the regency/city whose jurisdiction covers the regency/city area.

The main tasks of the prosecutor's office in the criminal field, the prosecutor's office has the following duties and authorities: (a) to conduct prosecutions, (b) to implement judges' decisions and court decisions that have obtained permanent legal force, (c) to supervise the implementation of conditional criminal decisions, supervisory criminal decisions, and conditional release decisions, (d) to investigate certain criminal offenses based on the law, and (e) to complete certain case files and for this purpose can conduct additional examinations before being submitted to the court, which in its implementation is coordinated with investigators. The implementation of Islamic sharia in Aceh, the position of the prosecutor's office as a public prosecutor is regulated in Qanun No. 11 of 2002 concerning the implementation of Islamic sharia in the fields of Aqidah, Ibadah, Syi'ar Islam. Article 16 (1) explains that the public prosecutor is a prosecutor or other official authorized by qanun to carry out the prosecution and implement the decision or determination of the judge of the Syar'iyah Court. (Chairul Fahmi, 2012).

The authority of the prosecutor in performing his function as a prosecutor is explained in Article 17 of Qanun No. 11 of 2002 as follows: (1) receiving and examining the investigation case file from the investigator, (2) conducting pre-prosecution if the case file from the investigation has deficiencies accompanied by instructions for improvement, (3) making an indictment, (4) submitting the case to theyar'iyah court, (5) giving notice to the defendant about the day and time of the trial accompanied by a summons, (6) conduct prosecution in accordance with applicable regulations, (7) take other actions within the scope of duties and responsibilities as a public prosecutor according to laws and regulations, (8) execute the judge's decision. Article 18 of the above Qanun states that the public prosecutor prosecutes cases of violations of this Qanun that occur within his jurisdiction. Article 19 states that violations of the provisions contained in this qanun are examined and decided by the Syar'iyah Court.

As stipulated in Article 21 of Qanun Nanggroe Aceh Darussalam Province No. 11 of 2004 on the Functional Duties of the Nanggroe Aceh Darussalam Regional Police, the Police in the Enforcement of Islamic Shari'a in Aceh has an operational basis that the establishment of Qanun Aceh on the Functional Duties of the Prosecutor's Office will emphasize the Functional Duties of the Prosecutor's Office in serving in Aceh because it is responsible for conducting prosecutions to 2 (two) different judicial institutions; the General Court and the Syar'iyah Court. The reason for the establishment is further strengthened by implementing Law Number 11 of 2021 to be followed up by forming a Qanun Aceh that specifically regulates the Functional Duties of the Public Prosecutor's Office in the jurisdiction of Aceh. So there is a legal vacuum which has implications for the uncertainty of the implementation of the Qanun and departing from that background the author wants to do a writing with the title Urgency of the Formation of Qanun Regarding the Functional Duties of the High Prosecutor's Office in Aceh Province.

RESEARCH METHODS

In the conceptual/doctrinal framework, normative legal research is referred to as rule/dogmatic research, and is characterized as an inventory of positive law, also containing prescriptive elements. In line with this, to thoroughly explore the issues in this study, researchers will describe the relevant results with primary legal materials sourced from legislation and secondary legal materials sourced from literature. While the research approach used is a statutory approach and a conceptual approach. (Mamudji & Soekanto, 2009).

RESULT AND DISCUSSION

Synchronization of Functional Duties of the Prosecutor's Office Based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia in the Enforcement of Islamic Shari'a in Aceh

Based on Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia, Article 1 Prosecutors are functional officials authorized by law to act as public prosecutors and executors of court decisions that have obtained permanent legal force and other powers under the law. Public Prosecutor is a prosecutor authorized by this Law to conduct prosecutions and execute judicial decisions. Prosecution is a public prosecutor's action to submit a case to the authorized district court in the case and in the manner provided for in the Criminal Law with a request that it be examined and decided by a judge at a court hearing. (Chairul Fahmi, 2012). Functional Position of Prosecutor is a position of technical expertise in the prosecutor's organization which because of its function allows the smooth implementation of prosecutorial duties.

