

THE DYNAMICS OF CRIMINAL PROCEDURE LAW ENFORCEMENT RELATED TO THE ELIMINATION OF THE INVESTIGATION STAGE IN THE DRAFT CRIMINAL PROCEDURE CODE

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ABSTRACT

This study examines the impact of the elimination of the investigation stage in the Draft Criminal Procedure Code (RUU KUHAP) on the dynamics of criminal law enforcement in Indonesia. The study utilizes various data sources, including legislative texts, government regulations, judicial decisions, and academic literature related to the topic, in order to understand the legal foundation governing the issue. The author analyzed the data through a qualitative approach, employing comparative legal analysis to evaluate the implications of various legal provisions, exploring their effectiveness and relevance in law enforcement practice. Furthermore, the author engaged in thematic analysis to explore the broader impacts of these reforms on legal practice and the enforcement of the criminal law, assessing the effectiveness and relevance of the existing legal framework in light of the proposed reforms. The results demonstrate that the abolition of the investigator position in the draft criminal procedure code has significant implications for the criminal procedural law system in Indonesia, paving the way for further discussions on improving criminal procedure and enhancing the effectiveness of law enforcement. This research could contribute to refining the legal framework and operational practices in Indonesia to ensure a balance between effective crime control and the protection of civil liberties.

INTRODUCTION

Investigation in criminal procedure law refers to the initial stage of law enforcement where investigators collect information and evidence regarding the possibility of a crime occurring (Butt & Lindsey, 2020; Geberth, 2020; Ingram, 2022; Stoykova, 2023). The main objective of this investigation is to determine whether there is sufficient reason to proceed to the prosecution stage. Additionally, the investigation aims to identify the perpetrators of crimes and gather relevant evidence, thus providing a strong basis for subsequent legal action. This process is crucial as it lays the foundation for fair and transparent law enforcement while ensuring that the rights of individuals involved, both victims and suspects, are respected and protected (Hamzah, 2014). In the investigation stage, investigators have a number of procedures and authorities regulated by law. Investigators, who are typically members of the police or other law enforcement agencies, are authorized to carry out a series of actions, such as examining witnesses, collecting evidence, and conducting searches if necessary. These procedures are strictly regulated to prevent abuse of power and ensure that every step taken is in accordance with applicable laws (Mulyadi, 2007). Investigators are also required to prepare records of every action taken during the investigation process, ensuring accountability for these actions in the future (Arif et al.,

2024). This authority empowers investigators to collect the necessary evidence, but it must be carried out in compliance with existing legal and ethical principles.

The investigation plays a crucial role in safeguarding human rights within the context of criminal law. One of the most important aspects of this process is the protection of individual rights, including the right to be treated fairly and without discrimination. A transparent and accountable investigation process can help prevent human rights violations, such as torture or inhumane treatment of suspects. Furthermore, a well-conducted investigation can ensure that the evidence produced is legitimate and admissible in court, thereby protecting the rights of all parties involved, including victims of crime (Faigman et al., 2016; Harahap, 2016; Korkman et al., 2024; Nwafor, 2024). Therefore, it is important for investigators to carry out their duties responsibly, understand individual rights, and strive to achieve justice without violating human rights principles.

After being in effect for 31 years, Law No. 8 of 1981 on Criminal Procedure has finally become a primary focus for the People's Consultative Assembly (DPR) to be replaced. This draft law will be discussed jointly with the government within the framework of the National Legislative Program (Prolegnas). This change is considered urgent, given the numerous transformations occurring in various aspects of Indonesian society and the state. As a law formulated in 1981, Law No. 8 of 1981 is seen as having many substantive weaknesses that hinder the effective implementation of criminal procedural law. This replacement effort is a concrete step to update national law, both formally and materially. The Draft Law on Criminal Procedure (RUU KUHAP) aims to realize democratization and consolidation of criminal law while adapting to ongoing legal developments.

