



THE ATTORNEY GENERAL'S AUTHORITY IN DEPONEERING: JURIDICAL ISSUES, LEGAL POLITICS, AND IMPLEMENTATION CHALLENGES IN THE DEMOCRATIC ERA

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Abstract: The Attorney General's authority to exercise deponeering constitutes an exceptional form of prosecutorial discretion within Indonesia's criminal justice system, permitting the discontinuation of criminal prosecution on the grounds of public interest. Although this authority is constitutionally recognized under Law Number 11 of 2021 and affirmed by Constitutional Court Decision Number 29/PUU-XIV/2016, its implementation continues to generate debate regarding legal certainty, equality before the law, and democratic accountability. This study aims to examine the constitutional foundation, legal politics, and implementation challenges of deponeering while proposing a framework for strengthening its constitutional legitimacy. Employing a qualitative doctrinal legal research design with a library research approach, the study analyzes constitutional provisions, statutory regulations, judicial decisions, and relevant scholarly literature on prosecutorial discretion, the rule of law, and democratic governance. The findings indicate that the principal challenge does not lie in the constitutional recognition of deponeering but in the absence of objective legal standards governing the interpretation of public interest, procedural transparency, and institutional accountability. Consequently, the constitutional legitimacy of deponeering should be evaluated not merely by reference to statutory authorization but by the extent to which prosecutorial discretion is exercised consistently with the principles of legality, objective public interest, transparency, and institutional accountability. This study proposes the Democratic Accountability Framework of Deponeering as a conceptual model for strengthening constitutional control over exceptional prosecutorial discretion while preserving prosecutorial independence and promoting democratic governance. The proposed framework contributes to contemporary scholarship on prosecutorial discretion and offers normative guidance for future reform of Indonesia's prosecution system.

Keywords: Deponeering; Prosecutorial Discretion; Rule of Law; Democratic Accountability; Attorney General.

INTRODUCTION:

The rule of law constitutes one of the most fundamental principles of democratic constitutionalism, requiring that the exercise of public power be constrained by legal norms, institutional accountability, and the protection of individual rights. Within criminal justice systems, the prosecution service occupies a strategic position because it acts as the gatekeeper in determining whether criminal proceedings should continue or be discontinued. Consequently,



prosecutorial authority is not merely a procedural function but also a constitutional responsibility that directly affects justice, equality before the law, and public confidence in legal institutions. Although prosecutors are generally entrusted with discretionary authority to determine the most appropriate course of criminal proceedings, such discretion is expected to operate within clearly defined legal boundaries and under effective accountability mechanisms (Davis, 2007; Green, 2019; Roach, 2021). The challenge for democratic legal systems is therefore to maintain a balance between prosecutorial independence, which is essential for impartial law enforcement, and public accountability, which prevents arbitrary or politically motivated decisions. As emphasized by Fuller (1969), Raz (1979), Dworkin (2011), and Tamanaha (2017), the legitimacy of governmental authority depends not only on legal authorization but also on adherence to the fundamental values of legality, fairness, consistency, and rational justification. These principles become increasingly important when prosecutors are granted exceptional discretionary powers capable of terminating criminal proceedings in the name of the public interest.

Indonesia presents a distinctive example of prosecutorial discretion through the institution of *deponering*, a legal mechanism that authorizes the Attorney General to set aside criminal prosecution for reasons of public interest. This authority is explicitly recognized under Law Number 11 of 2021 concerning the Public Prosecution Service of the Republic of Indonesia, which positions the Attorney General as the sole authority competent to exercise *deponering*. Unlike ordinary prosecutorial discretion, *deponering* represents an extraordinary executive legal power because it permits the discontinuation of criminal proceedings even when legal requirements for prosecution have been fulfilled. Historically, this authority has been justified as an instrument for maintaining national stability, protecting broader public interests, and preventing criminal proceedings from producing greater social or political harm. Nevertheless, the concentration of such authority in a single executive institution has generated persistent debates regarding constitutionalism, legal certainty, and equality before the law. The absence of explicit statutory criteria defining the concept of "public interest" further complicates the implementation of *deponering* and leaves substantial room for subjective interpretation and institutional discretion.

