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**Legal Construction in the Investigation Process from the Perspective of the Principle of Due Process of Law Analysis of the Relationship Between Authority, Ethics, and Police Reform (Case Study of Supreme Court Decision Number 1584 K/Pid/2015)**

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**KEYWORDS**

due process of law; criminal procedure law; investigative legal construction; police discretion; police ethics

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**ABSTRACT**

Indonesian criminal procedure law normatively guarantees human rights protection through the principle of due process of law. However, in practice, investigations frequently prioritize formal legality over substantive justice, rely heavily on investigators' verbalization, and apply excessive pre-trial detention. This tendency is illustrated in Supreme Court Decision Number 1584 K/Pid/2015, where evidentiary construction was primarily based on testimonium de auditu—statements derived from investigators—rather than direct empirical evidence. This study aims to: (1) analyze the legal construction of criminal investigations from a due process perspective; (2) evaluate the relationship between investigator authority, discretion, and professional ethics in shaping evidence; and (3) formulate recommendations for institutional reform grounded in human rights protection. The research employs a qualitative normative-empirical approach through document analysis, examining statutory regulations, particularly the Criminal Code and human rights instruments, relevant jurisprudence, and legal scholarship on due process, discretion, and police ethics. The findings indicate that although investigations may formally comply with statutory provisions, substantively they deviate from due process principles. Evidence formation often depends on investigator narratives and post-incident testimony while neglecting objective proof, undermining material justice. Broad discretionary powers, weak internal oversight, and inconsistent professional ethics contribute to a gap between normative expectations (*das sollen*) and empirical reality (*das sein*). Consequently, structural reforms are required to strengthen evidentiary oversight, restrict pre-trial detention practices, and enforce stricter ethical standards to ensure fair investigations and safeguard suspects' rights.

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**INTRODUCTION**

Modern criminal law is built on fundamental ideals of justice, legal certainty, and societal benefit. Within the framework of the rule of law (*rechtsstaat*), these three goals should be realized through a law enforcement process that upholds the principle of Due Process of Law, a mechanism that ensures that every state action against citizens is carried out legally, fairly, and ethically. The concept of Due Process of Law originated in the Anglo-American tradition of constitutional and procedural law but was later adapted in Indonesian legal discourse as a minimum principle of fair procedure in law enforcement, especially in criminal cases (Faisal et al., 2024; Kotuby Jr & Sobota, 2017). Normatively, the Indonesian legal system

has adopted these principles through various laws and regulations, particularly in the Criminal Procedure Code (KUHAP) and its derivatives, as well as human rights norms in the 1945 Constitution and international instruments that have been ratified (Al Amin Siregar, 2016).

However, in law enforcement practice, there is often a gap between the ideal legal norm (*das sollen*) and the reality of its implementation (*das sein*). Laws that at the textual level are clear and firm in black and white often appear gray in practice due to the exercise of authority that is not always carried out in a trustworthy manner (Almond & Gray, 2017; Cumberbatch, 2021; Rosenbloom et al., 2022). This condition reinforces the public perception that the law no longer functions as a guideline of justice but rather as an instrument of power that can be influenced by various interests (Ranissa Sekar Elaie et al., 2024). Law enforcement operates in a complex ecosystem involving state apparatus, civil actors, capital owners, and interrelated political and economic relations, so that law as a political product is never completely neutral but always interacts with surrounding interests and power structures. As a result, legal deviance arises not only from state officials, but also from non-state actors who have financial power and access to decision-making processes (Boelens et al., 2015; Hauck & Peterke, 2025; Idler & Forest, 2015; Teasdale & Dey, 2019; Von Benda-Beckmann et al., 2016).

One of the crucial points in the criminal justice system is the investigation stage, because it is in this phase that the direction of the legal construction of a case tends to be formed (Robinson et al., 2016). The way investigators collect and construct evidence greatly determines the character of a case up to the trial and verdict stage. When investigations are carried out in a formalistic manner without attention to ethical and human rights dimensions, the potential for substantive injustice becomes even greater, even if the court ultimately hands down a decision that has permanent legal force (*inkracht van gewijsde*). An *inkracht* court ruling is often understood as the final legitimacy of the entire series of law enforcement processes, whereas from an academic and ethical perspective, a final decision is not necessarily closed to criticism of the quality and integrity of the preceding process. This is where critical study of legal construction in the investigation process becomes important, especially when there are indications that the principle of Due Process of Law is not being implemented optimally.