The government has submitted the Draft Law on Criminal Procedure (RUU KUHAP) to the DPR for prompt discussion and enactment. This draft law contains several innovations expected to address legal gaps and support better implementation of criminal procedural law. The goal is to avoid deviations and facilitate citizens' access to justice. One significant change proposed in the RUU KUHAP is the elimination of the investigation stage. This removal is based on the view that the investigation process is no longer considered pro-justice, particularly because the use of coercive measures at this stage is not allowed. In this draft law, law enforcement begins directly from the inquiry stage. There is a perception that the investigation process is too subjective, where the decision to determine the existence of indications of criminal acts rests entirely in the hands of investigators and their superiors. This approach differs from the regulations in Law No. 8 of 1981, which made investigation the initial stage before inquiry. In practice, the investigation stage typically begins with reports or complaints from individuals who feel aggrieved. The aim of the investigation is to provide accountability to investigating officers, ensuring they do not engage in legal actions that degrade human dignity.

The removal of the investigation stage in the Draft Law on Criminal Procedure (RUU KUHAP) is rooted in several fundamental reasons. The investigation process is often deemed not pro-justice because, at this stage, the use of force by investigating officers is not permitted. This raises concerns that the investigation process may proceed subjectively, with decisions determining the existence of indications of criminal acts fully made by investigators and their superiors, without adequate oversight. Additionally, the presence of the investigation stage is seen as potentially prolonging the duration of law enforcement processes, which in turn reduces the efficiency and effectiveness of the justice system. By eliminating this stage and directly commencing with inquiries, it is hoped that law enforcement can be quicker and more responsive to societal needs.

In terms of law and public policy, the elimination of the investigation stage signifies an effort to respond to the evolving needs of society that increasingly demand a transparent and accountable legal system. Many parties argue that a faster, more direct legal process can enhance public trust in the justice system. With inquiries beginning without going through investigations, there is hope that society will perceive a more equitable legal process, unaffected by the subjectivity of investigators. However, this change also sparks debate about its potential long-term impacts, both positive and negative, on the protection of human rights and the integrity of law enforcement.

In terms of anticipated impacts, the removal of the investigation stage is expected to expedite law enforcement, allowing law enforcement officials to promptly take action in handling criminal cases. By starting directly with inquiries, it is also hoped that there will be improvements in accountability and transparency, as every law enforcement action will be directly under stricter oversight. This more efficient process is expected to reduce the backlog of cases in courts and provide quicker justice for crime victims.

The elimination of the investigation stage carries significant implications for the dynamics of law enforcement in Indonesia. The relationship between investigation and traditional law enforcement indicates that investigation is a preliminary step to ensure there is sufficient evidence before proceeding to the more serious inquiry stage. However, with the removal of this stage, inquiries become a more direct first step. This could change the patterns of interaction between society and law enforcement officials, as well as how the police perform their functions. While there are advantages in efficiency, there remains a risk that this removal may overlook protective measures previously provided by the investigation stage.

An analysis of the impact of eliminating the investigation stage highlights potential challenges that may arise in law enforcement practices. One notable impact is the increased workload for investigators, who will now have to handle more cases without a preliminary stage to filter out those lacking sufficient evidence for continuation. Additionally, if there is no clear process for screening unfounded reports, there is a possibility of a rise in unsubstantiated cases moving forward to inquiries, potentially straining valuable resources. Comparing this with legal systems in other countries that have eliminated similar stages can provide insight into how these processes function. Countries like France and Germany have different models for managing legal processes, where more direct stages are balanced with strict oversight mechanisms and human rights protections.

Although there are arguments supporting the removal of the investigation stage, new challenges and issues still need to be addressed. One of the primary concerns that may arise is the loss of an initial mechanism that could protect individuals from arbitrary legal actions. Without the investigation stage, it may be difficult to ensure that investigators act objectively and accountably. This poses potential risks to human rights, especially for individuals who may be designated as suspects without sufficient clear evidence. In the absence of an initial step to review and assess incoming reports, there is a possibility of rising instances of baseless cases that could harm individuals and tarnish their reputations. From the perspective of society and stakeholders, this change raises concerns about the long-term impact on the criminal justice system. The public may feel uncomfortable with the elimination of the investigation stage, as they expect a transparent and accountable process. There are also worries that this removal could lead to an increase in the abuse of power by law enforcement officials, resulting in diminished public trust in the legal system.