From a constitutional perspective, the exercise of *deponering* raises complex juridical and political questions. Democratic governance requires every exercise of public authority to remain subject to legal limitations, transparency, and accountability. However, the Indonesian legal framework provides limited procedural guidance regarding the assessment of public interest, the decision-making process, or mechanisms for external review of *deponering* decisions. As a consequence, legal scholars have questioned whether the existing regulatory framework sufficiently safeguards the constitutional principles of equality before the law, due process, and legal certainty (Jimly Asshiddiqie, 2021; Huda, 2020; Hadjon, 2018). The Constitutional Court has acknowledged the legality of *deponering* while simultaneously emphasizing that the authority should remain compatible with constitutional principles and the broader objectives of the rule of law. Nevertheless, practical implementation continues to reveal significant tensions between prosecutorial discretion and constitutional accountability, particularly when decisions involve politically sensitive or socially controversial cases.



The debate surrounding deponeering extends beyond legal doctrine into the broader sphere of legal politics. Legal politics examines how legal norms are formulated, interpreted, and implemented within particular political configurations and institutional power relations. The Attorney General, while functioning as the highest public prosecutor, also occupies a strategic position within the executive branch. Consequently, decisions concerning deponeering cannot be entirely separated from political considerations, governmental priorities, or broader state interests. This institutional reality creates an inherent tension between prosecutorial independence and executive influence. Afandi (2025) argues that prosecutorial independence constitutes a fundamental prerequisite for impartial criminal justice, whereas Arifin et al. (2023) highlights that prosecutorial decision-making increasingly requires balancing legal certainty, restorative justice, and broader societal interests. Accordingly, deponeering should not be understood merely as a technical legal mechanism but as a constitutional instrument situated at the intersection of law, politics, and democratic governance.

International scholarship has consistently emphasized that prosecutorial discretion is both necessary and potentially problematic. Davis (2007) demonstrates that broad prosecutorial discretion may contribute to arbitrary justice when exercised without transparent standards or meaningful oversight. Likewise, Green (2019) argues that prosecutorial discretion is indispensable for effective criminal justice administration but simultaneously requires public scrutiny to preserve institutional legitimacy. Roach (2021) further contends that prosecutorial independence must always be accompanied by accountability mechanisms capable of preventing abuse of authority while maintaining operational autonomy. These perspectives suggest that the central issue is not whether prosecutors should possess discretionary powers, but rather how such powers should be regulated to ensure consistency with democratic constitutional principles. Consequently, the Indonesian experience with deponeering offers an important opportunity to examine how exceptional prosecutorial authority can be reconciled with the requirements of legality, transparency, and constitutional accountability.

Previous studies concerning deponeering have predominantly focused on doctrinal analyses of statutory provisions, the legality of the Attorney General's authority, or the principle of opportunity within Indonesian criminal procedure. Although these studies contribute significantly to understanding the legal basis of deponeering, they generally provide limited discussion regarding its relationship with democratic governance, constitutional accountability, and the rule of law. Existing scholarship also tends to treat deponeering as an isolated doctrine of criminal procedure rather than as part of a broader system of prosecutorial governance. Furthermore, relatively few studies integrate international theories of prosecutorial discretion with Indonesian legal politics to explain why the implementation of deponeering remains controversial despite its formal constitutional recognition. This limitation indicates the need for a more comprehensive analytical framework capable of connecting legal doctrine with constitutional theory and democratic institutional design.