Previous legal studies have generally focused on normative analysis of laws and regulations, the authority of law enforcement institutions, or doctrinal evaluation of court decisions, including issues of abuse of authority, weak human rights protection, and the quality of evidence in criminal proceedings. However, such studies are often partial, tending to place the problem on one particular institution or actor, without adequately examining the broader systemic relationships between norms, authority, and ethics. This research positions itself differently by examining the construction of law in the investigation process as the result of interaction between legal norms, the discretion of authority, law enforcement ethics, and power relations. Using a case study of Supreme Court Decision Number 1584 K/Pid/2015, this study not only assesses the conformity of the investigation process with normative provisions, but also critically examines how law is formed and interpreted in practice and its implications for substantive justice and the law enforcement reform agenda (Supreme Court Decision Number 1584 K/Pid/2015/MA, 2015).

These ideals are normatively embodied in the principle of Due Process of Law, a minimum procedural mechanism that ensures the legality of state actions against citizens, substantive justice, and respect for human rights (HAM) at every stage of the criminal justice process, especially at the investigation stage as the foundation for the legal construction of a case. This principle is explicitly reflected in KUHAP, including Article 183, which requires at least two valid pieces of evidence for conviction, and Article 21 on proportionate detention, as well as in relevant national and international human rights instruments. In reality, however, empirical practice in the Indonesian criminal justice system shows a systemic gap between ideal norms and investigative practice. In the investigation phase, evidence is often constructed through investigators' verbalization (*testimonium de auditu*), relying on witness statements that "know the case after being informed by the investigator," while suspect testimony is highly vulnerable to untested pressure or coercion. In addition, the practice of excessive detention, even for minor crimes, is a striking phenomenon.

This empirical reality is reflected in Supreme Court Decision Number 1584 K/Pid/2015, where a cassation request in an aggravated theft case was rejected even though the main witness only knew the incident after being directed by the investigator, and detention had been imposed for more than 200 days beyond the proportion of a proper sentence (Supreme Court Decision Number 1584 K/Pid/2015/MA, 2015). This phenomenon demonstrates a serious normative–empirical gap in how legal construction is formed at the early investigative stage, which then affects the legitimacy of the final decision. The problem is exacerbated by power relations between investigators and prosecutors in the absence of effective supervisory mechanisms and by the influence of the political and economic ecosystem on investigative practices. This situation erodes public trust in the criminal justice system and has prompted strong pressure for law enforcement reform, especially within the police, as part of efforts to strengthen the position of Due Process of Law. In line with the discourse on revising criminal procedure law to reinforce human rights protection and investigative safeguards, studying this phenomenon is highly important for the development of criminal law theory and practice in Indonesia.

Previous scientific studies have made significant contributions to mapping due process issues. For example, research by Anom Sutrisno (2025) in the *Locus Journal of Legal Concepts* analyzes the role of judges in enforcing a normatively fair process, emphasizing independence and impartiality as key pillars in case handling. Publications in the *Human Rights Journal of the Ministry of Law and Human Rights* likewise highlight substantive justice and human rights protection at the policy level, focusing on power structures and institutional accountability. This literature is strong in doctrinal approaches and recommends moral transformation of law enforcement institutions, including emphasis on professional ethics to reduce abuse of authority (Anom Sutrisno, 2025; Legal Policy Strategy Agency, 2020). However, the focus generally remains on trial stages and macro policy without deeply engaging how field-level investigation practices shape evidentiary construction.

Although these studies have enriched the scholarly discourse, most have not examined in depth how law is constructed at the investigative stage, which is vulnerable to investigator verbalization and unchecked discretion that produces evidentiary narratives that are formally legitimate but substantively fragile. In particular, there is no study that contextually maps this phenomenon in a concrete case such as Supreme Court Decision Number 1584 K/Pid/2015, which reveals how interactions between legal norms, institutional authority, and non-judicial

dynamics shape law enforcement outcomes. This paper fills that gap by uncovering the normative–empirical divide through concrete case study, analyzing interactions between norms, authority relations, and ethics, and formulating operational recommendations such as an independent verification model for Minutes of Examination (Berita Acara Pemeriksaan / BAP) and restrictions on automatic detention, in order to contribute to strengthening a fairer initial legal process and the overall legitimacy of the criminal justice system.