The implementation of Islamic sharia in Aceh, the position of the prosecutor's office as a public prosecutor is regulated in Qanun No. 11 of 2002 concerning the implementation of Islamic sharia in the fields of Aqidah, Ibadah, Syi'ar Islam. Article 16 (1) explains that a public prosecutor is a prosecutor or other official authorized by qanun to carry out prosecution and execute the verdict or determination of a judge of the Syar'iyah Court. The authority of the prosecutor in performing his function as a prosecutor is explained in Article 17 of Qanun No. 11 of 2002 as follows: (1) receive and examine the investigation case file from the investigator, (2) conduct pre-prosecution if the investigation case file has deficiencies with instructions for improvement, (3) make an indictment, (4) submit the case to theyar'iyah court, (5) give notice to the defendant about the day and time of the trial accompanied by a summons, (6) conduct prosecution in accordance with the applicable provisions, (7) take other actions within the scope of duties and responsibilities as a public prosecutor according to statutory regulations, (8) execute the judge's decision. (Romly Atmasasmita, 2010).

Referring to Article 18 in the Qanun above, it is stated that the public prosecutor prosecutes cases of violations of this qanun that occur within his jurisdiction. Article 19 states that violations of the provisions contained in this qanun are examined and decided by the Syar'iyah Court. Meanwhile, in Qanun No. 7 Year 2013 on Jinayat Law, it is explained that the prosecutor is authorized by Qanun Jinayat Law to conduct prosecution as well as implement the determination and decision of the court judge with the following authorities: First, receive and examine investigation case files from investigators or assistant investigators; Second, conduct pre-prosecution if there are shortcomings in the investigation, by providing instructions in order to improve the investigation from investigators in accordance with statutory regulations; Third, grant an extension of detention, conduct detention or continued detention and / or change the status of continued detention and / or change the status of detention after the case is submitted by the investigator; Fourth, make an indictment; Fifth, refer the case to the court; Fifth, give notice to the defendant and witnesses about the provision of the day and time of the case being heard which is accompanied by a summons to appear at the hearing that has been determined; Sixth, conduct prosecution; Seventh, take other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of Qanun No. 7 of 2013 and/or other laws and regulations. 7 of 2013 and/or other laws and regulations; and Eighth, implementing the court judge's rulings and decisions.

Urgency of Establishing a Qanun on the Functional Duties of the High Prosecutor's Office in Aceh Province

The term prosecutor has actually been around for a long time in Indonesia. In the days of the Hindu-Javanese kingdoms in East Java, namely during the Majapahit Kingdom, the terms dhyaksa, adhyaksa and dharmadhyaksa already referred to certain positions and offices in the kingdom. These terms are of ancient origin, from the same words in Sanskrit. A Dutch researcher, W.F. Stutterheim, said that dhyaksa was a state official during the Majapahit Kingdom, precisely when Prabu Hayam Wuruk was in power (1350-1389 AD). Dhyaksa were judges who were given the task of handling judicial matters in court sessions. These dhyaksa were led by an adhyaksa, the highest judge who led and supervised the dhyaksa. This conclusion was supported by another researcher, H.H. Juynboll, who said that the adhyaksa was the supervisor (opzichter) or supreme judge (oppenrechter). Krom and Van Vollenhoven, also Dutch researchers, even mentioned that the famous patih of Majapahit, Gajah Mada, was also an adhyaksa. (Ook Mufrohimi and Ratna Herawati, 2020).

During the Dutch occupation, the body that had relevance to prosecutors and the Public Prosecution Service was the Openbaar Ministerie. This institution authorized its employees to act as Magistrates and Officier van Justitie in the Landraad (District Court), Jurisdictie Geschillen (Court of Justice) and Hooggerechtshof (Supreme Court) under direct orders from the Resident/Assistant Resident. The Attorney General's Office of the Republic of Indonesia has a vision of "Becoming a Professional, Proportional and Accountable Law Enforcement Agency", with the following explanation (Ridwan Eko Prasetyo, 2015):