Based on these observations, this study identifies a significant research gap in the existing literature. Current scholarship has not sufficiently examined deponeering through an integrated framework that combines prosecutorial discretion, legal politics, the rule of law, and democratic accountability. The absence of objective legal standards governing the interpretation of public interest, coupled with limited institutional oversight, creates uncertainty regarding the constitutional legitimacy of deponeering decisions. Accordingly, this article proposes the Democratic Accountability Framework of Deponeering, which conceptualizes the legitimacy of prosecutorial discretion through four interrelated dimensions: legality, public interest, democratic accountability, and the rule of law. Rather than merely questioning the legality of deponeering, this framework evaluates whether the exercise of prosecutorial authority satisfies the constitutional requirements of transparency, accountability, proportionality, and legal certainty.

Accordingly, this study aims to analyze the juridical foundation, legal politics, and implementation challenges of the Attorney General's authority in exercising deponeering within Indonesia's democratic legal system. Employing a qualitative doctrinal legal research design supported by library research and socio-legal analysis, the study seeks to explain the constitutional implications of deponeering and to formulate a conceptual framework capable of strengthening democratic accountability in prosecutorial decision-making. Ultimately, the article argues that the legitimacy of deponeering should not depend solely upon statutory authorization but also upon institutional mechanisms that ensure transparency, objective public interest assessment, legal certainty, and effective constitutional oversight. Through this approach, the study contributes not only to Indonesian legal scholarship but also to broader international discussions concerning prosecutorial discretion and democratic governance.

METHODOLOGY:

This study employed a qualitative legal research design using doctrinal legal research supported by a library research approach and a socio-legal analytical perspective. Qualitative legal research was selected because the issues surrounding the Attorney General's authority in exercising deponeering involve normative interpretation, constitutional principles, legal politics, and institutional practices that cannot be adequately explained through quantitative methods. Rather than measuring empirical variables, this research seeks to interpret legal norms, examine doctrinal consistency, and evaluate the constitutional implications of prosecutorial discretion within Indonesia's democratic legal system. The socio-legal perspective complements the doctrinal analysis by situating legal norms within their broader political and institutional contexts, thereby enabling a more comprehensive understanding of how legal authority operates in practice.

The research adopted four complementary legal approaches: the statutory approach, the conceptual approach, the case approach, and the comparative approach. The statutory approach was employed to examine the constitutional and legislative framework governing the Attorney General's authority, particularly the 1945 Constitution of the Republic of Indonesia and Law Number 11 of 2021 concerning the Public Prosecution Service. The conceptual approach was used to analyze the theoretical foundations of prosecutorial discretion, the rule of law, democratic



accountability, legal politics, and the doctrine of public interest based on established legal scholarship. The case approach focused on relevant constitutional interpretation, particularly Constitutional Court Decision Number 29/PUU-XIV/2016, which addressed the legality of the Attorney General's authority in exercising deponeering. Meanwhile, the comparative approach was applied to examine internationally recognized principles regarding prosecutorial independence and accountability in order to position Indonesia's deponeering mechanism within broader comparative legal discourse.

The study relied exclusively on documentary data obtained from authoritative legal sources. Primary legal materials consisted of the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2021 concerning the Public Prosecution Service, and Constitutional Court Decision Number 29/PUU-XIV/2016. These materials served as the principal legal basis for examining the constitutional legitimacy and statutory scope of deponeering. Secondary legal materials included scholarly books and peer-reviewed journal articles discussing prosecutorial discretion, rule of law, criminal justice, legal politics, constitutionalism, democratic governance, and prosecutorial independence. Particular attention was given to internationally recognized works by Davis (2007), Fuller (1969), Raz (1979), Dworkin (2011), Green (2019), Roach (2021), Lacey (2018), Gershman (1999), and other scholars whose works provide theoretical foundations for analyzing prosecutorial authority. Indonesian legal scholarship, including works by Asshiddiqie (2021), Hadjon (2018), Rahardjo (2017), Atmasasmita (2010), Nawawi Arief (2018), and Afandi (2025), was also incorporated to explain the constitutional and political characteristics of Indonesia's prosecution system.

