

PEMBARUAN HUKUM TERHADAP PENGAWASAN PENYIDIKAN KEPOLISIAN DALAM MEWUJUDKAN PENEGAKAN HUKUM YANG AKUNTABEL BERDASARKAN PRINSIP KEPASTIAN HUKUM DAN Keadilan

Legal Reform of Police Investigation Oversight in Realizing Accountable Law Enforcement Based on the Principles of Legal Certainty and Justice

Yudi Bintoro^{1*}

Zainal Arifin Hoesein²

^{*1&2} Universitas Borobudur,
Indonesia

*email:
25730871@borobudur.ac.id

Lisensi:CC-BY 

Abstrak

Penelitian ini bertujuan untuk menganalisis pengaturan dan pelaksanaan pengawasan penyidikan kepolisian dalam sistem peradilan pidana di Indonesia, mengidentifikasi kelemahan hukum yang menghambat terwujudnya penegakan hukum yang akuntabel, serta merumuskan konsep pembaruan hukum terhadap pengawasan penyidikan yang berlandaskan kepastian hukum dan keadilan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa pengawasan penyidikan yang berlaku saat ini masih menghadapi berbagai permasalahan, antara lain disharmoni pengaturan dalam Kitab Undang-Undang Hukum Acara Pidana (KUHP), Undang-Undang Kepolisian, dan peraturan internal Kepolisian; terbatasnya kewenangan lembaga pengawas eksternal; lemahnya independensi pengawasan internal; belum terintegrasinya mekanisme pengawasan; serta belum optimalnya pemanfaatan teknologi dalam pengawasan penyidikan. Kondisi tersebut berdampak pada masih terjadinya penyalahgunaan wewenang, penangkapan yang tidak sah, kriminalisasi, penghentian perkara yang tidak transparan, serta tingginya jumlah pengaduan masyarakat terkait proses penyidikan. Oleh karena itu, diperlukan pembaruan hukum melalui penguatan kewenangan Komisi Kepolisian Nasional sebagai lembaga pengawas yang independen, integrasi antara pengawasan internal dan eksternal, penerapan teknologi pengawasan seperti kamera yang dikenakan pada petugas (*body-worn cameras*) dan perekaman digital selama proses pemeriksaan, serta penyusunan standar nasional mengenai akuntabilitas penyidikan guna mewujudkan penegakan hukum yang transparan, akuntabel, berkeadilan, dan memberikan kepastian hukum.

Kata Kunci:

Pengawasan Penyidikan
Kepolisian
Akuntabilitas

Keywords:

Investigative Supervision
Police
Accountability

Abstract

This study aims to analyze the regulation and implementation of police investigation supervision in the Indonesian criminal justice system, identify legal weaknesses that hinder the realization of accountable law enforcement, and formulate a concept for legal reform of investigative supervision based on legal certainty and justice. The study employed a normative juridical method with a statutory and conceptual approach. The results indicate that current investigative supervision still faces various problems, including disharmony of regulations in the Criminal Procedure Code (KUHP), the Police Law, and internal police regulations, limited authority of external supervisory institutions, weak independence of internal supervision, lack of integration of oversight mechanisms, and suboptimal use of technology in investigative supervision. These conditions have implications for continued abuse of authority, wrongful arrests, criminalization, non-transparent case terminations, and a high number of public complaints regarding the investigative process. Legal reform is needed through strengthening the authority of the National Police Commission (Komisi Nasional Polisi) as an independent supervisory institution, integrating internal and external supervision, implementing surveillance technology such as body-worn cameras and digital recordings of examinations, and establishing national standards for investigative accountability to achieve transparent, accountable, just, and legal certainty in law enforcement.

INTRODUCTION

The Indonesian National Police holds a highly strategic position within the criminal justice system, as it serves as the initial gatekeeper that determines whether or not the criminal law enforcement process proceeds. This position is affirmed in Article 30, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that the Indonesian National Police, as an instrument of the state, is tasked with maintaining public security and order, enforcing the law, and providing protection, guidance, and service to the public (Sembiring, 2023). Further regulations are contained in Article 13 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which emphasizes the main duties of the Police in the field of maintaining public security and order, law enforcement, and services to the community (Fery Ranofika, Yayuk, 2023). In carrying out their law enforcement functions, police investigators are authorized to conduct inquiries and investigations as stipulated in Article 1 point 5, Article 1 point 2, Article 5, Article 7, and Article 16 of the Criminal Procedure Code (KUHAP). The investigation stage is the most crucial phase because the entire prosecution and examination process in court is based on the results of the investigation conducted by the investigator (Fery Ranofika, Yayuk, 2023). The quality of evidence, the accuracy of suspect identification, the legality of coercive measures, and the completeness of case files are crucial to ensuring a fair trial. Mistakes during the investigation stage not only have the potential to harm both the suspect and the victim but can also result in a failure of law enforcement as a whole, thus undermining the legal objectives of legal certainty, justice, and expediency (Fery Ranofika, Yayuk, 2023).