1. Law Enforcement Agency: The Prosecutor's Office of the Republic of Indonesia as one of the law enforcement agencies in Indonesia which has duties and functions as an investigator in certain criminal acts, public prosecutor, executor of the judge's decision, executor of court decisions that have obtained permanent legal force, supervising the implementation of conditional criminal decisions, supervision punishment and conditional release, acting as a State Attorney and helping to foster public order and tranquility through efforts including: increasing public legal awareness, securing law enforcement policies and monitoring the flow of belief and abuse of blasphemy;
2. Professional: The entire apparatus of the Indonesian Prosecutor's Office in carrying out its duties is based on the noble values of Tri Krama Adhyaksa as well as competence and capability supported by broad knowledge and insight as well as adequate work experience and adhering to the rules and codes of ethics of the applicable profession;
3. Proportional: In carrying out its duties and functions, the Prosecutor's Office always uses the motto of balancing what is expressed and implied with full responsibility, compliance with principles, effectiveness and efficiency and respect for public rights;
4. Accountable: That the performance of the Prosecutor's Office of the Republic of Indonesia can be accounted for in accordance with applicable regulations.

The Criminal Procedure Code list the powers of the prosecutor, namely (Kuffal, 2003):

1. Public prosecutors are authorized to prosecute anyone charged with a criminal offense within their jurisdiction by submitting the case to a court with jurisdiction to hear the case (Article 137 in conjunction with Article 84 paragraph (1) of Criminal Procedure Code).
2. The public prosecutor has the authority mentioned in Article 14 of the Criminal Procedure Code, namely:
 - a. Receive and examine investigation case files from investigators or assistant investigators;

- b. Conducting pre-prosecution if there are shortcomings in the investigation by taking into account the provisions of Article 110 paragraph (3) and paragraph (4) of the Criminal Procedure Code, by providing instructions in the context of improving the investigation from the investigator.
- c. Make an indictment.
- d. Submitting criminal cases to the court.
- e. Notify the defendant of the date and time of the trial, accompanied by a summons, both to the defendant and to witnesses, to appear at the appointed hearing.
- f. Conducting prosecution.
- g. Closing the case in the interest of the law. Performing other actions within the scope and responsibility as a public prosecutor according to the provisions of this law.
- h. Carry out the judge's decision (Article 14 Criminal Procedure Code).

According to Simin, as cited by Mohammad Taufik Makaro and Suhasril, criminal law is also called formal criminal law to distinguish it from material criminal law. Material criminal law is a criminal law that contains instructions and descriptions of offenses, regulations on the conditions for which an act can be convicted, instructions on persons who can be convicted and rules on punishment and regulates who can be convicted and how the punishment can be imposed. (Mohammad Taufik Makarao and Suhasril, 2003). The formal criminal law regulates how the State through its instruments exercises its right to convict and impose punishment, so it contains punishment. According to Maman Suparman, law is the provisions that regulate human relations with each other concerned with how to litigate in court in order to obtain or defend rights and uphold justice. Furthermore, according to Ade Maman Suherman, law is law related to the judicial process, such as charges, witnesses, judges and so on with the intention of applying justice among humans. According to Article 1 point (35) of Qanun No. 7 of 2013 concerning Jinayat Law, jinayat law is a law that regulates the procedures for seeking and obtaining the complete material truth of jinayat cases. (Mardani, 2022).

Furthermore, the implementation of Islamic sharia in Aceh, the position of the prosecutor's office as a public prosecutor is regulated in Qanun No. 11 of 2002 concerning the implementation of Islamic sharia in the fields of Aqidah, Ibadah, Syi'ar Islam. Article 16 paragraph (1) explains that the public prosecutor is a prosecutor or other official authorized by qanun to carry out the prosecution and implement the decision or determination of the judge of the Syar'iyah Court. (Chairul Fahmi, 2006). In Qanun No. 7 of 2013, a public prosecutor is a prosecutor who is authorized by this Qanun and other laws and regulations to carry out prosecutions and implement the decisions and rulings of court judges. According to Qanun No. 7 of 2013 on Jinayat Law, prosecutors are functional officials authorized by law to act as public prosecutors and executors of court decisions that have obtained permanent legal force and other powers based on the law. The public prosecutor has the following authority:

1. Receive and examine Investigation case files from investigators or assistant investigators;
2. Conduct pre-prosecution if there are deficiencies in the investigation, by providing instructions in order to improve the investigation of the investigator in accordance with laws and regulations;
3. Grant an extension of detention, conduct detention or further detention and/or change the status of detention after the case has been submitted by the investigator;
4. Make an indictment;
5. Submitting the case to the Syar'iyah Court;

6. Notify the defendant and witnesses of the date and time of the hearing, along with a summons to appear at the appointed hearing;
7. Conducting prosecution;
8. Performing other actions within the scope and responsibility as a public prosecutor according to the provisions of Qanun jinayat law and/or other laws and regulations;
9. Carry out the determination and decision of the Syar'iyah Court.

