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Effectiveness of Oversight Mechanisms for Investigators Who Fail to Follow Up on Reports or Complaints: An Analysis of Article 23(6) and (7) of Law Number 20 of 2025 on the Criminal Procedure Code

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ABSTRACT

This article examined the effectiveness of oversight mechanisms applicable when investigators fail to respond to criminal reports or complaints under Article 23(6) and (7) of Law Number 20 of 2025 on the Criminal Procedure Code. The study employed normative legal research using statutory, conceptual, and documentary case-based approaches. Primary legal materials were read alongside scholarly articles, institutional analyses, and legislative-policy documents supplied for this research. The analysis found that Article 23 establishes a significant accountability pathway: paragraph (6) permits a complainant to report non-response after fourteen days, while paragraph (7) provides for administrative, ethical, or criminal sanctions where investigators exceed or violate legal or ethical requirements. Nevertheless, the provision does not itself specify a complete review procedure, a deadline for deciding a complaint, a duty to provide reasoned written outcomes, or an independent route of review. Earlier legislative critiques and recent studies of the new Criminal Procedure Code also identify risks associated with internal-only oversight and uneven institutional readiness. The article proposed a tiered, digitally traceable oversight model combining internal review, external maladministration review, clear procedural deadlines, reasoned decisions, and proportionate sanctions, while preserving investigative discretion and due process.

Kata Kunci:

Pengawasan Kepolisian; Laporan Pidana; Akuntabilitas Penyidik; KUHAP 2025; Akses Terhadap Keadilan

ABSTRAK

Artikel ini mengkaji efektivitas mekanisme pengawasan terhadap penyelidik atau penyidik yang tidak menanggapi laporan atau pengaduan tindak pidana berdasarkan Pasal 23 ayat (6) dan ayat (7) Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana. Penelitian menggunakan metode hukum normatif melalui pendekatan perundang-undangan, konseptual, dan kajian dokumen kasus. Bahan hukum primer dianalisis bersama artikel ilmiah, kajian kelembagaan, serta dokumen kebijakan legislasi yang tersedia. Analisis menemukan bahwa Pasal 23 menyediakan jalur akuntabilitas penting: ayat (6) memungkinkan pelapor mengadukan tidak adanya tanggapan setelah empat belas hari, sedangkan ayat (7) membuka penerapan sanksi administratif, etik, atau pidana apabila aparat melampaui atau melanggar ketentuan hukum maupun kode etik. Meskipun demikian, ketentuan tersebut belum mengatur secara lengkap prosedur pemeriksaan pengaduan, batas waktu untuk memutus pengaduan, kewajiban memberikan alasan tertulis, dan jalur peninjauan independen. Kritik legislasi

JOURNAL
AXIOMA LEX PRIMA
OPEN ACCESS
Volume 1 No 3 Tahun 2026
ISSN: 0000-0000 (Online)

terdahulu dan penelitian mutakhir juga menunjukkan risiko pengawasan yang hanya bertumpu pada mekanisme internal serta ketidaksiapan kelembagaan. Artikel ini merekomendasikan model pengawasan bertingkat yang dapat ditelusuri secara digital, menggabungkan pemeriksaan internal, pengawasan eksternal terhadap maladministrasi, tenggat prosedural yang jelas, keputusan beralasan, dan sanksi proporsional dengan tetap menjamin diskresi penyidikan yang sah serta proses hukum yang adil.

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A. Introduction

Access to justice is not secured merely by allowing a person to submit a criminal report. A reporting system becomes meaningful only when the competent authority receives the report, records it accurately, assesses it within a reasonable period, and communicates the procedural position to the person who reported the alleged offence. Where a report disappears into an institution without an identifiable response, the reporting person may be left without a practical means of knowing whether the allegation has been assessed, whether evidence is being preserved, or whether a decision not to proceed has been made. Such uncertainty may undermine public confidence and weaken the ability of victims and other reporting persons to participate meaningfully in the criminal process. In a constitutional state, public power must therefore be accompanied by procedures through which inaction can be questioned and the reasons for official decisions can be scrutinised.[1] The 1945 Constitution affirms Indonesia as a state governed by law and guarantees fair legal certainty; those principles are relevant not only when coercive measures are imposed on suspects, but also when public authorities respond to allegations of criminal conduct. [2][3]

The investigation stage is a particularly sensitive point in the criminal justice process. Investigators determine which initial steps are taken to clarify an alleged

[1] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 Ayat (3).
[2] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28D Ayat (1).
[3] Siti Fadila Nuramelia et al., "Reorientasi Perlindungan Saksi dan Korban dalam Sistem Peradilan Pidana Indonesia dari Pengaturan Parsial Menuju Model Perlindungan Terpadu," Hakim: Jurnal Ilmu Hukum dan Sosial 4, no. 3 (2026): 112–125, https://doi.org/10.51903/j66vnn80.

JOURNAL
AXIOMA LEX PRIMA
OPEN ACCESS
Volume 1 No 3 Tahun 2026
ISSN: 0000-0000 (Online)

criminal event, identify potentially relevant persons, and secure information or physical and electronic evidence that may later be difficult to recover.[4] Investigative choices necessarily involve professional judgment because reports differ in specificity, urgency, credibility, and legal character. Not every report must lead to a full criminal investigation, and the law should not require investigators to treat every allegation as proven. However, discretion to assess a report is not equivalent to discretion to ignore it. A lawful system must distinguish a reasoned preliminary assessment from passive non-response, arbitrary refusal, undue delay, or the intentional withholding of action for an improper purpose. The distinction protects both sides of the process: complainants need an effective route to question unexplained inactivity,[5] while investigators need safeguards against vexatious or strategically motivated complaints that seek to direct the outcome of a case.