The novelty of this research is holistic and contextual: it integrates normative analysis (KUHAP and due process), empirical study (jurisprudence in MA Decision 1584 K/Pid/2015 with a focus on witness verbalization and evidentiary process), and critical analysis of non-judicial relations among authority, economics, and politics that shape legal narratives. This approach not only identifies substantive deviations such as reliance on “investigator post-directive knowledge,” but also produces prescriptive innovations in the form of preliminary evidence oversight models and police ethics training that can be operationalized in the context of criminal procedure reform and institutional restructuring.

The urgency of this research is grounded in the fact that public trust in the law is largely determined by the integrity of law enforcement processes as a whole, not merely by the final outcome in the form of a court decision with permanent legal force (*inkracht van gewijsde*). In the criminal justice system, investigation occupies a strategic position as the initial stage in constructing the legal framework of a case. If, at this stage, practices emerge that are unfair, inconsistent, or misaligned with the principles of Due Process of Law, professional ethics, and human rights protection (HAM), then the legitimacy of the criminal law system as a whole will be gradually eroded (Bambang Heri Supriyanto, 2014; Alike Putri et al., 2025). In contemporary Indonesia, controversial law enforcement practices—especially in strategic economic and political crime cases—show a tendency to prioritize formal certainty and speed over substantive justice and human rights protection. This phenomenon is reflected in disproportionate detention, evidentiary reliance on investigators’ verbalization, and recurring allegations of coerced confessions, indicating structural problems in investigative practice that cannot be explained merely by individual error.

Therefore, an academic study is needed that clearly explains the location of structural problems in the investigation process, identifies key actors in authority relations, and formulates systemic improvement strategies oriented toward strengthening professional ethics and human rights protection. Such a study becomes increasingly important in the context of police reform and criminal procedure law reform, in order to prevent continued erosion of legal legitimacy at the community level. In line with this urgency, this research aims to: (1) critically analyze legal construction in criminal investigations from the perspective of the Due Process of Law principle, with reference to Supreme Court Decision Number 1584 K/Pid/2015; (2) examine the influence of authority relations, law enforcement discretion, and professional ethics on the formation of legal construction in investigative practice; and (3) formulate implications and recommendations for law enforcement reform, especially police reform, to realize a system that is fair, ethical, and respectful of human rights, including through strengthened preliminary evidence supervision and independent verification mechanisms.

Theoretically, this research is based on three main frameworks. First, the theory of procedural law (Due Process of Law), which emphasizes that a fair, transparent, and proportionate process is an absolute prerequisite for realizing substantive justice in criminal law. Second, critical theory of state authority, which holds that law enforcement power, especially investigators' discretion, must be controlled through a check and balance mechanism to prevent institutional arrogance or subservience to political and economic interests. Third, the theory of law enforcement professional ethics, which treats integrity, accountability, and transparency not merely as moral norms but as operational indicators of law enforcement quality, moving beyond a purely quantitative orientation toward case completion to substantive and restorative justice (Alika Putri et al., 2025; Bambang Heri Supriyanto, 2014; Pradikta Andi Alvat, 2025).

Based on the background, factual conditions, and urgency outlined above, this research is directed to answer the main problem of how and why legal construction in the investigation process can deviate from, or fail to fully align with, the principles of Due Process of Law, as well as what implications this has for law enforcement and the police reform agenda in Indonesia. More specifically, the research problem is formulated in three questions: (1) How is legal construction in criminal investigations, reviewed from the Due Process of Law principle, particularly in Supreme Court Decision Number 1584 K/Pid/2015, where proof of witness testimony depends on post-directive investigator verbalization? (2) How do authority relations, law enforcement discretion, and professional ethics affect the formation of legal construction in the investigation process, as reflected in that decision? (3) What are the implications of investigative legal construction for the urgency of police reform and fair, ethical, and human-rights-based law enforcement in Indonesia?