This study examines the impact of the elimination of the investigation stage in the Draft Criminal Procedure Code (*Rancangan Undang-Undang Hukum Acara Pidana - RUU KUHAP*) on the dynamics of criminal law enforcement in Indonesia. The research contributes to the understanding of criminal law enforcement in Indonesia by analyzing the implications of eliminating the investigation stage in the Draft Criminal Procedure Code (RUU KUHAP). It highlights how this change affects the overall dynamics of the legal process, including the roles of law enforcement, judicial efficiency, and the protection of legal rights. By providing insights into the potential consequences of this legislative shift, the study informs policymakers, legal practitioners, and scholars about the broader impact on the criminal justice system. Additionally, it may identify gaps or challenges that arise from this reform, paving the way for further discussions on improving criminal procedure and enhancing the effectiveness of law enforcement in Indonesia.

METHODS

The normative legal research method was an approach that focused on analyzing legal norms written in legislation and other legal documents to understand and evaluate existing legal provisions. In this research, a statutory approach was used to examine various regulations relevant to the topic, including laws, government regulations, and other legal products, in order to understand the legal foundation governing the issue. Additionally, an analytical approach was applied to review and analyze legal substance by comparing various legal provisions, exploring the implications of those norms, and evaluating their effectiveness and relevance in law enforcement practice.

The study utilized various data sources, including legislative texts, government regulations, judicial decisions, and academic literature related to criminal procedure in Indonesia. Data generated from these sources comprised legal norms, statutory provisions, and case studies relevant to the elimination of the investigation stage in the Draft Criminal Procedure Code (RUU KUHAP).

The author analyzed the data through a qualitative approach, employing comparative legal analysis to evaluate the implications of different legal provisions. This involved systematically reviewing the legislative documents to identify key changes and their potential effects on criminal law

enforcement. The author also engaged in thematic analysis to explore the broader impacts of these changes on legal practice and the enforcement of criminal law, assessing the effectiveness and relevance of the existing legal framework in light of the proposed reforms.

RESULTS

Regulation of the Investigation Stage in the Draft Law on Criminal Procedure (RUU KUHAP)

An investigation is a process that involves examination, survey, and in-depth analysis of specific facts or circumstances. The purpose of this process is to clarify unclear matters with conclusions drawn based on existing evidence. In conducting an investigation, it is important to do so systematically, necessitating a thorough evaluation rather than mere conjecture or speculation. This process also includes the collection of relevant information and focuses on testing the accuracy of available data, without bias or prejudice. In various international legal systems, the term for preliminary examination is not always separate from investigation. For example, in the United Kingdom and the United States, a preliminary examination is often referred to as an investigation, while in the Netherlands, it is known as "opsporing." In contrast, under Indonesian criminal procedural law, there is a clear distinction between the terms "penyelidikan" (investigation) and "penyidikan" (inquiry). This separation indicates that both stages have different characteristics and procedures, although they are closely related to one another (Salam, 2001). In this context, the word "sidik," which means to examine, has been changed to "selidik" to emphasize that the investigation is a broader activity than merely the act of inquiry.

In the Criminal Procedure Code (KUHAP), an investigation is defined as a series of actions by investigators to seek and uncover events suspected to be criminal acts. The purpose of the investigation is to determine whether the event is worthy of proceeding to the inquiry stage, in accordance with applicable legal provisions. KUHAP provides a clear distinction between investigation and inquiry, as evidenced by the separation of authority and differing responsibilities between investigators and inquiry officers. While there are arguments in some literature asserting that investigation cannot be separated from inquiry, KUHAP continues to underscore the importance of both stages as integral parts of the criminal legal process (Husein, 2016).