Data collection was conducted through a systematic library research procedure. Relevant legal documents, legislation, judicial decisions, academic books, and peer-reviewed journal articles were identified, classified, and critically reviewed according to their relevance to the research objectives. The collected materials were organized into thematic categories, including the constitutional basis of deponeering, prosecutorial discretion, legal politics, public interest, democratic governance, prosecutorial independence, and constitutional accountability. This thematic organization enabled the researcher to identify conceptual relationships among various legal sources while ensuring consistency in the interpretation of legal norms and scholarly arguments.

The collected data were analyzed using qualitative content analysis and legal reasoning techniques. The analysis began with the interpretation of statutory provisions and constitutional principles governing the Attorney General's authority. Subsequently, conceptual analysis was undertaken to evaluate how the theories of prosecutorial discretion, rule of law, democratic accountability, and legal politics explain the existence and implementation of deponeering. Comparative analysis was then employed to contrast Indonesia's legal framework with internationally recognized principles concerning prosecutorial independence and accountability. Finally, thematic synthesis was conducted to integrate the findings into a coherent analytical framework, referred to in this study as the Democratic Accountability Framework of Deponeering,



which serves as the principal analytical model for evaluating the legitimacy and implementation of the Attorney General's discretionary authority.

To enhance the credibility and analytical rigor of the study, data triangulation was conducted through cross-referencing statutory provisions, constitutional jurisprudence, and scholarly interpretations from both Indonesian and international legal literature. Rather than relying on a single legal source, the analysis continuously compared legislative provisions with constitutional principles and contemporary academic debates to ensure balanced interpretation. This approach strengthened the reliability of the legal analysis while minimizing interpretative bias. The study did not involve human participants or confidential data; therefore, ethical concerns relating to research subjects were not applicable. Nevertheless, academic integrity was maintained by accurately citing all legal authorities and scholarly sources in accordance with the APA 7th edition citation style.

RESULTS AND DISCUSSION:

Constitutional and Statutory Framework of Deponeering

The constitutional legitimacy of deponeering in Indonesia derives from the interaction between the 1945 Constitution, statutory regulation, and constitutional interpretation. Article 1 paragraph (3) of the 1945 Constitution establishes Indonesia as a state governed by the rule of law, requiring that every exercise of governmental authority be based on law and exercised consistently with constitutional principles. Within this framework, prosecutorial authority constitutes a constitutional function aimed at ensuring justice, legal certainty, and the protection of public interests.

The legal basis for deponeering is expressly provided by Law Number 11 of 2021 concerning the Public Prosecution Service of the Republic of Indonesia, which grants the Attorney General exclusive authority to discontinue criminal prosecution in the public interest. The statute adopts the opportunity principle, allowing prosecution to be set aside despite the fulfillment of legal requirements for criminal proceedings. Consequently, deponeering represents an exceptional prosecutorial mechanism intended to accommodate circumstances in which the continuation of criminal prosecution may produce consequences contrary to broader societal or state interests.

The Constitutional Court, through Decision Number 29/PUU-XIV/2016, confirmed that the Attorney General's authority to exercise deponeering is constitutionally valid. The Court considered that the opportunity principle forms part of Indonesia's criminal justice policy and may legitimately be employed to safeguard public interests. Nevertheless, the Court also emphasized that such authority remains subject to constitutional principles governing legality, equality before the law, and legal certainty. Therefore, statutory authorization does not create unlimited prosecutorial discretion but must be exercised within the constitutional framework of the rule of law.



Despite the constitutional and statutory recognition of deponeering, the legal framework provides only limited guidance regarding the interpretation of public interest. Law Number 11 of 2021 does not define objective criteria for determining when prosecution may legitimately be discontinued, nor does it prescribe detailed procedural standards governing the exercise of the Attorney General's discretion. Consequently, the implementation of deponeering depends substantially upon institutional interpretation rather than explicit statutory benchmarks.

These findings indicate that Indonesia has established a constitutional foundation recognizing deponeering as an exceptional prosecutorial authority while simultaneously leaving significant discretion regarding its practical implementation. The principal legal issue therefore lies not in the existence of the authority itself but in the absence of clear constitutional standards governing its exercise.