Based on these questions, the author aims to examine in depth legal construction in criminal investigations from the perspective of the Due Process of Law principle, focusing on the analysis of authority relations, law enforcement discretion, and professional ethics that affect the formation of legal evidence and narratives. This study is conducted through a case study of Supreme Court Decision Number 1584 K/Pid/2015 to reveal the gap between ideal legal norms and empirical investigative practice, and to formulate implications and recommendations for systemic improvement supporting police reform and law enforcement that is fair, ethical, and grounded in respect for human rights.

## **METHOD**

This study uses a qualitative approach with normative-empirical legal research of a descriptive-analytical type. This approach integrates the analysis of legal norms (primary legal material) with contextual empirical data (secondary legal material) to reveal the legal construction in the investigation process from the perspective of the Due Process of Law principle.

The normative approach is carried out through a study of laws and regulations and court decisions, especially the Criminal Procedure Code (KUHAP) and Supreme Court Decision Number 1584 K/Pid/2015. Meanwhile, the empirical dimension is realized through the review of academic literature, policy documents, and the context of relevant law enforcement practices, in order to understand how these legal norms are operationalized in institutional reality (Balqish Az-Zahra S, 2024).

This approach is chosen because the character of the research problem is complex and multidimensional, involving the interaction between legal norms, investigative practices, professional ethics, and authority and power relations. Such complexity cannot be explained reductively through a purely quantitative approach but requires in-depth interpretation of legal texts, case facts, and law enforcement policies.

The descriptive-analytical method in normative legal research serves both to describe legal phenomena systematically and to analyze them critically. As stated by Satjipto Rahardjo and Peter Mahmud Marzuki, this method allows researchers to identify and explain the gap between *das sollen* (ideal norms) and *das sein* (practical reality), which in turn becomes the basis for formulating prescriptive conclusions and recommendations.

This study uses a qualitative normative-empirical approach. The normative approach is implemented through a literature study of relevant laws and regulations and jurisprudence, especially the Criminal Procedure Code and Supreme Court Decision Number 1584 K/Pid/2015. The empirical approach is realized through the analysis of literature and policy documents to understand the institutional constellation of investigative practice. The descriptive-analytical method is used to systematically describe and analyze legal phenomena, allowing researchers to highlight gaps between norm ideals (*das sollen*) and actual practices (*das sein*) in the investigation process (Supreme Court Decision Number 1584 K/Pid/2015/MA, 2015).

Bernard Arief Sidharta also emphasizes the importance of the stages of norm inventory, interpretation of legal documents, and analysis of legal consequences, which in this study are enriched by non-judicial factors (discretion and professional ethics).

The research data sources include primary, secondary, and contextual legal materials. Primary materials include court decisions (with Supreme Court Decision 1584 K/Pid/2015 as the main unit of analysis), the Criminal Procedure Code (Articles 21, 183, 184), as well as human rights instruments and police regulations (e.g., the Police Code of Ethics). Secondary materials consist of academic literature (books and articles on due process, evidence, and police reform) and policy documents (Police Strategic Plan, Criminal Procedure Bill). Contextual data in the form of human rights reports and news sources related to similar cases are used for triangulation.

The data sources in this study consist of primary, secondary, and contextual legal materials.

Primary legal materials include:

1. Supreme Court Decision Number 1584 K/Pid/2015 as the main jurisprudential document, which is analyzed to reconstruct the investigation process, the formation of evidence (especially witness verbalization), and the legitimacy of the verdict;
2. Laws and regulations, in particular:
  - a. the Criminal Procedure Code (KUHAP), especially Article 21 (detention), Article 183 (minimum proof), and Article 184 (valid evidence);
  - b. Law Number 39 of 1999 concerning Human Rights;
3. Institutional legal products, such as the Police Professional Code of Ethics and technical guidelines for police investigations.

Secondary legal materials include:

- a. Academic literature, in the form of textbooks and scientific journals on criminal procedure law and *due process*, including works by Eddy O.S. Hiariej, as well as studies on police reform; (Hiariej, 2020; Mayastinasari et al., 2026)
- b. Policy documents, such as the 2024-2028 National Police Strategic Plan (Renstra), the draft revision of the Criminal Code, and Komnas HAM reports related to investigative practices; (Bambang Heri Supriyanto, 2014; Draft Law of the Republic of Indonesia on the Criminal Procedure Code., 2025; Strategic Plan of the National Police of the Republic of Indonesia for 2025-2029, 2025)
- c. Contextual data, in the form of legal news and similar case analysis used for the purpose of empirical triangulation.
4. The data collection technique is carried out through literature studies with conceptual, normative, and factual approaches, through the following stages:
  - a. collection of primary legal materials from the Directory of Supreme Court Decisions and the Legal Documentation and Information Network (JDIH);
  - b. Document inventory Collect court decisions and regulations from official directories (Supreme Court, JDIH Polri).
  - c. Literature review Review of scientific papers (Sinta, Google Scholar, legal repositories) and relevant policy documents.
  - d. Triangulation of sources Cross-verification between norms, jurisprudence, and scientific studies to ensure the validity of the data.