History shows that the investigation process has not always been part of criminal procedural law in Indonesia. Initially, Indonesian criminal procedural law only recognized the term "opsporing" within the civil procedural system (HIR). The term "investigation" began to be introduced through Law No. 11/Pnps/1963 on the Eradication of Subversive Activities, where this concept lacked clear procedures in its implementation. With the enactment of the Criminal Procedure Code (KUHAP), investigations are regulated in such a way as to protect human rights and limit the use of force that may occur during the inquiry process. This regulation aims to ensure that legal actions are carried out in a manner that respects human dignity and is not arbitrary (Marpaung, 2019). In terms of authority, the Criminal Procedure Code (KUHAP) stipulates that only officials of the Indonesian National Police can conduct investigations. Every police officer, regardless of rank, has the right to carry out investigations and act as investigators. In this process, investigators have several authorities, including receiving reports or complaints regarding criminal acts, searching for evidence, and requesting statements from individuals who are suspected. It is important to note that all actions taken by investigators must be conducted in accordance with applicable legal principles, including respecting human rights (Ali, 2019).

In addition to exercising their authority, investigators may also perform actions based on the orders of the prosecutor, such as arrests and searches. After completing their duties, investigators must prepare a report that includes the results and recommendations, both orally and in writing, serving as a mechanism for oversight. In the investigation process, the information collected must be based on a careful evaluation of the data obtained, whether from direct reports, information from reliable sources, or mass media. In this regard, the investigation is not solely the responsibility of the police; it also involves certain civil servants who possess specialized expertise related to specific criminal acts. Once the investigation process concludes and sufficient evidence is obtained, the investigator submits the case file to the public prosecutor, who is responsible for continuing the legal process against the suspect. This highlights the importance of collaboration between investigators and public prosecutors in the criminal justice system and emphasizes the key roles each plays in achieving justice. A structured and clear process in investigations and prosecutions is expected to enhance the effectiveness of law enforcement while upholding human rights in Indonesia (Moeljatno, 2019).

As previously explained, an investigation is the initial step before an interrogation is conducted regarding an event suspected of being a crime. The primary aim of an investigation is to collect

preliminary evidence or sufficient proof to proceed with legal actions into the investigation phase. The separation of functions between investigation and interrogation is crucial to clarify the roles of each in the law enforcement system, as outlined in the Indonesian Criminal Procedure Code (KUHAP). This differentiation helps establish clear procedures in the early handling of cases, which is expected to prevent hasty law enforcement actions that could potentially lead to violations of individual rights.

Although this separation of functions aims to create order, in practice it often leads to confusion. The status of cases that fall between the investigation and interrogation phases often leaves the public feeling bewildered, and at times, police officers themselves hold differing views regarding a case's status. This creates challenges in law enforcement, especially concerning communication and transparency with the public. Nevertheless, investigations should not be viewed as a process entirely separate from interrogations. The separation established in KUHAP also serves to protect and guarantee human rights.

Regarding human rights, on May 6, 1966, a symposium titled "A Fresh Breeze" at the University of Indonesia produced several important recommendations to improve the legal system in Indonesia. These recommendations included the recognition and protection of human rights across various fields, such as political, legal, economic, social, cultural, and educational areas. This reflects a commitment to ensuring fair and impartial justice, as well as strengthening legality in all legal aspects. Therefore, the formulation of KUHAP prioritizes the protection of individual rights, such as the right to be presumed innocent until proven guilty, the right to seek compensation for unlawful detention, and the right to a trial in an open court.

The separation between investigation and interrogation in KUHAP also aims to regulate clear procedures and limitations related to coercive actions, such as arrests, detentions, searches, and seizures. Consequently, the function of investigation is established with strict limitations and under the direct supervision of investigators. This aims to ensure that legal actions are conducted cautiously and in accordance with established procedures, thus reducing the potential for violations of human rights. In addition to establishing the separation between investigations and interrogations, pretrial institutions have also been created as a mechanism to assess the legality of legal actions, including arrests or detentions. Pretrial functions as a means to seek compensation or rehabilitation for individuals who have experienced misapplications of the law. Through pretrial, individuals can also file claims against incorrect seizures of evidence or against other actions that do not comply with applicable laws.