The concept of the rule of law (*rechtsstaat*) embraced by Indonesia requires that any exercise of authority by law enforcement officials be subject to the law and be accountable both legally and morally (Hadi, 2022). Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state governed by the rule of law; therefore, all actions taken by investigators must be carried out in accordance with the principles of legality, accountability, professionalism, and respect for human rights. The authority of investigators to make arrests pursuant to Articles 16 through 19 of the Criminal Procedure Code, to detain pursuant to Articles 20 through 31 of the Criminal Procedure Code, to conduct searches pursuant to Articles 32 through 37 of the Criminal Procedure Code, to seize property pursuant to Articles 38 through 46 of the Criminal Procedure Code, as well as the designation of suspects pursuant to the provisions of the Criminal Procedure Code and Constitutional Court Decision No. 21/PUU-XII/2014, constitute restrictions on the rights of citizens guaranteed by Article 28D(1) and Article 28G(1) of the 1945 Constitution of the Republic of Indonesia. (Alfano Ramadhan, 2021). This extensive authority must be balanced with an effective oversight system to prevent it from developing into repressive and arbitrary powers. Investigative oversight is essentially a constitutional instrument to ensure that the use of state authority remains within the due process of law and does not become a means of human rights violations. The existence of a strong oversight system is a crucial prerequisite for realizing the principle of equality before the law, ensuring that everyone receives equal treatment before the law without any abuse of power by law enforcement officials (Sitompul, 2017).

Practical reality shows that investigations still face various problems that have drawn public criticism. Numerous cases of wrongful arrests, criminalization, the use of violence during interrogations, the naming of suspects without sufficient evidence, non-transparent case terminations, the slow handling of public reports, and the practice of judicial mafia during the investigation stage indicate that existing oversight mechanisms are not yet fully effective. Several pretrial

rulings demonstrate that investigators' actions were deemed inconsistent with the principles of criminal procedure law, particularly regarding the naming of suspects and the use of coercive measures. Findings from the National Commission on Human Rights, the Indonesian Ombudsman, the Witness and Victim Protection Agency, and the National Police Commission also indicate that public complaints about the investigation process still dominate the reports received each year. This situation demonstrates a gap between legal norms that require professionalism and accountability in investigations and the reality of their implementation on the ground. This phenomenon also confirms that investigations remain a vulnerable point for legal violations and human rights abuses in the Indonesian criminal justice system (Yudiantara, Deddy Yunia Dharma Angkasa Putra, 2026).

This issue becomes even more relevant when linked to the high level of public complaints against the performance of police investigators. The substance of the complaints generally relates to allegations of abuse of authority, slow case handling, termination of investigations without clear reasons, a lack of transparency in case developments, and allegations of unprofessionalism by investigators in handling public reports. The high number of complaints indicates that the public still views the accountability mechanisms for investigators as not functioning optimally. The resulting impact not only results in losses for those seeking justice but also reduces public trust in the police as a law enforcement institution. From the perspective of a democratic state based on the rule of law, public trust is a crucial social capital for effective law enforcement. Low public trust in the investigative process may undermine the legitimacy of the police institution and hinder the realization of just law enforcement (Purnama, 2025). This situation demonstrates that investigative oversight can no longer be viewed solely as an internal police matter, but rather as a constitutional necessity to ensure accountability in the use of state authority.

The current oversight mechanism is essentially implemented through internal and external oversight. Internal oversight is conducted through the Professional and Security Division (Propam), the General Supervision Inspectorate (Itwasum), inherent oversight (Waskat), and hierarchical oversight within the police organizational structure. However, the effectiveness of these mechanisms still faces various obstacles, such as conflicts of interest, a strong corporate culture, low transparency in the internal investigation process, and suboptimal public participation in the oversight process. External oversight is also carried out by the National Police Commission under Presidential Regulation No. 17 of 2011, the Ombudsman of the Republic of Indonesia under Law No. 37 of 2008, the National Commission on Human Rights under Law No. 39 of 1999, and the House of Representatives of the Republic of Indonesia through its oversight function. The fundamental weakness of this external oversight lies in its limited authority, as it largely produces recommendations that are not directly binding on the police institution. This condition means that external supervision is not yet able to function as an effective control instrument in preventing or taking action against abuse of authority at the investigation stage (Nasser, 2022).