Data analysis was carried out using the juridical qualitative analysis method, which was carried out through four integrated stages:

1. Legal inventory, which is the classification of legal norms relevant to the construction of investigations and the principles of *Due Process of Law*, including the Criminal Code, human rights regulations, and police code of ethics;
2. Legal Inventory Identifies the norms of the Criminal Code, the 1945 Constitution, and the police code of ethics related to investigation and evidence.
3. Legal Interpretation Interpreting the norms and facts in the Supreme Court Decision 1584 K/Pid/2015, especially assessing the gap between witness testimony (*testimonium de auditu*) and the standard of proof of the Criminal Code.
4. Systemic Critical Analysis examines the relationship of authority between investigators, prosecutors, and judges as well as the role of professional ethics, using the theory of social responsibility and the theory of discretionary authority.
5. Prescriptive Formulation Prepare recommendations for legal policies and reforms based on substantive justice values, including related to the renewal of investigation procedures and ethical enforcement.

In a theoretical framework, the analysis is supported by:

1. The *Due Process Model* theory, which emphasizes the balance between crime control and the protection of suspects' rights; (Packer, 1968)
2. Legal Social Construction Theory, which views the evidentiary narrative as the result of the social construction of law enforcement actors in power relations; (Berger, 1966)
3. Professional Ethics Theory, which emphasizes the accountability and integrity of investigators as a counterweight to the discretion of authority. (Bayles, 1989)

The scope of research is limited to the analysis of legal constructions in the investigation process of general crimes, especially cases of theft with aggravation. A single case study of Supreme Court Decision 1584 K/Pid/2015 is used as a representation of normative-empirical inequality in investigations. The limitations of the study include a normative-empirical focus without field interviews, do not discuss the investigation of specific crimes (corruption/narcotics), and cover legal developments until 2025–2026 (excluding the latest revision of the Criminal Code).

The validity and reliability of research are maintained through triangulation of sources (norms, verdicts, and literature), consistency in the use of theoretical frameworks, and conceptual testing through references to scientific literature

## RESULTS AND DISCUSSION

This section presents the results of research obtained through a normative-empirical analysis of the Supreme Court Decision Number 1584 K/Pid/2015, with a focus on the construction of the law in the investigation process and its conformity with the principles of *Due Process of Law*. The results of this study not only present the empirical findings of the decision documents and applicable legal norms, but also emphasize the differences with the findings of previous research which generally focused on the trial stage or normative aspects alone.

### **Construction of Investigation Law in Supreme Court Decision Number 1584 K/Pid/2015**

The results of the study show that the legal construction in *a quo case* is predominantly built at the investigation stage, which is then accepted and legitimized to the cassation level without adequate critical testing of the quality of the initial process.

#### 1. The Dominance of Investigator Verbalization in the Formation of Evidence

The main finding of this study is that there is a significant dependence on the verbalization of investigators in proving cases. The witness statement used as the main evidence does not come from direct experience of the criminal event, but from information obtained after the witness receives an explanation or direction from the investigator. This condition is substantially closer to the form of *testimonium de auditu*, although it is formally recorded as a valid witness statement.

This finding is different from the normative assumptions in many previous studies that assume that as long as the evidence meets the formal form as stipulated in Article 184 of the Criminal Code, then the principle of *Due Process of Law* has been fulfilled. This study shows that formal compliance is not always synonymous with substantive fulfillment of procedural justice.

#### 2. Reduction of the Principle of Minimum Proof to a Procedural Formality

The results of the study also show that the provisions of Article 183 of the Criminal Procedure Code regarding the proof of at least two valid pieces of evidence are reduced to mere administrative fulfillment, without an in-depth test of the independence and quality of each piece of evidence. Evidence that should independently corroborate each other is actually built from the same narrative source, namely the investigator's construction.