Prosecution Stage by Public Prosecutor

1. Pre-prosecution

with an investigation, after the officer receives information from the public on the occurrence of a criminal offense. If the information after being checked through an investigation turns out to be true, there is a strong suspicion of an offense or crime, then the officer transfers the task of investigation or lid by recording and recording without confiscating or arresting someone, if it is clear that the process immediately switches to the investigation process. At this stage, the process only begins with an official summons, with a summons, with an official stamp, which states that a person is summoned to be heard as a witness or defendant. (Djoko Moelyo, 1997). From this, it can be seen that investigation is the gateway to criminal cases, because every criminal case cannot be prosecuted or submitted to the court before going through the level of investigation. (Gatot Supramono, 1998).

The investigation examination process has a time limit, especially if the suspect is detained. Although the investigation process has not been completed, the prosecutor has paid attention, because the Notice of Commencement of Investigation (SPDP) has been sent to the prosecutor's office by the investigator, with the hope that the prosecutor knows, thinks about and provides necessary instructions for the investigator, for the success and perfection of the investigation. It is from that stage that pre-prosecution begins by the prosecutor, with the intention that the investigation is able to present all data and facts in preparation for the prosecution of the public prosecutor in making instructions to the investigator must be clear, complete to avoid the back and forth of files sent instructions must be fast, clear and precise to meet the formal requirements and material requirements. (Hasal, 2021). If the investigation is considered complete, then the investigator is obliged to submit the Investigation Report File to the public prosecutor, this stage is called the first stage of submission, only the submission of the file, not the submission of the detainee and the evidence. The investigator then waits from the public prosecutor, whether the file is complete or not, if it is less than perfect within fourteen days the prosecutor must return the file back to the investigator, to be refined with detailed instructions, what is lacking, maybe expert witnesses need to be prepared by a psychiatrist, for example, for suspects who are thought to be committing crimes because of nervous disorders. (Elvi 2020).

Therefore, pre-prosecution is the stage when the public prosecutor gives instructions to the investigator to complete the case file after the prosecutor receives a Notice of Commencement of Investigation, then also when receiving the submission of the case file at the first stage when the prosecutor considers the extension of detention at the request of the investigator and when the prosecutor conducts additional examinations, will complete the case file if the case file received from the investigator after being examined by the prosecutor turns out to be incomplete and the investigator is no longer able to complete it, that is pre-prosecution, meaning the stage before the prosecution stage. Pre-prosecution in Criminal Procedure Code is regulated in Article 14 point b, which states as follows: "Conducting pre-prosecution if there are shortcomings in the investigation by taking into account the provisions of Article 119 paragraph (3) and paragraph (4), by providing instructions in the context of improving the investigation from the investigator".

Pre-prosecution is the action of the public prosecutor to provide instructions in order to improve the investigation by the investigator. This pre-prosecution is the authority of the public prosecutor as referred to in Article 14 letter b, namely in the event that the public prosecutor receives the investigation case file from the investigator (Article 8 paragraph (3) letter a of Criminal Procedure Code and is of the opinion that the results of the investigation are considered incomplete and perfect, then the public prosecutor must immediately return it to the investigator with the necessary instructions and in this case the investigator must conduct additional investigations in accordance with the instructions given by the public prosecutor (Article 110 paragraph (3) of the Criminal Procedure Code) and if the public prosecutor within fourteen days does not return the results of the investigation, then the investigation is considered complete (Article 110 paragraph (4) of the Criminal Procedure Code). And this also means that no further pre-prosecution may be carried out. (Djoko Prakoso, 1985).

Pre-prosecution is the key to the prosecutor's success in prosecution, its scope includes monitoring the progress of the investigation, researching the first stage file, providing instructions, researching suspects, second submission of evidence, additional examination and the possibility of notifying the termination of investigation or prosecution. The suspect's right is to be given the right to contact his family or legal counsel as soon as possible. From then on the prosecutor is obliged to pay attention to these matters, because the prosecutor must be prepared to respond quickly to the investigator's notification. The important thing is that the suspect's rights must be safeguarded; if there are insufficient grounds for detention, the suspect must not be detained or must be released immediately. This is because from the time the Criminal Procedure Code came into force in December 1981, the rights of suspects had to be respected more clearly.