Law Number 20 of 2025 on the Criminal Procedure Code (hereafter, the 2025 Criminal Procedure Code or KUHAP 2025) replaced Law Number 8 of 1981 and entered into force on 2 January 2026. The reform addresses a range of matters, including the rights of suspects, victims, witnesses, and persons with disabilities; the authority of investigators and prosecutors; coercive measures; pretrial review; and the integration of criminal justice functions.[6] Within this broader reform, Article 23 has particular relevance to accountability at the earliest stage of the process. Paragraph (6) allows a reporter or complainant to report an investigator or investigator conducting preliminary inquiry who has not responded to a report or complaint within fourteen days to the investigator's superior or the officer carrying the investigative oversight function. Paragraph (7) provides that investigators who, in carrying out their duties, functions, and powers, exceed or violate statutory

[4] Muhammad Abdul Azis, Pujiyono, and Riski Ananda Kusuma Putri, "Reconstructing Reliability Standards for Deepfake Detectors as Electronic Evidence in Indonesia's Criminal Justice System," West Science Law and Human Rights 4, no. 3 (2026): 299–309, https://doi.org/10.58812/wslhr.v4i03.3022.

[5] Muhammad Abdul Azis and Pujiyono, "Causative-Victim Tracing for Integrative Criminal Policy on AI Deepfake Face and Voice Crimes in Indonesia," KRTHA Bhayangkara 20, no. 2 (2026): 518–537, https://doi.org/10.31599/krtha.v20i2.5666.

[6] *Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana, Lembaran Negara Republik Indonesia Tahun 2025 Nomor 188, Tambahan Lembaran Negara Nomor 7149, Pasal 13 Dan Pasal 23 Ayat (5)–(7), Https://Peraturan.Bpk.Go.Id/Details/337302/Uu-No-20-Tahun-2025.*

requirements or a code of ethics may be subject to administrative, ethical, or criminal sanctions in accordance with applicable law. The two paragraphs perform related but distinct functions: paragraph (6) creates an avenue for complaint, whereas paragraph (7) identifies possible consequences for legally or ethically improper conduct.

A complaint pathway does not itself guarantee that the initial report will be investigated, and sanctions are not automatic merely because a complainant is dissatisfied. The key question is whether the framework links the duty to respond with a workable review procedure, a reasoned outcome, and proportionate consequences where a legal or ethical breach is established.

Recent scholarship has primarily examined the broader transformation of investigative powers. Putriyana and Yuliana identify regulatory disharmony, limited implementing rules, institutional readiness, and unequal technological capacity as challenges to KUHAP 2025.[7] Wulandari, Rismansyah, and Ginting likewise emphasise professionalism, accountability, due process, and safeguards against abuse. These studies show that statutory reform requires operational procedures and institutional capacity,[8] but do not provide a close analysis of the final Article 23(6) and (7) mechanism.[9]

Tampubolon, Sangalang, and Pramita examined investigator authority in corporate embezzlement cases and stressed the need to balance investigative powers with procedural safeguards and oversight.[10] Assegaf and colleagues, in a study focused on civil-servant and certain investigators, similarly questioned excessively hierarchical oversight and stressed checks and balances. Although

[7] Putriyana and Yuliana, "Transformasi Proses Penyidikan Oleh Kepolisian Berdasarkan Perspektif Sistem Peradilan Pidana."
[8] Muhammad Abdul Azis, Siti Fadila Nuramelia, Muhammad Thufail Ariiq, Alya Synthia Kurniawati, Riski Ananda Kusuma Putri, Misshouw Meilany Putri, and Dafirly Salsadilla Dosanto, "Causative-Based Integral Policy as a Response to Criminogenic Factors in the Distribution of Subsidized Fuel," Punggawa Law Review 1, no. 3 (2026): 142–148, https://punggawajournal.com/plr/article/view/66.
[9] Wulandari et al., "PENYELIDIKAN DAN PENYIDIKAN DITINJAU DARI UNDANG-UNDANG NOMOR 20 TAHUN 2025 TENTANG KITAB UNDANG-UNDANG HUKUM ACARA PIDANA."
[10] Tampubolon and Sangalang, "Analisis Normatif Kewenangan Penyidik Dalam Undang-Undang Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana Pada Penggelapan Dana Perusahaan."

neither study directly evaluates complaints under Article 23, both inform the broader question of how public authority should be made accountable. [11]

Legislative-policy materials also identified risks in the draft complaint procedure. The Daftar Inventarisasi Masalah prepared by the Faculty of Law at Universitas Brawijaya and PERSADA UB questioned a complaint route limited to internal supervisors and proposed a more integrated response involving the public prosecutor.[12] The Civil Society Coalition for Criminal Procedure Code Reform separately asked the House of Representatives to clarify the period, complaint recipient, and consequences where an original report remained unattended.[13] These draft-stage materials do not prove current mishandling; they provide context for risks anticipated during law reform.

The research gap follows from these strands of literature. General studies have addressed the transformation of investigative powers, procedural safeguards, or the institutional position of particular investigators. Legislative critiques have identified gaps in the draft complaint procedure. Yet there remains a need for a focused doctrinal assessment of the final wording of Article 23(6) and (7), including the relationship between the fourteen-day trigger and the complaint route, the scope of the sanction clause, the procedural guarantees owed to complainants, and the role of internal and external oversight bodies. This article fills that gap by analysing the enacted provision rather than treating the earlier draft as current law, while using the draft-related documents only as contextual evidence of anticipated implementation problems.

