

Reconstruction of Coercive Measures in the Indonesian Corruption Criminal Justice System

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Abstract

This study examines the reconstruction of coercive measures within Indonesia's criminal justice system for corruption cases, with a focus on procedural disparities among law enforcement agencies and the urgency for reform in criminal procedural law. The legal issues addressed include the disharmony in implementing coercive actions—such as arrest, detention, search, and seizure—among institutions like the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK). The aim of this research is to formulate a direction for reconstructing a more integrated and just system of coercive measures in handling corruption cases. The study adopts a normative juridical method, utilizing statutory and conceptual approaches, and is analyzed qualitatively. The novelty of this research lies in its proposed design of a coercive measures system based on institutional integration and the principle of due process of law, which has not yet been explicitly regulated in Indonesia's current legal framework. The findings reveal overlapping authorities and procedural inconsistencies that hinder the effectiveness of law enforcement. The main recommendation is to revise the Indonesian Code of Criminal Procedure (KUHAP) by incorporating coordinating norms among institutions and standardized procedures for coercive measures in corruption cases, in order to ensure accountability and the protection of suspects' fundamental rights.

I. Introduction

Corruption has undoubtedly become a worrying chronic disease in Indonesia (Juwita & Cahaya, 2021). The chronic nature of corruption in Indonesia is linked to a variety of complex issues, including moral/mental attitude problems, lifestyle issues, cultural and social environment issues, economic needs/demands, and weaknesses in bureaucracy/administrative procedures in finance and public service (Neununy & Ohoibor, 2021). The complexity of the problems underlying corruption in Indonesia has led to a rise in corruption offenses over the past five years (2018-2022). This is evident in the number of cases investigated and the number of suspects named by law enforcement agencies, including the Corruption Eradication Commission (KPK), the Attorney General's Office, and the Indonesian National Police. This can be illustrated in the following table:

Table 1
Corruption Trends in the Last Five Years (2018-2022)

Year	Number of Cases	Number of Suspects
2018	454	1.087
2019	271	580
2020	444	875
2021	533	1.173
2022	579	1.396

Source: 2022 Corruption Case Trend Monitoring Report, Indonesia Corruption Watch.

Based on the data from Indonesia Corruption Watch in Table 1, the increasing number of corruption cases uncovered by law enforcement agencies indicates a serious national commitment to eradicating corruption. However, it's also important to note that the increase in revealed corruption cases is directly proportional to the increase in the number of citizens being named as suspects. Their suspect status should not negate the state's guarantee of protection for their fundamental rights as citizens (Anandya & Easter, 2023).

As an (*extraordinary crime*) , corruption requires extraordinary measures (Usmaedi et al., 2021). This is emphasized in Law Number 20 of 2001, which forms the basis for intensive corruption eradication efforts (Sasuang et al., 2024). However, these extraordinary measures do not mean that the principles of *due process of law* and the presumption of innocence can be disregarded. The examination process for suspects must still respect human rights, as fair treatment in legal proceedings is a cornerstone of the rule of law guaranteed by the 1945 Constitution (Abidin et al., 2022). Therefore, law enforcement against corruptors must be within the framework of substantive and formal criminal law that is formulated in writing, clearly defined, and does not allow for arbitrariness.

The criminal justice system is part of the national legal system, involving various institutions in a unified process, from investigation to execution (Ritonga & Soponyono, 2023). Ideally, this system operates in an integrated manner, in accordance with the roles and authorities of each institution, such as

the police, the prosecutor's office, the courts, correctional institutions, and legal counsel. The Criminal Procedure Code (KUHAP), as the primary criminal procedure law in Indonesia, structures these procedures based on the values of Pancasila and the constitution (Purwono, 2024). In this context, the accusatorial principle and the due process model in the KUHAP form the basis for the implementation of coercive measures such as arrest, detention, seizure, and wiretapping, which must be carried out legally, documented, and responsibly (Sendow et al., 2024).