2. Prosecution

Court against the defendant in order to obtain a judge's decision. The definition according to article 1 point 7 of Criminal Procedure Code is as follows: "Prosecution is a public prosecutor's action to submit a criminal case to the authorized District Court in the case and in the manner provided for in this law with a request that it be examined and decided by a judge at a court session". Based on this definition, the author describes several definitions according to Sudarto, namely: "Prosecution has a broad meaning, namely as an action taken by the prosecutor as a public prosecutor in carrying out his duties since the submission of the file by the investigator and finally submitted back to the District Court. The file that has been collected by the investigator from the results of the investigation will be submitted to the prosecutor to be followed up in court". (Sudarto, 2007).

3. Principles of Prosecution

In Indonesia, there are two principles of prosecution, namely the principle of Legality and the principle of Oportunitas, in the principle of Oportunitas which can implement "the principle of the Attorney General and not to every prosecutor as a Public Prosecutor because the position of the attorney general is the highest public prosecutor". In relation to prosecutorial authority, two principles of prosecution are known in Criminal Law, namely:

- a. The principle of legality is that the public prosecutor is obliged to prosecute all people who are considered sufficient reason that the person concerned has committed a violation of the law. According to this principle, the public prosecutor is obliged to prosecute someone who is charged with having committed a criminal offense.
- b. The principle of opportunity is that the public prosecutor is not required to prosecute a person, even though the person concerned has clearly committed a criminal offense that can be punished. According to this principle, the public prosecutor is not obliged to

prosecute a person who commits a criminal offense if in his judgment if the person is prosecuted it will harm the public interest. Thus, in the public interest, a person who commits a criminal offense may not be prosecuted. (Ghonu, 2015).

The prosecutor as a public prosecutor has a very important power, namely to set aside a criminal case that has clearly been committed by someone considering the purpose of this principle is the public interest, so the prosecutor must be careful in exercising the power to set aside this criminal case. Thus the criteria for the public interest in applying this principle are for the benefit of the state and for the public interest, not personal interests, and the authority to apply this principle is the Attorney General as the highest public prosecutor. According to Qanun Hukum Jinayat, the prosecution provisions are as follows:

1. The Public Prosecutor is authorized to prosecute anyone charged with committing a jarimah within its jurisdiction by referring the case to the District/City Shari'iyah Court which has jurisdiction to hear the case.
2. The public prosecutor after receiving the results of the investigation from the Investigator immediately studies and examines it and within 7 (seven) days must notify the investigator whether the results of the investigation are complete or not. In the event that the results of the investigation turn out to be incomplete, the public prosecutor returns the case file to the investigator along with instructions on what must be done to complete it and within 14 (fourteen) days from the date of receipt of the file, the Investigator must have resubmitted the case file to the public prosecutor.
3. After the public prosecutor has received or received back a complete investigation from the investigator, he immediately examines it to determine whether or not the case file meets the requirements to be submitted to the District/City Shari'iyah Court.
4. The public prosecutor after receiving the results of the investigation from the Investigator immediately studies and examines it and within 7 (seven) days must notify the investigator whether the results of the investigation are complete or not. In the event that the results of the investigation turn out to be incomplete, the public prosecutor returns the case file to the investigator along with instructions on what to do to be completed and within 14 (fourteen) days from the date of receipt of the file, the Investigator must have resubmitted the case file to the public prosecutor.
5. After the public prosecutor has received or received back a complete investigation from the investigator, he/she immediately examines it to determine whether or not the case file meets the requirements to be submitted to the District/City Shari'iyah Court.
6. he public prosecutor after receiving the results of the investigation from the Investigator immediately studies and examines it and within 7 (seven) days must notify the investigator whether the results of the investigation are complete or not. In the event that the results of the investigation turn out to be incomplete, the public prosecutor returns the case file to the investigator along with instructions on what to do to be completed and within 14 (fourteen) days from the date of receipt of the file, the Investigator must have resubmitted the case file to the public prosecutor.
7. After the public prosecutor receives or receives back the complete investigation from the investigator, he/she immediately examines it to determine whether or not the case file meets the requirements to be submitted to the District/City Shari'iyah Court.

