

ABSTRACT

**AUTHORITY OF TERMINATION OR DELAY OF PROSECUTION AND
WAIVER CASE**

The use of authority to terminate prosecution or waiver of cases must be used carefully and pay attention to the interests of the victim as the party most disadvantaged in the occurrence of criminal acts. Based on the practice of using authority to terminate prosecution and case waiver, the researcher has the conclusion that the current rules are not enough to guarantee legal and justice certainty so it is necessary to conduct this research.

The philosophy of the authority to terminate prosecution is the termination of prosecution is the discretionary authority attached to the public prosecutor for carrying out the prosecution function, as a form of legal certainty in the enforcement of criminal law if there is a clear and clear arrangement regarding the concept, terms and mechanism for terminating prosecution. Philosophically the authority to terminate prosecution is a means for public prosecutors to bring about prosecution that prioritizes the interests of the community and new alternatives in the criminal justice system with a restorative justice approach to fulfill a sense of justice for perpetrators, victims and the community. The philosophy of delaying prosecution is the discretionary authority of the public prosecutor to delay prosecution in order to prevent the increasing chaos that exists in the community. Because the concept used is a delay in termination of the prosecution, the legal consequences, the expiration of the prosecution of the case ceases. Termination of the prosecution will provide legal certainty for the enforcement of criminal law and as a form of legal protection for victims of criminal acts. Thus, in essence the postponement of prosecution stops the expiration of criminal prosecution so that any action to delay the prosecution will not provide benefits to the perpetrators of the crime. The case waiver philosophy is the authority of the Attorney General to override matters in the public interest to safeguard and uphold the authority of the government and the state in law enforcement and political stability, security and protect the interests of the more important and large people by overriding the interests of prosecution.

Keywords: Authority, Prosecution, Attorney

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