The article addresses three research questions. First, how should the legal duties and oversight mechanisms under Article 23(6) and (7) of KUHAP 2025 be interpreted? Second, what structural and procedural weaknesses are indicated by

[11] Assegaf et al., "Pengebirian Kewenangan Dan Pelemahan Kedudukan PPNS Dan Penyidik Tertentu Dalam KUHAP 2025 — Jentera."
[12] *Fakultas Hukum Universitas Brawijaya and Pusat Riset Sistem Peradilan Pidana Universitas Brawijaya (PERSADA UB), Daftar Inventarisasi Masalah Rancangan Undang-Undang Hukum Acara Pidana, Version March 2025, Discussion of Article 23(7) and the Fourteen-Day Complaint Mechanism.*
[13] *Koalisi Masyarakat Sipil Untuk Pembaruan KUHAP, "Permohonan Klarifikasi Dan Jawaban Atas Masukan Koalisi Masyarakat Sipil Terhadap Draf RKUHAP," Letter to the House of Representatives of the Republic of Indonesia, October 2, 2025*.

Volume 1 No 3 Tahun 2026
ISSN: 0000-0000 (Online)

the supplied scholarly literature and legislative-policy documents? Third, what integrated oversight model could improve accountability while preserving lawful investigative discretion, the rights of affected persons, and the integrity of criminal proceedings? The objective is to construct a legally grounded framework that distinguishes complaint receipt, review of possible inaction, direction concerning the initial report, and disciplinary or criminal accountability for proven misconduct.

The article's novelty lies in treating non-response as a distinct accountability problem rather than equating it with a decision to terminate an investigation or with a challenge to a coercive measure. It proposes a tiered oversight model that links the statutory complaint route to clear procedural deadlines, reasoned written decisions, independent external review for alleged maladministration, and a secure digital tracking system. The proposal does not presume that the complainant is entitled to demand a particular investigative outcome. Instead, it argues that the complainant should be entitled to a procedurally accountable response, while any direction to take investigative action must remain consistent with legality, evidentiary sufficiency, and the allocation of powers within the criminal justice system.

B. Research Method

This article employed normative legal research, also described as doctrinal legal research, to examine the legal rules, principles, and institutional arrangements governing oversight of investigators who fail to respond to criminal reports or complaints. It did not rely on original interviews, surveys, observation, or other primary field data. References to implementation problems are therefore framed as documentary findings drawn from published research, legislative-policy materials, and official regulatory documents rather than as independently measured evidence of the prevalence of investigator inaction.

Three research approaches were used. The statutory approach analysed the 1945 Constitution, Law Number 20 of 2025 on the Criminal Procedure Code, Law Number 2 of 2002 on the Indonesian National Police, Law Number 37 of 2008 on the Ombudsman of the Republic of Indonesia, Law Number 25 of 2009 on Public

Services, and relevant police regulations governing public complaints. The conceptual approach examined access to justice, legal certainty, police accountability, administrative maladministration, internal and external oversight, proportionality, and due process. A documentary case-based and comparative approach was used to read the final statutory text against policy critiques made during the drafting of the Criminal Procedure Code and against recent studies of criminal investigation under the new Code. The comparison does not treat a draft provision as binding law; it identifies which concerns raised during the legislative process remain relevant to the interpretation or implementation of the enacted provisions.

The primary legal materials consisted of applicable legislation and institutional regulations. Secondary legal materials included the scholarly articles by Putriyana and Yuliana; Wulandari, Rismansyah, and Ginting; and Tampubolon, Sangalang, and Pramita; the Jentera study by Assegaf and colleagues; the Universitas Brawijaya/PERSADA UB inventory of issues; and the Civil Society Coalition's request for clarification to the House of Representatives. Tertiary materials, including legal dictionaries and legal encyclopaedias, were used only to clarify terminology where needed. Materials were collected through library research and documentary study. The selected materials were relevant because they addressed the new Code, institutional accountability, oversight architecture, or the specific fourteen-day complaint rule.

The materials were analysed qualitatively using descriptive-analytical legal reasoning. Grammatical interpretation was used to identify the ordinary meaning and separate functions of paragraphs (6) and (7). Systematic interpretation assessed those provisions in conjunction with the duties to receive reports, the police's statutory functions, complaint-management regulations, and the mandates of external oversight institutions. Teleological interpretation considered the objectives of access to justice, legal certainty, accountability, and protection against arbitrary public power. The final stage was prescriptive: gaps identified in the existing framework were translated into procedural recommendations, distinguishing changes that can be made through implementing rules from those that would require

statutory amendment. Claims about real-world frequency, causation, or institutional performance were not made unless supported by documentary sources.

C. Results and Discussion

1. Normative Construction of Investigator Oversight under Article 23(6) and (7) of KUHAP 2025

a. The duty to receive and respond to criminal reports

Article 23 must be interpreted as part of a sequence of procedural obligations rather than as an isolated complaint clause. Its opening paragraphs regulate the making and recording of reports or complaints, and paragraph (5) requires the preliminary investigator or investigator to provide a receipt after accepting a report or complaint. The receipt is more than an administrative formality. It creates a verifiable starting point from which the reporting person can identify when the report was received and whether the statutory period relevant to the complaint mechanism has elapsed. Without reliable registration and a receipt, the fourteen-day trigger could become difficult to prove, particularly where the report was made orally or transferred between units.[14]

Article 13 of KUHAP 2025 further provides that a preliminary investigator who knows of or receives a report or complaint concerning an event reasonably suspected to be a criminal offence must promptly undertake the necessary preliminary inquiry. Read together, these provisions establish that the State's initial response is a legal duty, not merely a matter of customer service. The duty is nonetheless a duty to take the legally necessary initial steps, not a duty to reach a particular conclusion. An authority may conclude, on legally sufficient grounds, that the alleged event does not constitute a criminal offence or that a matter should not proceed to formal investigation. The critical requirement is that this conclusion

[14] Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana, Pasal 23 Ayat (5).

follows a lawful assessment and is not replaced by silence or unexplained inactivity.[15]

A useful analytical distinction is between four kinds of conduct. First, an administrative delay may occur where a report has been registered but no meaningful assessment has yet been made; the delay may be justified in a complex or urgent matter only where the reason and interim steps are documented. Second, a reasoned decision not to proceed is a substantive response, subject to whatever notice, review, and other procedures the law provides. Third, non-response occurs when the complainant receives no meaningful acknowledgment or information about the status of the report within the applicable period. Fourth, improper refusal or deliberate obstruction involves an additional question of motive, legal duty, and possible misconduct. These categories should not be collapsed into a single assumption that any delay is criminal wrongdoing, nor should the existence of workload pressures turn every failure to respond into legally irrelevant conduct.