The overarching goal of criminal procedural law is to search for and approach the material truth. According to Van Bamellen, one of the primary functions of criminal procedural law is the search for and discovery of truth. Therefore, any authority exercised by investigators during the investigation phase is part of the effort to find necessary preliminary evidence to establish grounds for further inquiry. The evidence found during the investigation phase will be used in the interrogation process and subsequent stages to prove the material truth of an event. Each investigative action taken by investigative officers constitutes the state's effort to ensure indications of criminal acts in an event. Within this framework, an investigation can be seen as the initial stage of the entire criminal legal process, which comprises seven phases, as described by Van Bamellen. Thus, the investigation plays a vital role in determining the direction and subsequent steps in law enforcement while simultaneously providing protection for individual rights throughout the process.

The Dynamics Emerging in Criminal Law Enforcement in Indonesia After the Abolition of the Investigation Phase in the Draft Criminal Procedure Code (RUU KUHAP)

Based on the Academic Manuscript of the Draft Criminal Procedure Code (RUU KUHAP) prepared by the Government, one of the primary objectives of the developing criminal justice system is to clarify the powers of each law enforcement agency. Each law enforcement institution is expected to possess specific and interconnected authorities, creating a harmonious and efficient criminal justice system. The Draft Criminal Procedure Code regulates the powers of law enforcement officers generally, aligned with the functions existing within the criminal justice system. More specialized authorities will be detailed in specific laws pertinent to each agency, such as the Police Law and the Prosecutor's Law.

In the RUU KUHAP, there is a significant change wherein the authority of investigations is not exclusively held by the Police and Civil Service Investigators (PPNS), but can also be conducted by other law enforcement officers. The term "other law enforcement officers" refers to officials from specific agencies designated officially through law to perform investigative duties. This includes investigators

from the Corruption Eradication Commission (KPK), which, under Law No. 30 of 2002, is granted the authority to investigate corruption offenses. Prosecutors are also given the authority to investigate certain crimes, particularly those related to corruption and human rights violations, as outlined in Law No. 16 of 2004 regarding the Prosecution.

Thus, the Draft Criminal Procedure Code indicates that investigations are no longer exclusive to the police. The police are authorized to investigate all types of crimes, while the PPNS execute their authorities following existing regulations, prosecutors handle specific cases, and KPK investigators focus on corruption offenses. The recognized powers for various law enforcement agencies demonstrate an effort to expand the scope and effectiveness of investigations in Indonesia. This change carries implications for the regulation of initial stages in the criminal justice process. In the Draft Criminal Procedure Code, the investigation phase is directly prioritized without an initial investigation phase. Consequently, investigations do not need to be regulated within existing mechanisms, as the processes can vary depending on the characteristics of each agency authorized to conduct investigations. However, the removal of the investigation phase may lead to the perception that the police's authority to conduct investigations has been reduced, whereas previously, according to regulations in KUHAP, investigations were the exclusive right of the police.

The regulations found in the Draft Criminal Procedure Code aim to align criminal procedural law with the developing social dynamics. Indonesia has been applying KUHAP for over three decades, and during that period, substantial changes have occurred within a broader legal context. Therefore, the need to overhaul KUHAP to confront contemporary challenges is viewed as urgent, prompting the Indonesian Parliament (DPR RI) and the government to discuss the Draft Criminal Procedure Code as a replacement for KUHAP. Fundamental changes in the Draft Criminal Procedure Code include a shift in the trial examination system from an inquisitorial model to an adversarial model. In the inquisitorial system adopted by KUHAP, the judge plays an active role in leading and deciding cases, whereas in the adversarial system embraced by the Draft Legal Code, the judge acts more passively and functions as a neutral party. In this context, the investigation that previously had its own chapter in KUHAP is now absent in the Draft Criminal Procedure Code, indicating that the primary focus is on investigations.