In contrast to previous research that emphasized the role of judges in assessing the adequacy of evidence at trial, this study found that evidentiary issues have been structured from the investigation stage, so that the correction space at the next stage is very limited.

### **The Relationship of Authority, Discretion, and Ethics in the Investigation Process**

The results of the study show that the deviation of the legal construction in this case cannot be separated from the relationship of authority and the use of discretion of law enforcement officials at the investigation stage.

#### 1. Investigator Discretion as a Determining Factor in the Case Narrative

The discretion of investigators in determining the direction of the investigation, selecting witnesses, and compiling the Examination Minutes (BAP) has proven to play a central role in the formation of the legal narrative of the case. Such discretion is not balanced by effective substantive oversight mechanisms, both internally and externally.

These findings expand on the results of previous research that generally viewed discretion as a necessity in law enforcement. This study confirms that discretion without ethical control and accountability has the potential to be a source of structural deviation, not just an individual problem.

#### 2. Weak Integration of Professional Ethics in Investigation Practice

This study found that the values of professional ethics and human rights protection have not been operationally internalized in investigation practice. Ethics tend to be understood as abstract moral norms, rather than as measurable and binding standards of work.

In contrast to previous studies that placed professional ethics as a normative issue or moral education, this study shows that the absence of ethics as an operational instrument has a direct impact on the quality of proof and procedural justice.

### **The Legitimacy of the *Inkracht* Decision and Its Impact on Law Enforcement Reform**

#### 1. *Inkracht* Decision as Formal Legitimacy of the Problematic Process

The results of the study show that the verdict that has permanent legal force (*inkracht van gewijsde*) in this case serves as a formal legitimacy for the entire series of investigative processes, even though there are strong indications of deviations from the principle of Due Process of Law. The *inkracht* verdict is not accompanied by a critical evaluation of the method of forming evidence at the investigation stage.

These findings differ significantly from previous research that tends to place *inkracht* rulings as the end of legal debate. This research actually shows that the *inkracht* verdict can close the correction space for procedural injustices that occur upstream of the criminal justice process.

#### 2. Implications for the Police Reform Agenda and the Criminal Procedure Law

The results of the study confirm that police reform cannot be limited to structural or managerial aspects alone but must also address the mechanisms of evidence formation and the use of discretion in investigations. Reforms based on ethics and human rights need to be directed toward strengthening the supervision of preliminary evidence, independent verification of the BAP, and limiting the use of unaccountable discretion.

Compared to previous research that generally recommends reforms at the macro policy level, this study offers operational and applicative findings that directly target the crucial point of irregularities in the legal process, namely the investigation stage. This discussion places the results of the research within the author's analytical perspective by relating empirical findings,

legal norms, legal theory, and the socio-institutional context surrounding the investigation process. The goal is not merely to assess right and wrong normatively, but to explain why and how distorted legal constructions can be formed, legitimized, and reproduced in the criminal justice system.

The analysis of Supreme Court Decision 1584 K/Pid/2015 reveals that the legal construction of the investigation is shaped by power relations, not solely by the norms of the Criminal Procedure Code. Although formally the criminal incident (theft) appears to be proven, there were no witnesses who actually observed the incident firsthand; the entire narrative was obtained after the incident from investigators' explanations. In other words, the evidence relies more on the authoritative narrative of the investigator than on independent factual verification. This condition goes against the essence of due process, which requires objective examination and protection of suspects. There is, therefore, a striking gap between the ideal of the norm (*das sollen*) and the reality of the investigation (*das sein*), where the investigator acts as the main narrator of the case rather than a seeker of truth.

The dominance of investigators' verbalization in proving this case shows the erosion of the standard of proof under the Criminal Procedure Code. The provisions of Articles 183 and 184 require independent evidence and the judge's conviction. However, in practice, the testimony of passive witnesses (*testimonium de auditu*) is legalized as evidence, so that formal procedures are treated as sufficient. According to modern evidentiary theory, this situation is problematic because it transforms the investigator's function from an enforcer of material truth into a determiner of the initial narrative. Unlike previous studies that tend to highlight the role of judges as guardians of due process at trial, this study shows that procedural injustice has already been "locked in" at the investigation stage, leaving very limited room for correction at the courtroom level and sidelining substantive justice.