The limitations of oversight are also evident in the pretrial mechanism, which has long been viewed as a means of judicial control over investigators' actions. Article 77 of the Criminal Procedure Code originally limited the scope of pretrial review to examining the legality of arrests, detentions, the termination of investigations, and the termination of prosecutions. Subsequently, legal developments resulting from Constitutional Court Decision No. 21/PUU-XII/2014 expanded the scope of pretrial proceedings to include the review of suspect designations, searches, and seizures. Nevertheless, pretrial proceedings remain limited because they are passive and can only be filed after certain actions deemed to be detrimental to a person's rights. A more fundamental problem lies in the lack of a comprehensive, integrated, and accountability-based investigative oversight system. Regulations regarding investigative oversight are scattered throughout the Criminal Procedure Code, Law No. 2 of 2002 concerning the Indonesian National Police,

various National Police Chief Regulations, and other internal regulations that do not yet form a comprehensive oversight system. This situation has led to disharmonious regulations, unclear oversight mechanisms, the absence of uniform accountability standards, and the suboptimal use of technology in investigative oversight. The experiences of several countries, such as the United Kingdom through the Independent Office for Police Conduct, Australia through the Law Enforcement Conduct Commission, the United States through the Civilian Review Board, and the Netherlands through its independent oversight mechanism, demonstrate that strong and independent investigative oversight can increase the accountability of law enforcement officials. Therefore, reforming investigative oversight laws is an urgent need to create an effective oversight system, guarantee human rights protection, increase public trust, prevent abuse of authority, and ensure law enforcement based on legal certainty, justice, and the principles of good governance.

METHOD

This study employs a normative juridical research method, namely legal research that positions law as norms or rules applicable within the system of statutory regulations and various legal doctrines that have developed in legal science. This method is used because the study focuses on analyzing the legal regulation of police investigation oversight and formulating a concept of legal reform aimed at realizing law enforcement accountability based on legal certainty and justice. The approaches employed consist of the statute approach and the conceptual approach. The statute approach is carried out by comprehensively examining various laws and regulations related to investigative authority and investigation oversight, including the 1945 Constitution of the Republic of Indonesia, the Criminal Procedure Code, Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 39 of 1999 concerning Human Rights, as well as various Police Regulations and other relevant regulations. The conceptual approach is used to examine various legal concepts, principles, theories, and doctrines related to the rule of law, accountability, oversight, legal certainty, justice, due process of law, the protection of human rights, and good governance as the foundation for constructing legal arguments and formulating an ideal legal framework. The analysis is conducted prescriptively by identifying normative gaps, regulatory disharmony, and weaknesses in the current investigation oversight system, and subsequently formulating ideas for legal reform (*ius constituendum*) that are expected to strengthen the police investigation oversight system in an effective, transparent, and accountable manner, to realize law enforcement that is both just and based on legal certainty.

RESULT AND DISCUSSION

1. Regulation and Implementation of Supervision of Investigations by the Police in the Indonesian Criminal Justice System

The Indonesian National Police (Polri) holds a crucial position in the Indonesian criminal justice system because it acts as the first institution to respond to an incident suspected of being a crime. This position is constitutionally regulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which affirms that the Indonesian National Police, as a state instrument, is tasked with maintaining public security and order, protecting, assisting, and serving the public, as well as enforcing the law. Further provisions are contained in Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, which states that the police function is one of the functions of the state government in the field of maintaining public security and order, enforcing the law, protecting, assisting, and serving the public. In the integrated criminal justice system, the police function not only as law enforcement officers, but also as gatekeepers who determine the direction and quality of the legal process at the next stage. This strategic position

causes all actions taken by investigators to have significant legal implications for the prosecution process by the prosecutor's office and the examination of cases by the courts. The quality of professional and accountable investigations will result in a just law enforcement process, while investigations that do not comply with legal provisions have the potential to result in human rights violations and disrupt the realization of legal certainty (Yusuf, et al, 2022).