The first practical safeguard is therefore traceability. A report should be assigned a unique registration number, a date and time of receipt, the identity of the receiving unit, and a record of whether it was registered as a criminal report or a public complaint about police service. A complainant should receive an acknowledgment in a form that can be retained and verified. These records enable later review of the statutory period and make it possible to distinguish failure to respond from a documented and reasoned procedural decision. A digital system may assist, but a manual channel must remain available to persons without reliable internet access, digital literacy, or the ability to use an electronic application.

b. Article 23(6): the fourteen-day complaint route

Article 23(6) provides that, where a preliminary investigator or investigator has not responded to a report or complaint within fourteen days from its receipt, the reporting person may report the non-responsive official to the investigator's superior or the officer entrusted with the investigative oversight function. Its principal legal effect is to establish a statutory escalation route after a defined period

[15] Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana, Pasal 13.

of non-response. It shifts the issue from an informal request for information to a complaint that can trigger an oversight response. In this respect, the provision is a meaningful improvement over a framework in which an individual might be left to rely entirely on informal communication with the officer handling the report. [16]

The wording nevertheless leaves several operational questions. It does not, in the provision itself, specify a deadline for the superior or oversight officer to assess the complaint, the minimum investigation that the complaint must receive, the standard for deciding whether an investigator failed to respond, or the form in which the determination must be communicated. It also does not expressly state what action must follow if the oversight officer confirms non-response. For instance, must the officer require a written explanation, direct that the report be assessed by a specified date, transfer the initial report to another unit, or open a separate disciplinary inquiry? These measures are not identical, and the most appropriate response may depend on whether the problem is administrative delay, professional disagreement, neglect of duty, or evidence of intentional abuse of authority.

The fourteen-day wording should be read as the period of non-response that activates the complaint right, not as a deadline after which the right disappears. A contrary interpretation would make the mechanism ineffective when the silence continues. Implementing rules should expressly state that the elapse of fourteen days triggers escalation and does not extinguish the right to complain on the following day.

A receipt should not, by itself, count as a sufficient response if the report then remains unattended without meaningful status information. Conversely, response rules should not require disclosure of protected investigative details. A suitable minimum is confirmation of registration, identification of the responsible unit, a general procedural status, and notice of any next step required from the reporting person.

[16] Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana Pasal 23 Ayat 6.

Article 23(6) sends complaints to the investigator's superior or an internal oversight officer. Those officials can access files and order corrective action, but the statute does not clearly provide an independent route when the complaint concerns the superior, a conflict of interest, repeated unit-level delay, or alleged retaliation. Internal oversight should therefore remain the first tier, with external review available within the lawful mandates of competent bodies.

c. Article 23(7): sanctions, fault, and procedural fairness

Article 23(7) states that a preliminary investigator or investigator who, in carrying out duties, functions, and authority, exceeds or violates statutory requirements or a code of ethics is subject to administrative, ethical, or criminal sanctions in accordance with applicable law. The clause makes the accountability consequences express, but it does not establish a single automatic sanction for every instance of non-response. Its operative conditions require conduct that exceeds or violates legal or ethical requirements, and the appropriate consequence must be determined under the legal regime governing the relevant type of liability. [17]

Administrative accountability concerns compliance with official duties and service standards; ethical accountability concerns breaches of professional codes; criminal liability requires proof of a separately defined offence and all its elements. A missed deadline should not automatically be labelled a crime. The response must follow the legal regime governing each form of liability and must reflect the established facts.

This differentiation protects complainants and investigators. Treating every unresolved complaint as proof of misconduct may pressure investigators to take unnecessary steps or disclose protected information; treating sanctions as merely aspirational leaves complainants without practical correction. Reviewers should consider the duration and seriousness of the omission, any explanation, impact on evidence or safety, repetition, compliance with directions, and evidence of improper intent.

[17] Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana Pasal 23 Ayat 7.

JOURNAL
AXIOMA LEX PRIMA
OPEN ACCESS
Volume 1 No 3 Tahun 2026
ISSN: 0000-0000 (Online)

A sanction decision should record the established facts, applicable rule, reasons, and corrective action or referral.[18] The challenged officer should have an opportunity to respond, subject to legitimate confidentiality restrictions, and the complainant should receive enough information to understand the outcome. A reasoned record supports review, deters arbitrariness, and helps identify repeated institutional failures.

Article 23(6) and (7) thus form a complementary pair: paragraph (6) opens an avenue to raise the concern, while paragraph (7) may support consequences where a legal or ethical breach is proven. They do not, by themselves, set out a complete procedure that connects complaint, fact-finding, corrective action, sanction, and review. This gap should be filled through rules that specify the process and clarify that different forms of responsibility remain distinct. It should not be filled through an expansive interpretation that presumes guilt or by treating the mere fact that a complainant is dissatisfied as evidence of misconduct.

Table 1 Legal Function and Regulatory Gaps under Article 23(6) and (7)

Provision	Core legal function	Gap requiring clarification
Article 23(6)	Allows a reporting person to complain after fourteen days of non-response to the investigator's superior or the investigative oversight officer.	No express procedure for deciding the complaint, deadline for the reviewer, mandatory reasoned reply, external review route, or clearly defined corrective consequence.
Article 23(7)	Permits administrative, ethical, or criminal sanctions where an investigator exceeds or violates statutory provisions or a code of ethics.	Does not create a single automatic sanction; the applicable basis, proof, decision-maker, proportionality, and procedural safeguards must be identified under the relevant law.
Article 23(5)	Requires a receipt upon acceptance of the report or complaint.	The receipt should be linked to a traceable registration and the calculation of the fourteen-day period; it should not substitute for meaningful status communication.