From the perspective of investigator discretion and professional ethics, this case also illustrates the influence of social inequality. The defendant, a worker, and the complainant, an entrepreneur, place investigators under informal pressure. Instead of remaining neutral, investigators appear to side with the complainant's narrative, using their discretionary authority to validate that version. This shows that discretion, which should function as legal flexibility, has turned into a tool for reinforcing the complainant's power. The theory of professional ethics emphasizes the importance of investigator accountability, but the findings indicate weak internalization of these values. In the end, the law strengthens power imbalances more than it protects the vulnerable. These findings enrich the discourse on discretion by showing that the main problem is not discretion itself, but how it is exercised without an effective ethical braking mechanism (Bayles, 1989).

The *inkracht van gewijsde* (verdict with permanent legal force) in this case serves as formal legitimacy for a flawed investigative procedure. The Supreme Court's cassation did not correct the quality of evidence at the initial level, so procedural finality was prioritized over the material integrity of the process. In fact, the court's decision effectively closes opportunities for critical evaluation of evidentiary quality. This reinforces criticism that the justice system is more oriented toward speed and finality than toward substantive justice. Codes of ethics and procedural rules prove weak when initial procedures have already been tainted by irregularities.

The perspective of structural reform is therefore crucial. Police reform cannot be limited to administrative changes but must penetrate investigative culture. For example, police institutions need to strengthen internal oversight units with the authority to independently verify Minutes of Examination. Investigative protocols should be redesigned to prioritize human rights protection, for instance through SOPs that emphasize empirical verification of evidence and strictly limit the use of *testimonium de auditu*. The investigator training curriculum also needs to include modules on professional ethics and suspects' rights, so that investigators act as moral agents who are aware of the implications of their legal actions. Without such fundamental transformation, a permissive investigative culture that tolerates narrative engineering and abuse of discretion will continue to recur.

This research has several limitations. First, its focus on a single case allows for in-depth analysis but prevents statistical generalization. Second, the data are limited to legal documents without direct interviews with investigators, witnesses, or defendants, so the psychological and organizational cultural dynamics can only be inferred from texts. Third, this study does not conduct cross-regional comparisons or examine other types of criminal acts that may exhibit similar patterns.

Based on these limitations, further research can be directed toward multi-case studies to test whether the pattern of legal construction based on investigators' verbalization also occurs in other cases. Empirical research through in-depth interviews with law enforcement officials and litigants is also needed to uncover organizational cultural factors, performance pressures, and external interventions. Theoretically, developing an integrative analytical framework that combines Due Process of Law, discretion theory, and professional ethics has the potential to enrich the study of criminal procedural law in Indonesia.

This discussion underscores that the main problem of criminal law enforcement does not lie in the absence of norms, but in the way those norms are constructed and implemented in investigative practice. By placing investigation as the main locus of analysis, this research makes conceptual and practical contributions to police reform efforts and to the realization of a criminal justice system that is genuinely oriented toward substantive justice.

## CONCLUSION

This research makes a theoretical contribution by expanding the discourse of due process as a holistic theory, emphasizing that the integrity of the initial investigation is as important as the process at trial. In addition, this study criticizes the formalism of the Criminal Procedure Code's standard of proof (at least two pieces of evidence) by highlighting that two pieces of evidence do not guarantee justice if the evidence is not independent. These findings support the development of evidentiary theories that are more responsive to the quality of proof.

In terms of practical contributions, this study offers concrete policy implications. Empirical findings can be used as a basis for revising the Criminal Procedure Code, including strengthening mechanisms for supervising the formation of evidence during investigations, setting strict limits on hearsay testimony (*testimonium de auditu*), and clarifying criteria for the proportionality of pre-trial detention. Operational recommendations include developing independent verification procedures for BAP, HR-based investigation SOPs, and professional ethics training for investigators. Thus, it is hoped that criminal law enforcement in Indonesia can better uphold substantive justice and public trust.

Overall, this conclusion confirms the importance of applicative structural interventions. Reform of the investigative system, including regulatory revisions and improvements in professional culture within policing, is needed to close the gap between legal ideals and field practice. Such an approach is expected to strengthen law enforcement accountability and prevent future abuses of power.

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