The authority of investigation and inquiry held by the police is regulated comprehensively in the Criminal Procedure Code and Law Number 2 of 2002 concerning the Republic of Indonesia National Police. Article 1 number 5 of the Criminal Procedure Code defines an investigation as a series of actions by investigators to search for and find an event suspected of being a crime to determine whether or not an investigation can be carried out, while Article 1 point 2 of the Criminal Procedure Code defines an investigation as a series of actions by investigators to search for and collect evidence with which the evidence sheds light on the crime that occurred and finds the suspect. The authority of investigators is further regulated in Article 7 paragraph (1) of the Criminal Procedure Code, which provides authority, including receiving reports, taking first action at the scene of the crime, making arrests, detentions, searches, confiscations, examinations, and transferring cases to the public prosecutor. This provision is reinforced by Article 16, paragraph (1) of Law Number 2 of 2002, which gives the police the authority to make arrests, detentions, searches, confiscations, examine documents, summon witnesses and suspects, and other actions according to the law. The breadth of authority held by investigators shows that the investigation process is a central point in the criminal justice system, so it requires an adequate oversight mechanism to ensure that the use of this authority remains within the legal corridor and does not lead to arbitrary actions (Armunanto Hutahaeen dan Erlyn Indarti, 2019).

The concept of oversight of investigations is, in essence, a logical consequence of the principle of the rule of law (*rechtsstaat*) embraced by Indonesia, as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The principle of the rule of law requires that every exercise of state authority be limited by law and be legally accountable. Oversight of investigations is also closely related to the principle of due process of law, which places the protection of human rights as a central element in the law enforcement process. The provisions of Article 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantee every person's right to recognition, assurance, protection, and certainty of fair law, while Article 28G, paragraph (1) guarantees protection of one's person, honor, dignity, and sense of security from threats of fear. The investigative authority's power to conduct arrests, detentions, searches, and seizures directly has the potential to restrict citizens' constitutional rights; therefore, oversight serves as an indispensable instrument in the conduct of investigations. Oversight not only serves as a corrective mechanism against potential abuse of authority but also as a means to ensure that every action taken by investigators is carried out in accordance with the principles of legality, proportionality, accountability, and respect for human rights (Ananda Putri Lestari dan Vita Mahardhika, 2026).

The system for overseeing investigations within the police force is implemented through internal oversight mechanisms involving several institutional bodies. The Professional Standards and Security Division (Propam) oversees discipline, the professional code of ethics, and the conduct of police officers as stipulated in various internal regulations of the Indonesian National Police, including Regulation of the Indonesian National Police No. 7 of 2022 on the Professional Code of Ethics and the Police Code of Ethics Commission. The General Supervision Inspectorate (Itwasum) is responsible for conducting managerial oversight and audits of police operations to ensure compliance with legal provisions and organizational policies. In-service supervision (*waskat*) is done by immediate superiors over their subordinates based on the principles of command and job responsibility, while hierarchical oversight is implemented through the police organizational structure from the central to the regional levels. The existence of these various internal

oversight instruments indicates that, normatively, the police already have a control system in place for the conduct of investigations. The effectiveness of internal oversight is of critical importance because deviations in the investigative process frequently occur at the operational level, requiring a swift response and immediate corrective actions to be taken by the police institution itself (Dwiki Oktobrian, 2023).

Supervision of investigations is not only conducted internally, but also through various external oversight mechanisms aimed at creating a balance of power and preventing abuse of authority. The National Police Commission (Kopolnas) was established based on Article 37 of Law Number 2 of 2002 concerning the Indonesian National Police and strengthened by Presidential Regulation Number 17 of 2011, with the function of providing advice and considerations to the President regarding police policies and receiving public complaints. The Ombudsman of the Republic of Indonesia, based on Law Number 37 of 2008, is authorized to oversee the implementation of public services, including police services related to the investigation process. The National Commission on Human Rights, based on Law Number 39 of 1999, has the authority to monitor and investigate alleged human rights violations that occur during the law enforcement process. The House of Representatives of the Republic of Indonesia carries out its oversight function based on Article 20A of the 1945 Constitution of the Republic of Indonesia through working meetings, hearings, and the use of other constitutional rights. Judicial oversight is also carried out through the pretrial mechanism as stipulated in Article 77 of the Criminal Procedure Code, which was later expanded through Constitutional Court Decision No. 21/PUU-XII/2014 to include testing the legality of suspect determinations, searches, and seizures. The existence of these various oversight institutions demonstrates that the Indonesian legal system has recognized the importance of investigative oversight as part of a control mechanism over the use of state authority (Dian Trisusilowaty, Anggita Doramia Lumbanraja, 2019).