[18] Hardi, "Akuntabilitas Jaksa Sebagai Dominus Litis Dalam Kesalahan Materiil Surat Dakwaan Dan Pemulihan Hak Terdakwa."

Source: Author's analysis of Law Number 20 of 2025 on the Criminal Procedure Code, Article 23(5)–(7).

The table 1 shows that the statute establishes both an avenue for complaint and a possible sanction basis, but leaves the link between them incomplete. Implementing rules should require a recorded determination, a reasoned explanation, and a corrective administrative instruction where non-response is confirmed, while reserving disciplinary or criminal proceedings for cases meeting their own legal standards.

2. Documentary Findings on Structural and Procedural Obstacles to Effective Oversight

a. Internal oversight and the risk of institutional self-review

The first risk revealed by the documentary materials is excessive dependence on internal review. The text of Article 23(6) directs the complaint to the investigator's superior or the official responsible for investigative oversight. [19]Such recipients may be well placed to order an explanation, inspect a file, review assignment history, or require a case update. Internal review is also ordinarily faster than a separate external proceeding and may allow correction without unnecessary formalisation. It therefore forms a necessary first tier of accountability. However, an effective oversight design must consider circumstances in which the person responsible for reviewing the complaint has a personal or institutional interest in defending the original decision, where the allegedly inactive investigator is senior, or where delay appears systematic rather than isolated.

The Universitas Brawijaya/PERSADA UB DIM and the Civil Society Coalition's October 2025 letter raised the concern that internal-only review may lack an inter-institutional check and that the next step after a complaint remained unclear. These sources do not prove that all internal review fails; they identify a structural risk that can be reduced through transparent criteria, separation from the original investigator, reasoned outcomes, audits, and external scrutiny where appropriate.[20]

[19] Hasana, "PENGERTIAN PENYELIDIKAN DAN PENYIDIKAN DALAM HUKUM ACARA PIDANA."
[20] *Fakultas Hukum Universitas Brawijaya and Pusat Riset Sistem Peradilan Pidana Universitas Brawijaya (PERSADA UB), Daftar Inventarisasi Masalah Rancangan Undang-Undang Hukum*

JOURNAL
AXIOMA LEX PRIMA
OPEN ACCESS
Volume 1 No 3 Tahun 2026
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The Indonesian National Police already has an internal public-complaint framework. Police Regulation Number 2 of 2024 on the Management of Public Complaints within the Indonesian National Police covers complaints concerning police services, personnel conduct, abuse of duties or authority, and law-enforcement processes. It also identifies responsibilities for supervisors and controllers, including receiving and following up complaints, requesting information or documents, examining relevant records, and notifying complainants about the follow-up and development of a complaint.[21] This framework is an important existing foundation. However, its general internal complaint-management function should be explicitly aligned with the specific trigger in Article 23(6), so that a complaint about a criminal report is not categorised only as an ordinary service complaint and then processed without the timelines and legal consequences contemplated by the Criminal Procedure Code.

The central issue is integration rather than the complete absence of channels. Reporting, requests for case-development information, general police complaints, and Article 23(6) complaints can overlap but serve different purposes. A shared identifier and clear transfer rules should reduce repeated submissions and inconsistent updates, while ensuring that a service complaint is not closed before the underlying report receives a legally meaningful response.

External institutions can provide complementary review within their legal mandates. Kompolnas performs functions relating to police oversight and recommendations, while the Ombudsman examines alleged maladministration in public services. Neither role automatically replaces the investigator's duty or gives an unrestricted power to dictate the outcome of a criminal case. Their contribution should focus on delay, communication failures, administrative discretion, and institutional patterns within the scope of the law.[22]

Acara Pidana, Version March 2025, Discussion of Article 23(7) and the Fourteen-Day Complaint Mechanism.

[21] Republik Indonesia, Peraturan Kepolisian Nomor 2 Tahun 2024 Tentang Pengelolaan Pengaduan Masyarakat Di Lingkungan Kepolisian Negara Republik Indonesia.

[22]Edi Sahputra Hasibuan, "Polemic on Polri Reform: Where Do You Want the Police To Be Directed?," KRTHA Bhayangkara 19, no. 3 (2025): 842–852, https://doi.org/10.31599/krtha.v19i3.4670.

JOURNAL
AXIOMA LEX PRIMA
OPEN ACCESS
Volume 1 No 3 Tahun 2026
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b. Ambiguity in the meaning of non-response and in the consequences of a complaint

A second obstacle is the absence of a sufficiently detailed statutory definition of a meaningful response. The word 'respond' may be interpreted narrowly as sending any acknowledgment, or more substantively as providing a procedural status update or determination. If the first interpretation prevails, an automated acknowledgment sent at receipt could arguably be used to avoid the complaint mechanism even if no further step is taken. If the second is interpreted to require disclosure of the entire investigative file, it may interfere with confidentiality and the rights of other persons. The more defensible model distinguishes the initial receipt from subsequent procedural communication and establishes minimum requirements for each. A receipt verifies acceptance; a status response confirms registration, current stage, responsible unit, and whether further steps are pending; a decision not to proceed should state the legal and factual basis to the extent disclosure is permitted.