For example, in Article 5 of the Criminal Procedure Code (KUHAP), investigators have various authorities, including receiving reports or complaints, seeking information and evidence, ordering a suspected person to stop, as well as carrying out other legal actions. In the draft of the Criminal Procedure Code (RUU HAP), this provision is not eliminated but is instead regulated in Article 7, which explains the duties and authorities of investigators. The authority to receive reports or complaints is stated in Article 7 Paragraph (1) letter a, indicating that investigators can "receive reports or complaints from someone regarding the occurrence of a crime." This represents an improvement over the previous provisions in KUHAP. Additionally, the authority to "order a suspected person to stop" from KUHAP is refined in Article 7 Paragraph (1) letter c of the draft RUU HAP, stating that investigators have the authority to "order someone to stop and check the person's identity card or identification." Authorities related to "other legal actions" are also regulated in Article 7 Paragraph (1) letter j, which states "to take other actions in accordance with statutory provisions." From this explanation, it can be concluded that the drafters of the Draft Criminal Procedure Code did not separate the investigative functions that were previously held by investigators.

The actions taken to gather evidence of events deemed criminal are now entirely the responsibility of investigators in the investigation stage. Therefore, actions taken by investigators must comply with applicable legal provisions and follow formal bureaucratic channels. The author argues that the role of investigator as a subsystem within criminal procedural law in the Draft Criminal Procedure Code has been removed, but the function of investigations for collecting preliminary evidence has now become part of the authority of investigators. This concept aligns with the law enforcement model known as due process of law, which emphasizes the importance of respecting human rights values in the law enforcement process. Within this framework, every step in the application of criminal law must adhere to constitutional requirements and applicable laws, thereby avoiding violations of other legal provisions. This model condemns informal methods of evidence gathering as they can lead to potential errors.

Under due process of law, the actions of law enforcement officers must align with provisions contained within legislation, both in terms of procedures and methods of implementation. Therefore, by eliminating the role of investigator from the entire police force in the Draft Criminal Procedure Code, the criminal procedural process is directed towards greater attention to the protection of human rights.

Every action taken by investigators in obtaining preliminary evidence or following up on an event must be based on clear provisions within the law, ensuring that abuse of authority is minimized and errors in investigations are curtailed. However, these changes also carry negative risks. The abolition of the investigation phase and the role of investigators may hinder law enforcement in criminal cases, especially in types of crimes such as narcotics and corruption. For instance, in narcotics cases, investigations are usually conducted to detect signs of drug trafficking, which can then develop into an investigation. If the investigation phase is removed, the likelihood of identifying this type of crime may decrease, given that reports related to narcotics offenses are often rarely found.

The same situation applies to law enforcement against corruption offenses, particularly by the Corruption Eradication Commission (KPK). The KPK often conducts investigations to gather evidence before categorizing an event as a corruption offense, utilizing techniques such as wiretapping and surveillance. With the elimination of the investigation phase, the KPK may face difficulties in obtaining the necessary evidence, which could ultimately impede efforts to eradicate corruption in Indonesia. Legal expert Chandra Hamzah argues that the loss of investigative authority may result in the loss of enforcement authority held by the KPK. Historically, investigations have been the preliminary step in obtaining two pieces of evidence needed to declare the existence of a corruption offense. If this authority is removed, the KPK will struggle to obtain the necessary evidence to proceed with handling cases.

On the other hand, the removal of the investigator position at the KPK will disrupt the law enforcement functions of that agency. This is because, at the KPK, the investigator is a distinct and crucial position in the law enforcement process. When the authority of investigations is eliminated, this role may also be threatened with elimination, which would significantly impact the effectiveness of law enforcement by the KPK. In response to this issue, Andi Hamzah suggests that the vacancy resulting from the removal of the investigation phase can be addressed with further regulations concerning intelligence activities by law enforcement officers such as the police, prosecutors, and Civil Service Investigators (PPNS). Such regulations could be established through specific laws governing the authorities of each law enforcement agency, such as the Police Law and the Prosecutor's Law. In this intelligence framework, there needs to be clarification regarding what actions law enforcement officers may take in seeking evidence, including the possibility of reinstating some authorities that existed within the investigation phase.