The implementation of investigative oversight in practice is closely linked to the protection of human rights and efforts to achieve accountability in law enforcement. Effective oversight will encourage investigators to exercise their authority professionally, objectively, transparently, and in accordance with applicable legal provisions. Conversely, weak oversight has the potential to lead to various forms of irregularities, such as wrongful arrests, criminalization, torture, manipulation of evidence, non-transparent case terminations, and other abuses of authority that can harm the public and violate the principle of justice. Accountability in investigations does not only mean the investigator's ability to be responsible for every action taken, but also includes the availability of a monitoring mechanism that allows for evaluation, correction, and enforcement of sanctions for every violation that occurs. The modern rule of law perspective positions oversight as a crucial instrument for realizing good governance, human rights protection, and legal certainty. The success of the investigative oversight system is ultimately measured not only by the number of violations that are successfully prosecuted but also by its ability to build public trust in the police institution as a professional, accountable, and justice-oriented law enforcer.

2. Weaknesses in the Regulation and Implementation of Police Investigation Supervision in Achieving Accountable Law Enforcement

Regulations regarding police investigation supervision are essentially scattered throughout various laws and regulations, but to date, they have not yet formed an integrated legal system and provided certainty regarding an effective oversight mechanism. The Criminal Procedure Code (KUHP) primarily outlines the authority of investigators and the procedures they follow, while offering limited oversight mechanisms for the exercise of those authorities. The provisions for supervision within the Criminal Procedure Code are mainly encapsulated in the pre-trial mechanism, as detailed in Articles 77 to 83. Law Number 2 of 2002 concerning the Indonesian National Police (Polri) also does not provide detailed regulations regarding a comprehensive and measurable investigation supervision system. Various aspects of

supervision are actually regulated in the Regulations of the Republic of Indonesia National Police and other internal regulations that have a lower position in the hierarchy of statutory regulations as stipulated in Article 7 of Law Number 12 of 2011 concerning the Formation of Legislation as last amended by Law Number 13 of 2022. This condition gives rise to disharmony of norms because there are no uniform and binding standards for investigative supervision at the national level. The scattered regulations in various legal instruments also lead to overlapping authority, unclear oversight procedures, and differences in implementation in the field, ultimately potentially reducing the effectiveness of oversight of investigators' actions.

Another weakness lies in the limited authority of external supervisory bodies, which are normatively tasked with supervising police performance. The National Police Commission, established under Article 37 of Law Number 2 of 2002 concerning the Indonesian National Police, essentially only functions to provide advice and considerations to the President and receive public complaints regarding police performance. The National Police Commission does not have the authority to conduct independent investigations, order examinations of investigators, or impose binding sanctions. The Ombudsman of the Republic of Indonesia, under Law No. 37 of 2008, can only issue recommendations regarding alleged maladministration found in public services. The National Commission on Human Rights, under Law No. 39 of 1999, also lacks the authority to enforce the implementation of recommendations issued regarding alleged human rights violations during investigations. This recommendatory oversight authority often results in external oversight depending on the willingness of the police institution to follow up. This situation shows that the civilian oversight mechanism for investigations in Indonesia is still relatively weak when compared with the principle of accountability that has developed in a modern state of law, which demands independent and effective supervision of the use of state authority.

Another equally important issue is the lack of independence in internal oversight within the police force. Oversight conducted by the Professional and Security Division (Propam), the General Oversight Inspectorate (Itwasum), on-site oversight (waskat), and hierarchical oversight essentially remains within the same organizational structure as the entities being monitored. This situation has the potential to create conflicts of interest, as strong structural and organizational cultural ties often influence the objectivity of the oversight process. The esprit de corps that develops within the police organization can foster a tendency to protect fellow members, meaning that internal investigations do not always proceed transparently and accountably. The absence of a truly independent internal oversight body also makes it difficult for the public to access information regarding the progress of investigations into alleged violations committed by investigators. This situation risks creating the perception that internal oversight is more focused on protecting the institution than on safeguarding public rights. The principles of good governance require oversight mechanisms that are independent, transparent, and free from interference to effectively perform their control functions against any form of abuse of authority.

The weaknesses of the investigation oversight system are also reflected in the absence of an integrated and coordinated oversight mechanism between internal and external supervisory institutions. Each institution performs its oversight function based on its respective authority without a clear and measurable coordination system. As a result, oversight of investigations is often conducted partially and is unable to produce a comprehensive evaluation of investigators' performance. These limitations are further exacerbated by the weak function of pretrial proceedings as an instrument of judicial control. Although Constitutional Court Decision Number 21/PUU-XII/2014 expanded the scope of pretrial proceedings to include the determination of suspects, searches, and seizures, the mechanism nevertheless retains a passive character because it can only be utilized when a party submits an application to the court.