Article 23(6) does not itself prescribe a complete remedy after a complaint is accepted. Unless the reviewer has a deadline and must issue an outcome, the original non-response can be repeated at the second stage. Implementing rules should therefore specify registration, allocation to an independent reviewer, collection of an explanation and relevant records, a determination, corrective action where needed, and notification to the complainant. [23]

The oversight complaint should test whether the official responded as legally required; it should not automatically determine the merits of the suspected offence.[24] Confirmed non-response may justify a direction to assess the report, give a status update, or refer possible misconduct. Conversely, a reasoned conclusion that the report lacks a legal basis does not necessarily answer an allegation that the investigator failed to register it or communicate the decision. Keeping these issues

[23] *Koalisi Masyarakat Sipil Untuk Pembaruan KUHAP, "Permohonan Klarifikasi Dan Jawaban Atas Masukan Koalisi Masyarakat Sipil Terhadap Draf RKUHAP," Letter to the House of Representatives of the Republic of Indonesia, October 2, 2025.*
[24] Badrul Huda et al., "KAJIAN NORMATIF HUKUM PENGADUAN MASYARAKAT."

separate prevents oversight from directing prosecution while preserving procedural accountability.

The fourteen-day period is only one part of the timeline. Implementing rules should clarify how receipt is evidenced, how the period is calculated, whether complaints may be filed after the period elapses, how urgent matters are prioritised, and how quickly the reviewer must decide. An extension should be justified in writing and should identify interim steps to protect evidence and affected persons.

Documentary evidence on the broader implementation of KUHAP 2025 also warns against assuming that statutory change alone will make processes effective. Putriyana and Yuliana identify differences in institutional preparedness and technological resources as challenges to the transformation of investigation. [25] These observations do not specifically measure Article 23 complaints, but they support the need for procedural rules that can operate in units with different levels of capacity. A digital system should therefore be accompanied by standard operating procedures, staff training, supervisory audits, and a non-digital alternative. The statutory right should not depend on whether a particular local unit has already deployed a sophisticated information system.

c. Institutional culture, incentives, and resource constraints

A further set of risks concerns institutional culture and incentives. Oversight can remain formalistic where officers are evaluated primarily through case volume, completion targets, or unit-level performance indicators that do not reward timely and reasoned communication with reporting persons. In such circumstances, complaints about inactivity may be treated as reputational problems rather than as signals that a procedural duty has not been fulfilled. Conversely, a poorly designed sanction regime can encourage defensive administration: officers may produce formulaic status letters to avoid review without meaningfully assessing the report. The task of institutional design is to reward verifiable compliance with procedural obligations rather than the mere production of paperwork.

[25] Putriyana and Yuliana, "Transformasi Proses Penyidikan Oleh Kepolisian Berdasarkan Perspektif Sistem Peradilan Pidana."

Resource constraints should nevertheless be treated analytically rather than accepted as a blanket defence. A unit may face a heavy workload, limited forensic facilities, or a shortage of specialised personnel. Such constraints may explain why a report cannot immediately proceed to a particular investigative act, but they do not necessarily explain a failure to register the report, preserve time-sensitive information, assign responsibility, or inform the reporting person that assessment is ongoing. The oversight process should require a distinction between a delay attributable to genuine evidentiary or operational difficulty and a failure to perform basic administrative and communication duties. This distinction allows supervisors to address resource allocation without normalising avoidable silence.

The supplied materials do not provide a representative dataset on how many reports remain unanswered after fourteen days. It would therefore be methodologically unsound to estimate a national rate or attribute a specific proportion to institutional culture. The present evidence supports a normative diagnosis, not a statistical estimate. Future field research could measure time to first meaningful response, complaint outcomes, corrective directions, and recurring reasons for delay across selected units.

d. Coordination of police complaint rules and external oversight

Police Regulation Number 2 of 2024 is a relevant starting point because it covers complaints concerning police services, personnel conduct, abuse of authority, and law-enforcement processes. It should be harmonised with Article 23(6) and (7) so that a complaint about a criminal report is registered as such, the fourteen-day period is recorded, and the outcome addresses the underlying report rather than only the public complaint.

External oversight can add value in cases of systemic delay, conflicts of interest, retaliation, or repeated unit-level failure. Ombudsman review should focus on maladministration, while Kompolnas should act within its statutory police-governance functions. Prosecutors may participate where the Criminal Procedure Code assigns them a role; courts should review only matters within their lawful jurisdiction. Any extension of judicial review requires an express legal basis rather than interpretive assumption.

This division of roles is consistent with a checks-and-balances approach. Internal supervisors should address immediate operational correction and personnel accountability. External bodies should assess maladministration, institutional patterns, and compliance with public-service or police-governance standards. Prosecutors can provide a legally grounded point of coordination within the criminal justice process, where their role under the Criminal Procedure Code is engaged. Courts should exercise only those forms of review assigned to them by law; the proposed model does not assume that all disputes about a failure to respond are presently within the jurisdiction of a particular pretrial remedy. Any extension of judicial review should be considered through an explicit statutory basis, not created by interpretive assertion. This caution is important because procedural oversight must improve accountability without producing forum confusion or permitting a complainant to dictate the outcome of a criminal case.

3. Reconstructing an Integrated Oversight Mechanism Based on Legal Accountability

a. Minimum procedural guarantees and a tiered review pathway

A reconstructed model should begin with reliable intake. The receiving unit should register the report, issue a receipt, record the date and time, identify the responsible unit, and preserve the allegation in a searchable file. A later complaint about handling should be recorded separately from the underlying criminal report, so the fourteen-day period can be calculated from a verifiable event.

Within the statutory period, the investigator should provide a meaningful procedural communication: confirmation of registration, the responsible unit, an appropriately general status, and any next step required from the reporting person. The communication should neither promise prosecution nor disclose confidential strategy. Where a decision not to proceed has been made, its legal basis should be communicated to the extent required by law, with information on any available review mechanism.

After fourteen days without a meaningful response, a complainant should be able to file an Article 23(6) complaint through accessible channels. The review should be assigned to an official other than the challenged investigator; where the

Volume 1 No 3 Tahun 2026
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superior is implicated or a conflict exists, the matter should be escalated. Written forms may assist but must not exclude oral, in-person, telephone, or accessible digital submissions.