CONCLUSION

The abolition of the investigator position in the Draft Criminal Procedure Code (RUU KUHP) significantly impacts Indonesia's criminal procedural law system by transferring investigative authority to law enforcement officials, which may hinder efforts in tackling crimes like narcotics and corruption. The previous investigation phase was essential for gathering preliminary evidence, and its removal risks undermining case handling, especially since many offenses require intelligence efforts to uncover. This change also poses challenges to human rights protection and legal certainty for the public, while reflecting a shift towards due process where law enforcement actions must align with formal procedures. To maintain effective law enforcement, further regulations regarding intelligence activities are necessary. Future research could investigate the implications of this abolition on specific crime categories, explore law enforcement officials' perspectives on the new procedures, and assess the effectiveness of new intelligence regulations, potentially drawing comparisons with other jurisdictions to refine Indonesia's legal framework and operational practices in balancing crime control with civil liberties.

REFERENCES

- Ali, M. (2019). *Dasar-Dasar Hukum Pidana*. Sinar Grafika.
- Arif, H., Kumar, A., Fahad, M., & Hussain, H. K. (2024). Future Horizons: AI-Enhanced Threat Detection in Cloud Environments: Unveiling Opportunities for Research. *International Journal of Multidisciplinary Sciences and Arts*, 2(2). <https://doi.org/10.47709/ijmdsa.v2i2.3452>
- Butt, S., & Lindsey, T. (2020). *The Criminal Procedure Code*. In *Crime and Punishment in Indonesia*. Routledge.
- Faigman, D. L., Slobogin, C., & Monahan, J. (2016). Gatekeeping science: Using the structure of scientific research to distinguish between admissibility and weight in expert testimony. *Northwestern University Law Review*, 110(4).

- Geberth, V. J. (2020). *Practical Homicide Investigation*. CRC Press. <https://doi.org/10.4324/9781003095835>
- Hamzah, A. (2014). *Hukum Acara Pidana Indonesia*. Sinar Grafika.
- Harahap, M. Y. (2016). *Pembahasan Permasalahan dan Penerapan KUHAP Pemeriksaan Sidang Pengadilan, Banding, Kasasi dan Peninjauan Kembali*. Sinar Grafika.
- Husein, H. M. (2016). *Penyidikan dan Penuntutan dalam Proses Pidana*. Melton Putra.
- Ingram, J. L. (2022). *Criminal Procedure*. Routledge. <https://doi.org/10.4324/9780429352973>
- Korkman, J., Otgaar, H., Geven, L. M., Bull, R., Cyr, M., Hershkowitz, I., Mäkelä, J.-M., Mattison, M., Milne, R., Santtila, P., van Koppen, P., Memon, A., Danby, M., Filipovic, L., Garcia, F. J., Gewehr, E., Gomes Bell, O., Järvillehto, L., Kask, K., ... Volbert, R. (2024). White paper on forensic child interviewing: research-based recommendations by the European Association of Psychology and Law. *Psychology, Crime & Law*, 1–44. <https://doi.org/10.1080/1068316X.2024.2324098>
- Marpaung, L. (2019). *Proses Penanganan Perkara Pidana (Penyelidikan dan Penyidikan)*. Sinar Grafika.
- Moeljatno, M. (2019). *Asas-Asas Hukum Pidana*. PT Rineka Cipta.
- Mulyadi, L. (2007). *Hukum Acara Pidana: Normatif, Teoritis, Praktik dan Permasalahannya*. Alumni.
- Nwafor, I. E. (2024). Cybercrime Investigation and Prosecution in Nigeria: Bridging the Gaps. *African Journal of Legal Studies*, 16(3), 249–270. <https://doi.org/10.1163/17087384-12340108>
- Salam, M. F. (2001). *Hukum Acara Pidana dalam Teori dan Praktek*. Mandar Maju.
- Stoykova, R. (2023). The right to a fair trial as a conceptual framework for digital evidence rules in criminal investigations. *Computer Law and Security Review*, 49. <https://doi.org/10.1016/j.clsr.2023.105801>