Pretrial proceedings are also not designed as an instrument of continuous oversight over the entire investigation process, but rather as a mechanism to review specific actions that have been taken by investigators. These limitations result in many investigative actions that potentially violate the law never being reviewed through the pretrial mechanism for various reasons, including limited public access to legal assistance and the costs associated with judicial proceedings.

Empirical evidence shows that these various shortcomings contribute to the high number of public complaints regarding the investigative process. Complaints submitted to the National Police Commission (Kopolnas), the Ombudsman of the Republic of Indonesia, and other oversight bodies generally pertain to delays in case handling, alleged abuse of authority, non-transparent termination of investigations, criminalization, and the unprofessional conduct of investigators in handling public reports. Various cases of wrongful arrests that have occurred in Indonesia demonstrate that errors in the investigative process can cause immense harm to citizens, both materially and immaterially. The practice of criminalization through the disproportionate use of criminal law instruments is also a form of misconduct frequently criticized by the public. Abuse of authority in the form of evidence tampering, pressure on witnesses, or the termination of cases without a clear legal basis indicates that the existing oversight system has not been able to provide optimal legal protection. This phenomenon not only harms individuals who are victims of such abuses but also creates legal uncertainty that contradicts Article 28D(1) of the 1945 Constitution of the Republic of Indonesia, which guarantees the right to fair legal certainty for every citizen.

The rapid development of information technology has not been fully accompanied by a technology-based update of the investigative oversight system. Most oversight processes are still conducted administratively and manually, making it difficult to achieve transparent, rapid, and accurate oversight. The benefit of digital recordings of examinations, electronic audit systems, body-worn cameras, and IT-based monitoring has not been optimally implemented in all stages of investigations. This situation differs from practices developed in several developed countries. The United Kingdom, through the Independent Office for Police Conduct, has the authority to conduct independent investigations into alleged violations by police officers. Australia, through the Law Enforcement Conduct Commission, implements a robust oversight system with broad investigative powers over the actions of law enforcement officers. The United States has developed a Civilian Review Board model that allows for public involvement in police oversight, while the Netherlands has strengthened its oversight function through a public complaints mechanism integrated with independent institutions and effective administrative oversight. This comparison demonstrates that Indonesia's investigative oversight system still faces various weaknesses in both regulatory, institutional, and implementation aspects. The resulting impacts not only include a decline in oversight effectiveness but also impact legal certainty, justice, human rights protection, and the level of public trust in the police as a law enforcement institution.

3. Legal Reform on Police Investigation Supervision in Realizing Accountability of Law Enforcement Based on Legal Certainty and Justice

Legal reforms to police investigation supervision must be built on a philosophical foundation rooted in the values of Pancasila and the principles of the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The Second Principle of Pancasila, which embodies the values of just and civilized humanity, requires that every investigator's actions respect human dignity and guarantee the protection of the human rights of every citizen. The Fifth Principle, which emphasizes social justice, requires that the law enforcement process be conducted fairly, transparently, and accountably without discrimination. The concept of a rule of law also places state power under the control of the law, so that no authority may be exercised without an effective oversight mechanism. Legal reforms to investigative supervision are not merely an effort to improve institutional governance, but rather a

manifestation of the ideals of Indonesian law, which prioritize legal certainty, justice, and expediency as the primary goals of law enforcement. The orientation of these reforms must be directed toward establishing a supervisory system capable of preventing abuse of authority from the outset, rather than simply imposing sanctions after violations have occurred. This preventative approach is more in keeping with the character of a modern rule of law state, which prioritizes the protection of citizens' rights through effective mechanisms for controlling power.

The legal basis for reforming investigative supervision law stems from the need for harmonization between the 1945 Constitution of the Republic of Indonesia, the Criminal Procedure Code, and Law Number 2 of 2002 concerning the Indonesian National Police. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the right to recognition, protection, and fair legal certainty, while Article 28G paragraph (1) guarantees personal protection and a sense of security from actions that threaten the rights of citizens. These provisions must be translated into regulations that expressly regulate the investigative supervision system as an integral part of the criminal justice process. Reformulation of the Criminal Procedure Code, which is currently still oriented towards repressive supervision, needs to be directed towards the establishment of a preventive supervision mechanism that is carried out from the investigation stage until the transfer of the case to the public prosecutor. Reforms to the Police Law also need to provide more detailed regulations regarding investigative supervision standards, the obligation for transparency in the case handling process, the public's right to obtain information on case developments, and a mechanism for periodic evaluation of investigators' performance. These regulations must be placed at the statutory level to have a stronger binding force and not solely rely on internal police regulations.