The reviewer should verify the receipt date, inspect registration and assignment records, obtain the investigator's explanation, identify steps taken, and assess whether a meaningful response was given. The reviewer should not determine the merits of the suspected offence unless legally authorised. If non-response is confirmed, corrective directions may require a status update, a documented assessment by a stated date, reassignment, preservation of urgent evidence, or referral for disciplinary review. An unsubstantiated complaint should also receive a reasoned decision.

The complainant should be informed of an external review route where the matter falls within the mandate of the Ombudsman, Kompolnas, or another competent body. Such review must not itself direct prosecution or disclose protected information. If no external or judicial route is legally available, the complainant should receive an explanation of the lawful options. This tiered model introduces scrutiny without allowing the complainant to dictate the outcome of a criminal case.

b. Aligning oversight remedies with administrative, ethical, and criminal responsibility

The sanction framework should be organised around the type of breach established. For a first, non-deliberate administrative omission with no material consequence, a corrective instruction, written explanation, training, or other authorised administrative measure may be proportionate. Repeated or serious neglect, disregard of a lawful supervisory direction, manipulation of registration records, or concealment of a report may warrant formal disciplinary or ethical proceedings if the applicable rules so provide. Referral for possible criminal investigation should occur only where facts indicate a separately defined offence; it should never be used as a rhetorical threat or an automatic response to every complaint. These categories must be mapped to the actual legal instruments governing personnel discipline and criminal liability.

The reviewer should evaluate at least six factors: (1) whether the report was properly received and registered; (2) the time elapsed and any documented explanation; (3) whether evidence or a person's safety was placed at risk by the delay; (4) whether the omission was isolated or repeated; (5) whether the investigator complied with communication and supervisory duties; and (6) whether there is evidence of intentional, discriminatory, corrupt, or otherwise improper conduct. These factors can support consistent decision-making but should not be turned into a rigid penalty matrix that overrides legal requirements or the circumstances of an individual case. A sanction must remain lawful, proportionate, and reviewable.

Functions should be separated where practicable. The officer deciding whether a response occurred should not automatically decide disciplinary charges. Serious allegations or conflicts should be transferred to the proper inspectorate or ethics body. Disciplinary procedures must afford the officer notice and an opportunity to respond, while protecting records and the complainant from retaliation. The complainant is entitled to a reasoned procedural outcome, not to dictate the penalty.

This design also requires careful linkage between the complaint and the criminal file. If an oversight reviewer orders the investigator to assess the report, that direction should identify the procedural task and deadline but should not dictate an evidentiary conclusion. The investigator must remain free to conclude, based on law and evidence, that the matter does not amount to an offence or that the threshold for further action has not been met. Such a conclusion should be documented and communicated under applicable law. A complaint that challenges the reasoning of a substantive decision should be processed through the legally available review mechanism for that decision, not disguised as an Article 23 non-response complaint. By keeping these categories distinct, accountability can be made stronger without compromising the independence and legality of investigative assessment.

c. A digital tracking system grounded in accessibility, privacy, and auditability

A third component is an electronic report-tracking system that makes procedural progress visible and produces a reliable audit trail. Each report should

receive a unique identifier that can be used for ordinary status inquiries and any later Article 23(6) complaint. The system should record when the report was received, which unit accepted it, the date of each formal status update, whether the fourteen-day period has elapsed, when an oversight complaint was registered, who has been assigned to review it, what stage the review has reached, and whether a reasoned outcome or corrective direction has been issued. Automatic alerts can notify the responsible officer before the deadline and escalate overdue tasks to a supervisor. The system should generate periodic reports on overdue files and repeat non-response patterns.

Transparency does not mean unrestricted access. A complainant should be able to view the status of their own report, while the system protects witness identities, personal data, medical information, and investigative strategy. Public dashboards should publish aggregated indicators only, supported by access controls, audit logs, secure authentication, and clear retention rules.

Digital systems must not exclude persons with limited connectivity, disabilities, or limited digital literacy. In-person and assisted channels should remain available, with equivalent records entered into the system. If a technical outage prevents entry, a temporary receipt should preserve the actual date of receipt; later data entry must not reset the statutory period.

Beyond individual tracking, aggregate data can identify units with overdue files, recurring delays, frequently reversed outcomes, or barriers faced by particular groups. Such indicators must be interpreted in context because caseload and complexity differ. Their purpose is institutional learning and resource allocation, not pressure to close reports prematurely.

Polri should set minimum tracking standards in harmony with Police Regulation Number 2 of 2024: required fields, status codes, response templates, access permissions, timestamps, audit procedures, escalation triggers, and record preservation. External bodies should receive only information necessary for their

lawful functions. Audits must test whether updates were meaningful, not merely whether generic status letters were sent. [26]

d. Clarifying the role of external oversight and inter-institutional coordination

An external oversight protocol should distinguish institutional roles. Kompolnas may examine police performance within its statutory function; the Ombudsman may review alleged maladministration; suspected ethical breaches should be referred to the competent ethics body; and potential crimes should be handled by the legally authorised investigator. The protocol should set referral criteria, minimum documents, confidentiality rules, acknowledgement deadlines, and arrangements for duplicate complaints.

External oversight should provide independence without creating a parallel command structure. Internal supervisors should correct immediate procedural failures; ethics bodies should examine disciplinary issues; external bodies should review maladministration and institutional patterns; and prosecutors and courts should exercise the powers conferred by law. A lead body should be identified for each issue to reduce repetitive referrals and gaps in responsibility.

If existing mandates prove inadequate to require a binding procedural response to a confirmed failure under Article 23(6), the legislature should expressly consider whether KUHAP 2025 needs a specific external review provision. Such reform should define the permissible grounds of review, scope of remedial directions, relationship to the prosecutor's role, protection of confidential evidence, rights of the challenged investigator, and the boundary between procedural accountability and case merits. It should not be assumed that an implementing police regulation can confer binding powers on a separate institution beyond its statutory authority. This is why the proposed model distinguishes an immediate administrative improvement from a longer-term statutory change.