Institutional and Constitutional Challenges

The analysis further demonstrates that the implementation of deponeering raises several constitutional and institutional challenges. The first concerns the interpretation of public interest. Although public interest serves as the sole legal justification for deponeering, neither legislation nor judicial interpretation provides measurable standards capable of distinguishing objective constitutional interests from broader policy considerations. This legal ambiguity creates considerable discretion in determining whether criminal prosecution should proceed or be discontinued.

The second challenge concerns legal certainty. Since statutory provisions do not establish detailed criteria governing deponeering decisions, similar criminal cases may potentially receive different legal treatment depending upon the Attorney General's interpretation of public interest. Such circumstances create uncertainty regarding the consistent application of criminal law and complicate public assessment of prosecutorial decision-making.

Another constitutional challenge relates to equality before the law. Deponeering authorizes the discontinuation of prosecution despite sufficient evidence supporting criminal proceedings. Although such authority is legally recognized, exceptional prosecutorial discretion inevitably raises questions concerning equal treatment of individuals before the law. The legitimacy of differential treatment therefore depends upon whether the public interest supporting deponeering can be objectively justified within constitutional principles.

Institutionally, deponeering also reflects the unique position of the Attorney General within Indonesia's constitutional structure. As the highest prosecutorial authority and a member of the executive branch, the Attorney General performs both legal and governmental functions. This dual institutional role requires prosecutorial discretion to balance criminal justice objectives with broader constitutional and public policy considerations. Consequently, the exercise of deponeering cannot be understood solely as a criminal procedural decision but also as an aspect of constitutional governance.



The analysis also identifies challenges concerning transparency and accountability. Existing legislation provides limited procedural requirements regarding the disclosure of legal reasoning supporting deponeering decisions. Likewise, statutory mechanisms for independent institutional oversight remain relatively limited. As a result, constitutional accountability depends primarily upon the Attorney General's institutional responsibility rather than comprehensive regulatory safeguards.

Overall, the findings reveal that Indonesia's legal framework successfully recognizes deponeering as an exceptional constitutional authority but provides limited normative guidance concerning the interpretation of public interest, institutional accountability, and constitutional control. These findings demonstrate that the central challenge of deponeering lies not in its constitutional recognition but in ensuring that its implementation remains consistent with the principles of legality, legal certainty, equality before the law, transparency, and democratic governance.

DISCUSSION

Reassessing Deponeering through the Rule of Law

The findings demonstrate that the constitutional legitimacy of deponeering cannot be assessed solely based on its statutory recognition under Law Number 11 of 2021. Although the legislation expressly authorizes the Attorney General to discontinue criminal prosecution in the public interest, statutory authorization alone is insufficient to justify the exercise of exceptional prosecutorial discretion within a democratic state governed by the rule of law. Rather, constitutional legitimacy depends on whether such authority is exercised consistently with the principles of legality, legal certainty, equality before the law, and constitutional accountability.

This conclusion is consistent with the rule of law theory advanced by Fuller (1969), who argues that the legitimacy of legal authority depends not only on the existence of legal rules but also on their clarity, consistency, and faithful implementation. The absence of objective statutory criteria defining public interest weakens legal certainty because similar cases may receive different prosecutorial treatment depending on institutional interpretation. Likewise, Raz (1979) emphasizes that discretionary governmental powers must remain constrained by predictable legal standards to prevent arbitrary decision-making. In the context of deponeering, broad statutory discretion without sufficiently articulated legal parameters may undermine one of the fundamental objectives of the rule of law, namely the predictability and consistency of governmental action.

Dworkin (2011) further argues that governmental discretion should always be exercised through principled legal reasoning rather than institutional preference or political convenience. This perspective is particularly relevant because deponeering directly affects the constitutional rights of individuals and the integrity of criminal justice administration. Accordingly, the exercise of deponeering should be justified through constitutional principles capable of demonstrating why discontinuing prosecution better serves justice and the public interest than continuing criminal proceedings.