Public demands for transparency, professionalism, and accountability in law enforcement provide a strong sociological foundation for reforming investigative oversight laws. Increasing public legal awareness and advances in information technology have led to increasingly high public expectations for the quality of police services. The public no longer only demands effective law enforcement but also requires an investigative process that is transparent, free from abuse of authority, and respects human rights. This situation requires the state to develop an oversight system capable of meeting the needs of a modern society that demands openness and accountability. The reconstruction of investigative oversight institutions is essential through the establishment of an integrated oversight framework that systematically links internal and external supervisory mechanisms within a unified system. Every public complaint concerning alleged misconduct by investigators should be subject to transparent monitoring through a national information system, thereby enabling the public to access information regarding the progress and resolution of submitted reports. Such transparency is expected to strengthen public oversight, promote institutional accountability, and enhance the legitimacy and public trust of the police institution.

Strengthening the authority of the National Police Commission is one concrete step that needs to be taken to build independent investigative oversight. The National Police Commission (Kopolnas), which currently serves primarily as a consultative body, needs to be restructured into an external oversight body with the authority to conduct independent investigations into alleged violations during the investigative process. Kopolnas should be given the authority to summon investigators, request certain investigative documents for oversight purposes, examine public reports, and issue binding recommendations within certain limits. This oversight model could be modeled after the Independent Office for Police Conduct in the UK, which has investigative authority over alleged police misconduct. Integration between Kopolnas, the Indonesian Ombudsman, the National Human Rights Commission, and internal police oversight bodies also needs to be realized through the establishment of a national oversight data center that

allows for rapid and coordinated information exchange. This system will eliminate duplication of oversight and expedite the handling of public reports, which have often been hampered by fragmented authority between agencies.

Strengthening investigator accountability mechanisms must be implemented through the implementation of stricter and more measurable accountability standards. Every investigator's action related to arrests, detentions, searches, seizures, witness examinations, and suspect interrogations must be fully documented in a digital system that can be audited regularly. The mandatory use of body-worn cameras during arrests, searches, and other coercive measures needs to be explicitly regulated in legislation to prevent abuse of authority and future factual disputes. The examination of witnesses and suspects must be audio-visually recorded from beginning to end to serve as a control measure against potential pressure, intimidation, or torture. An electronic audit system for investigations should also be implemented through the use of information technology that allows for real-time monitoring of every stage of case handling. Violations of the mandatory use of surveillance technology must be classified as procedural violations, which can have implications for disciplinary, ethical, and administrative accountability for the investigators involved.

The ideal model for future investigative oversight must be established through the establishment of national standards for investigative accountability that apply uniformly throughout Indonesia. These standards should include indicators of transparency, professionalism, procedural compliance, human rights protection, quality of public service, and effectiveness of case resolution. Each investigator must be periodically evaluated based on these indicators, and the evaluation results must become part of the career development system. The formulation of *ius constituendum* for police investigation oversight in Indonesia needs to be realized through revisions to the Criminal Procedure Code (KUHAP) and the Police Law, which explicitly regulate the establishment of an integrated investigation oversight system, strengthening the authority of the National Police Commission (Kopolnas) as an independent supervisor, mandating the use of surveillance technology, integrating internal and external oversight, and strengthening the public's right to access information on case developments. These legal reforms will result in a surveillance system that is not only oriented towards prosecuting violations but also functions as a preventive instrument capable of guaranteeing legal certainty, realizing substantive justice, protecting human rights, and increasing the effectiveness of law enforcement. Such a system will ultimately strengthen public trust in the police institution while realizing transparent, accountable law enforcement governance in accordance with the principles of a democratic state based on the rule of law.

CONCLUSION

This study concludes that the regulation and implementation of police investigation oversight in Indonesia have not yet been completely capable of realizing law enforcement accountability based on legal certainty and justice. This condition is evidenced by the continuing regulatory disharmony among the Criminal Procedure Code, Law Number 2 of 2002 concerning the Indonesian National Police, and various Police Regulations governing investigation oversight mechanisms. The current oversight system also continues to face various weaknesses, including the limited authority of external oversight institutions, the weak independence of internal oversight mechanisms, the lack of integration among oversight mechanisms across institutions, and the limitations of pretrial proceedings as an instrument for controlling investigative actions. Various issues, such as wrongful arrests, criminalization, abuse of authority, non-transparent case termination, and the high number of public complaints regarding the investigation process, indicate that the existing oversight system cannot deliver optimal legal protection for citizens' rights. These weaknesses have resulted in diminished legal certainty, impaired public perceptions of justice, and reduced public trust in the police institution as one of the principal pillars of law enforcement within the criminal justice system.