8. If the public prosecutor is of the opinion that the results of the investigation warrant prosecution, he/she shall immediately draft an indictment. In the event that the public prosecutor decides to discontinue the prosecution due to insufficient evidence or the incident does not constitute a jarimah, the public prosecutor shall state this in a decree. The contents of the decree as referred to in paragraph (2) shall be notified to the suspect and if he is detained, he shall be immediately released. A copy of the decree as referred to in paragraph (2) shall be delivered to the suspect or his family or legal counsel, the official of the state detention center, the investigator and the judge. If it later turns out that there are new reasons, then the public prosecutor can prosecute the suspect.
9. The public prosecutor may merge cases and make them into one indictment, if at the same time or almost at the same time he receives several case files in the case of:
 - a. Several Jarimah committed by the same person and the interests of the investigation do not prevent their merger;
 - b. Several Jarimah that are related to one another; and
 - c. Several Jarimah which are not related to one another, but which are related to one another, in which case the merger is necessary for the interests of the examination.
 - d. In the event that the public prosecutor receives a case file containing several offenses committed by several suspects that do not fall under the provisions of Article 137, the public prosecutor may prosecute each defendant separately.
 - e. Several Jarimah that are related to one another; and
 - f. Several Jarimah that are not related to one another, but which are related to one another, in which case the merger is necessary for the interests of the examination.
 - g. In the event that the public prosecutor receives a case file containing several offenses committed by several suspects that do not fall under the provisions of Article 137, the public prosecutor may prosecute each defendant separately;
 - h. The public prosecutor submits the case to the Syar'iyah Court with a request to hear the case immediately, accompanied by an indictment. The public prosecutor draws up an indictment which is dated and signed and contains;
 - i. the full name, place of birth, age or date of birth, sex, nationality, place of residence, religion and occupation of the accused;
 - j. a careful, clear and complete description of the crime charged with mentioning the time and place when the crime was committed. An indictment that does not fulfill the provisions as referred to in paragraph (2) letter b is null and void. A derivative of the case submission letter as referred to in paragraph (1) as well as the indictment letter as referred to in paragraph (2) shall be submitted to the defendant or his legal counsel and the investigator, at the same time as the submission of the case submission letter to the District/City Shari'iyah Court;
 - k. The public prosecutor may amend the indictment before the Judge sets the day of the hearing, either to improve or to discontinue the prosecution. The amendment of the indictment as referred to in paragraph (1) may be made only 1 (one) time.

In the event that the public prosecutor amends the indictment as referred to in paragraph (1), the public prosecutor shall submit the derivative to the defendant or legal counsel and the

investigator. The public prosecutor's charges cannot be accepted, if the charged jarimah fulfills one of the following reasons:

- a. There has been a verdict with permanent legal force;
- b. There has been a presidential amnesty or abolition;
- c. The suspect has passed away;
- d. The suspect has a mental disorder as evidenced by the testimony of a psychiatric expert from a government hospital.
- e. There is no complaint on jarimah aduan;
- f. There is forgiveness from the victim or his heirs after the victim dies, for forgivable jarimah;
- g. The Qanun or article on which the charge is based has been revoked, or declared invalid by a decision of the Supreme Court; or

The defendant was under the age of 12 (twelve) years when committing the jarimah.

CONCLUSION

The area of Islamic shari'a law enforcement has a synchronization between Law Number 1 of 2021 concerning the Attorney General's Office of the Republic of Indonesia with the Aceh Qanun in the enforcement of Islamic shari'a in Aceh. The legal institution authorized to investigate the case, namely the positioning of the Wilayatul Hisbah institution (sharia police) as a Civil Servant Investigator (PPNS), the Attorney General's Office is authorized to investigate cases regulated in Qanun.

Qanun in Aceh is categorized as written law that is drafted by authorized officials from the executive and legislative branches. Therefore, Qanun is legislation as a manifestation of the power and will of the ruler in the form of law. In this case, Qanun is positive law because it is made by the ruler on the authority given by the people. The urgency of the establishment of the Qanun on the Functional Duties of the Aceh Attorney is a social condition that requires improvement in the enforcement of Islamic shari'a in Aceh.

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