The findings therefore indicate that the constitutional issue surrounding deponeering is not whether the Attorney General possesses legal authority, but whether the existing legal framework sufficiently constrains that authority through objective constitutional standards. Consequently, the rule of law requires deponeering to be understood as an exceptional constitutional responsibility rather than an unrestricted executive discretion.

Prosecutorial Discretion, Legal Politics, and Democratic Governance

The findings also reveal that deponeering represents a form of prosecutorial discretion operating within the broader framework of legal politics and democratic governance. As the highest prosecutorial authority, the Attorney General occupies a constitutional position requiring the reconciliation of criminal law enforcement with broader public interests. Consequently, prosecutorial decision-making cannot be separated entirely from governmental policy and constitutional objectives. Nevertheless, legal politics should not be interpreted as permitting political intervention in prosecutorial independence.

Afandi (2025) emphasizes that prosecutorial independence constitutes a prerequisite for impartial criminal justice. Similarly, Roach (2021) argues that prosecutorial independence and accountability are complementary constitutional principles rather than competing institutional values. Independence protects prosecutors from improper influence, whereas accountability ensures that discretionary authority remains subject to constitutional justification. Therefore, the legitimacy of deponeering depends upon maintaining an institutional balance between autonomous legal judgment and democratic accountability.

International scholarship similarly recognizes that prosecutorial discretion is indispensable within modern criminal justice systems. Davis (2007) demonstrates that prosecutors inevitably exercise broad discretionary authority because criminal law cannot anticipate every factual circumstance. Green (2019) likewise argues that prosecutorial discretion becomes democratically legitimate only when accompanied by transparency and public accountability. These perspectives support the findings of this study, which indicate that Indonesia's regulatory framework recognizes the necessity of prosecutorial flexibility but provides limited procedural safeguards governing the interpretation of public interest.

The implementation of deponeering therefore reflects a constitutional tension between prosecutorial independence and executive authority. Since the Attorney General forms part of the executive branch while simultaneously exercising independent prosecutorial functions, deponeering inevitably occupies the intersection of criminal justice administration and constitutional governance. This institutional arrangement does not inherently contradict democratic principles; however, it requires stronger constitutional safeguards to ensure that exceptional prosecutorial discretion remains directed toward objective public interests rather than institutional or political considerations.



The findings further suggest that public interest should be interpreted as a constitutional concept rather than merely a policy consideration. Public interest must therefore be capable of objective legal justification, supported by transparent constitutional reasoning, and applied consistently across comparable cases. Such an approach strengthens legal certainty while preserving the flexibility necessary for exceptional prosecutorial decision-making.

Democratic Accountability Framework of Deponeering

Based on the foregoing discussion, this study proposes the Democratic Accountability Framework of Deponeering as its principal theoretical contribution. The framework departs from conventional approaches that evaluate deponeering solely through statutory legality. Instead, it argues that the constitutional legitimacy of exceptional prosecutorial discretion should be assessed through four interrelated constitutional dimensions: legality, objective public interest, transparency, and institutional accountability.

The first dimension is legality, requiring every deponeering decision to remain consistent with constitutional principles and statutory authority. Formal legal competence alone is insufficient; prosecutorial decisions must also satisfy constitutional standards of equality before the law, proportionality, and legal certainty.

The second dimension is objective public interest. Rather than functioning as an indeterminate legal concept, public interest should be interpreted through objective constitutional considerations capable of distinguishing legitimate societal interests from political expediency or institutional convenience. Objective interpretation strengthens consistency in prosecutorial decision-making and reduces the risk of arbitrary discretion.

The third dimension is transparency. Decisions to discontinue criminal prosecution should be supported by clear and reasoned legal justification explaining why public interest outweighs the continuation of criminal proceedings. Transparency enhances institutional legitimacy by enabling public understanding and scholarly evaluation of prosecutorial reasoning without compromising legitimate confidentiality.