Based on these findings, legal reform of investigation oversight is required through amendments to the Criminal Procedure Code and Law Number 2 of 2002 concerning the Indonesian National Police by expressly regulating an integrated, independent, and accountable investigation oversight system. The authority of the National Police Commission should be strengthened so that it functions not only as a body providing recommendations but also possesses investigative authority concerning alleged violations occurring in the investigation process. The integration of internal and external oversight must be realized through a national oversight system based on information technology, enabling every stage of the investigation process to be monitored in a transparent and measurable manner. The mandatory use of body-worn cameras, digital recording of examinations, and an electronic investigation audit system should be established as national standards to prevent abuse of authority and enhance investigator accountability. The establishment of national standards for investigation accountability oriented toward the protection of human rights, legal certainty, and justice is also an urgent necessity in order to realize an investigation oversight system that is modern, effective, and responsive to societal developments. Such legal reform is expected to create an oversight mechanism that is not only repressive after violations have occurred but also preventive in preventing irregularities, thereby ensuring that law enforcement is carried out in a professional, transparent, and just manner.

REFERENCES

- Alfano Ramadhan. (2021). Diskresi Penyidik Polri sebagai Alternatif Penanganan Perkara Pidana. *Lex Renaissance*, Volume 6 N, 25–41.
- Ananda Putri Lestari dan Vita Mahardhika. (2026). Analisis Yuridis Terhadap Pengawasan Upaya Paksa Dalam Proses Penyidikan (Studi Komparatif Indonesia dengan Belanda). *Indonesian Journal of Contemporary Law*, Volume 1 N, 1–13.
- Armunanto Hutahaeen dan Erlyn Indarti. (2019). Lembaga Penyidik Dalam Sistem Peradilan Pidana Terpadu di Indonesia. *Jurnal Legislasi Indonesia*, Volume 16, 27–41.
- Dian Trisusilowaty, Anggita Doramia Lumbanraja, dan S. (2019). Fungsi Pengawasan Oleh Inspektorat Pengawasan Daerah Berbasis Pengaduan Masyarakat Dalam Perspektif Hukum Progresif. *Law Reform*, 15(1), 25–41.
- Dkk, M. Y. D. (2022). Peranan dan Kedudukan Kepolisian Sebagai Penegak Hukum di Indonesia. *Jurnal Pendidikan Dan Konseling (JPDK)*, 4, 6052–6059.
- Dwiki Oktobrian, dkk. (2023). Pengawasan Pelaksanaan Kesepakatan Mediasi Penal dalam Penerapan Restorative Justice pada Tahapan Penyidikan. *Litigasi*, 24(1), 14–39.
- Fery Ranofika, Yayuk, dan S. N. (2023). Implementasi Tugas Kepolisian Khusus Perspektif Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia. *Al-Mada: Jurnal Agama, Sosial, Dan Budaya*, 6(3), 588–603.
- Hadi, F. (2022). Negara Hukum dan Hak Asasi Manusia di Indonesia. *Wijaya Putra Law Review*, 1(2), 170–188.
- Nasser, M. (2022). Peran Komisi Kepolisian Nasional Dalam Pengawasan Fungsional Polri. *Jurnal Hukum Sasana*, 4, 96–116.
- Purnama, N. A. (2025). Model Pengawasan Ombudsman RI dalam Menindaklanjuti Pengaduan Masyarakat terhadap Proses Penyelidikan di Kepolisian. *Proceedings Series on Social Sciences & Humanities*, 28–40.
- Sembiring, R. (2023). Peran Kepolisian Negara Republik Indonesia Dalam Penerapan Sistem Peradilan Pidana. *Jurnal Ilmu Kepolisian*, 17(3), 2023.

Sitompul, D. P. M. (2017). Peranan Penyidik POLRI dalam Sistem Peradilan Pidana. *Jurnal Hukum & Pembangunan*, 23(6), 565.

Yudiantara, Deddy Yunia Dharma Angkasa Putra, I. G. N. N. K. (2026). Kewajiban Penyidik Dalam Hal Terjadinya Kekeliruan Dalam Prosedural Upaya Paksa Perkara Tindak Pidana. *Jurnal Media Akademik (JMA)*, 4(1).