A reporting person must not face intimidation, disadvantage, or unnecessary disclosure for using the statutory complaint route. Allegations of retaliation or conflict should be escalated to an appropriate level, and a confidential channel

[26] Republik Indonesia, Peraturan Kepolisian Nomor 2 Tahun 2024 Tentang Pengelolaan Pengaduan Masyarakat Di Lingkungan Kepolisian Negara Republik Indonesia.

should be available for complaints about the reviewer. These safeguards make the route practically accessible rather than merely formal.

e. Proposed implementation matrix and accountability indicators

The following matrix translates the legal analysis into an implementation framework. It is prescriptive rather than descriptive: the timeframes and indicators are recommendations for implementing rules, not deadlines that Article 23 itself presently states for the oversight authority. Their purpose is to show how the general statutory entitlement could be turned into a verifiable process.

Table 2 Proposed Minimum Standards for Article 23 Oversight

Stage	Proposed standard	Accountability indicator
Receipt and registration	Issue receipt; register the date, channel, responsible unit, and report identifier; preserve the original timestamp.	Percentage of reports with a verifiable receipt and complete registration record.
Initial response	Provide meaningful status communication within the statutory fourteen-day period; explain any required next steps without disclosing protected details.	Time from receipt to first meaningful response; number and reasons for overdue reports.
Article 23(6) complaint	Register the complaint separately, appoint a reviewer other than the challenged investigator, and notify the complainant of the review stage.	Time from complaint to reviewer assignment and to reasoned outcome.
Review outcome	Issue a written determination; direct procedural correction where non-response is confirmed; refer distinct ethics or criminal issues to the competent body.	Percentage of complaints decided with stated reasons; rate of compliance with corrective directions.

External escalation	Provide a clear referral route for maladministration, institutional performance concerns, or serious misconduct, within each body's legal mandate.	Number and type of referrals; resolution time; recurring issues identified in audits.
Digital audit and safeguards	Maintain access controls, immutable timestamps, audit logs, privacy safeguards, and an offline-assisted alternative.	Audit-log completeness, system accessibility, data breaches, and repeat non-response patterns.

Source: Author's proposal based on Article 23(5)–(7) of Law Number 20 of 2025, Police Regulation Number 2 of 2024, and the legislative-policy materials analysed in this article.

The matrix allows differentiated responses. A routine status inquiry may need only verification and communication; a case involving urgent evidence, a vulnerable victim, a conflict, or deliberate concealment requires prioritisation and potentially formal proceedings. Indicators should support learning: recurring delay may require resources, while repeated disregard of corrective directions may warrant a misconduct review.

Implementation may proceed in stages. First, Polri should align its standard operating procedures with Article 23, including registration, meaningful response, reviewer independence, and reasoned outcomes. Second, it should integrate complaint records with secure status tracking and periodic regional audits. Third, the Government and legislature should assess whether implementation reveals a need for statutory amendment, particularly for independent review and the legal effect of a confirmed failure to respond.

Safeguards for investigators and complainants must be maintained. A complaint should not dictate an investigative conclusion, compel disclosure of protected evidence, or undermine the presumption of innocence. Complaint statistics alone do not prove misconduct; each review must determine whether a response was required, whether delay was justified, and whether a separate legal or ethical breach has been established.

D. Conclusion

Article 23(6) and (7) of Law Number 20 of 2025 provide an important normative basis for holding investigators accountable when they fail to respond to criminal reports or complaints. Paragraph (6) establishes the right to submit a complaint to an investigator's superior or the officer responsible for investigative oversight after fourteen days of non-response. Paragraph (7) provides for administrative, ethical, or criminal sanctions where an investigator exceeds or violates statutory requirements or a code of ethics, subject to the rules governing each form of responsibility. The provisions must be read together but not conflated: the right to complain does not itself prove misconduct, and the sanction clause does not create automatic criminal liability for every delay.

The main weakness lies in the incompleteness of the procedure connecting complaint submission to a meaningful outcome. Article 23(6) does not itself set a deadline for the oversight reviewer, prescribe the required contents of a reasoned decision, state the corrective actions available when non-response is confirmed, or establish a distinct external review route for conflict-of-interest or systemic cases. Existing police complaint-management rules provide an institutional foundation, but their operation should be harmonised with the specific statutory mechanism in KUHAP 2025. Legislative-policy materials and recent scholarship support the need for detailed implementation and balanced oversight, although they do not establish a measured national incidence of unanswered criminal reports. The findings of this article are therefore doctrinal and documentary, rather than based on new empirical fieldwork.

The National Police should adopt a procedural standard that links report registration, meaningful status communication, separate registration of Article 23 complaints, independent internal review, reasoned written outcomes, corrective directions, and proportionate referrals for administrative, ethical, or criminal proceedings where legally justified. 27 The tracking system should preserve reliable timestamps, provide accessible status information, protect personal and

[27] Republic of Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code, State Gazette of the Republic of Indonesia 2025, No. 188, Supplement to the State Gazette No. 7149, arts. 13 and 23(5)–(7), https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025 (accessed October 15, 2026).

investigative data, and produce anonymised indicators for regular audit. Kompolnas and the Ombudsman should be enabled to examine matters within their respective legal mandates, while any expansion of their binding powers should be grounded in explicit legislation. These measures would convert the statutory right to complain into an accountable process while protecting lawful investigative discretion, fair procedure for investigators, and the rights of complainants and other affected persons.

Further research should examine the practical operation of Article 23 after sufficient implementation experience has accumulated. In particular, empirical studies could compare processing times across selected police units, analyse the proportion of complaints that result in reasoned outcomes or corrective measures, and evaluate whether digital tracking improves the quality of communication rather than merely increasing the volume of status notifications. Such studies would test the effectiveness of the proposed model and provide evidence for deciding whether administrative reform is sufficient or statutory amendment is required.

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