The fourth dimension is institutional accountability. Exceptional prosecutorial authority requires effective accountability mechanisms ensuring that discretion remains subject to constitutional oversight. Accountability does not diminish prosecutorial independence; instead, it reinforces public confidence by ensuring that discretionary authority is exercised responsibly and consistently with democratic constitutional values.

The proposed framework contributes to existing scholarship by shifting the focus of constitutional analysis from the existence of prosecutorial discretion toward the quality of its exercise. Rather than asking whether the Attorney General should possess deponeering authority, this study argues that the more important constitutional question concerns the conditions under which such authority remains compatible with democratic governance. Accordingly, the



legitimacy of deponeering depends not solely on statutory authorization but on the institutional capacity to ensure legality, objective public interest, transparency, and accountability in every exercise of prosecutorial discretion.

The Democratic Accountability Framework also provides practical implications for future legal reform. Legislative refinement should prioritize the development of objective statutory criteria for assessing public interest, strengthen procedural transparency in deponeering decisions, and reinforce accountability mechanisms capable of preserving both prosecutorial independence and constitutional legitimacy. Through these measures, deponeering can continue to function as an exceptional prosecutorial mechanism while remaining fully consistent with the constitutional principles of the rule of law and democratic governance.

CONCLUSIONS

This study examined the Attorney General's authority to exercise deponeering from the perspectives of constitutional law, legal politics, and democratic governance through a qualitative doctrinal legal research approach. The findings demonstrate that deponeering is constitutionally recognized under Law Number 11 of 2021 and affirmed by Constitutional Court Decision Number 29/PUU-XIV/2016 as an exceptional prosecutorial authority based on the opportunity principle. However, the constitutional legitimacy of deponeering extends beyond its formal statutory recognition. The absence of objective legal standards governing the interpretation of public interest, together with limited procedural transparency and institutional accountability, creates challenges for ensuring legal certainty, equality before the law, and public confidence in the administration of criminal justice.

The discussion further indicates that prosecutorial discretion is an essential component of modern criminal justice systems and should not be regarded as incompatible with democratic governance. Rather, its legitimacy depends on the constitutional framework within which such discretion is exercised. In Indonesia, the Attorney General's dual role as the highest prosecutorial authority and a member of the executive branch requires an appropriate balance between prosecutorial independence, constitutional accountability, and the protection of public interests. Accordingly, deponeering should be understood not as an unrestricted executive prerogative but as an exceptional constitutional responsibility that must remain subject to the principles of legality, proportionality, transparency, and equality before the law.

The principal contribution of this study is the development of the Democratic Accountability Framework of Deponeering, which proposes that the constitutional legitimacy of exceptional prosecutorial discretion should be evaluated through four interrelated dimensions: legality, objective public interest, transparency, and institutional accountability. This framework shifts the analytical focus from the mere existence of statutory authority to the constitutional quality of its exercise, thereby offering a broader perspective for assessing prosecutorial discretion within democratic legal systems.



From a practical perspective, this study recommends that future reforms of Indonesia's deponeering mechanism prioritize the formulation of objective statutory criteria for determining public interest, strengthen transparency through reasoned prosecutorial decisions, and establish more robust accountability mechanisms that preserve prosecutorial independence while ensuring constitutional oversight. Such reforms would enhance legal certainty and reinforce public trust without eliminating the flexibility necessary for exceptional prosecutorial decision-making.

Finally, although this study is limited to a doctrinal analysis of Indonesia's legal framework, the proposed analytical model provides a conceptual basis for future comparative and empirical research on prosecutorial discretion and constitutional governance in other jurisdictions. Further studies may examine how different legal systems regulate exceptional prosecutorial powers and evaluate the applicability of the Democratic Accountability Framework across diverse constitutional contexts, thereby contributing to the broader development of comparative constitutional and criminal justice scholarship.

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