Coercive measures are essentially a form of deprivation of individual rights by the state, which can only be justified if carried out according to the law (Doni Noviantama et al., 2024). The rights to privacy, dignity, and freedom of communication are guaranteed by the 1945 Constitution, particularly in Articles 28F and 28G (Wijaya et al., 2024). Although the state can impose limitations on these rights as stipulated in Article 28J paragraph (2), every investigative and prosecutorial action must be proportional, not deviate from the rules, and be within the bounds of applicable law (Cahyono et al., 20215). This provision is important to ensure that the actions of law enforcement officers do not become a form of human rights violation and remain within the framework of constitutional protection for suspects.

Unfortunately, the Indonesian criminal justice system is not yet fully integrated. The numerous investigative agencies such as the National Police (Polri), the Attorney General's Office, the Corruption Eradication Commission (KPK), the Indonesian National Armed Forces (TNI), and the Special Criminal Investigation Service (PPNS), possessing similar authorities, cause overlapping jurisdiction in case handling. Sectoral ego, internal regulations of each institution, and the lack of a cross-institutional control and harmonization system weaken the system's effectiveness. In confronting complex crimes like corruption, this condition becomes a major obstacle. Therefore, the reconstruction of criminal procedure law must be directed towards strengthening the integrated criminal justice system, eliminating fragmentation of authority, and promoting synergy between institutions to achieve law enforcement that is professional, just, and responsive to the challenges of modern crime.

Since the enactment of Law Number 30 of 2002 concerning the Corruption Eradication Commission, Indonesia has had three law enforcement agencies—the Police, the Attorney General's Office, and the KPK—all possessing the authority to investigate corruption cases (Tallaut & Adhari, 2022). Although their authorities are similar, each institution applies different criminal procedure procedures in carrying out coercive measures such as wiretapping, searches, and seizures. This difference is particularly evident in the KPK, which, according to its law, is specifically authorized to conduct wiretapping and seizures without needing court permission, unlike the Attorney General's Office and the Police, which are fully subject to the KUHAP. This special authority makes the KPK a "superbody" with a faster and more direct mechanism in implementing investigative actions (Sukmawati & Arief, 2025).

Article 12 paragraph (1) letter a and Article 47 paragraph (1) of the KPK Law explicitly state that the KPK has the authority to conduct wiretapping and seizures without permission from the Chief Judge of the District Court (Syukri et al., 2023). However, searches still require court permission. This difference underwent a change when the government revised the KPK Law through Law Number 19 of 2019, which requires the KPK to obtain prior permission from the Supervisory Board before conducting wiretapping, searches, and seizures (Harefa & Syakina, 2022). This authority is stipulated in Articles 12, 12B, 37B, and 47, and replaces the court's role in granting permission for such actions (Danian, 2024). This change sparked criticism because it was considered to reduce the KPK's independence and slow down the corruption eradication process.

However, this provision was later challenged before the Constitutional Court, resulting in Constitutional Court Decision No. 70/PUU-XVII/2019, which declared that the requirement to obtain written permission from the Supervisory Board for wiretapping and other coercive actions is contrary to the 1945 Constitution (Ramdhan et al., 2022). The Constitutional Court stated that the Supervisory Board's role should not encroach upon the realm of *pro justitia* as it could create legal uncertainty (Widiyanti & Widodo, 2022). With that decision, the KPK is no longer required to request written permission from the Supervisory Board before conducting wiretapping, searches, or seizures; it only needs to notify the Supervisory Board after the action has been taken. This decision is final and binding, thus restoring some of the KPK's flexibility in the investigative process.

However, the Constitutional Court's decision has created a new interpretation, especially regarding search actions by KPK investigators. There is still debate as to whether searches still require court permission as stipulated in the KUHAP, or whether notification to the Supervisory Board is sufficient. Whatever the consequence, the search procedure by the KPK is now different from that of the Police or the Attorney General's Office, which normatively remain subject to the KUHAP. This difference shows that Indonesian criminal procedure law is not yet fully integrated, and emphasizes the importance of updating criminal procedure law to unify investigative procedures between institutions in order to create uniformity, legal certainty, and the protection of human rights.

The granting of authority to the KPK to conduct wiretapping without requiring permission from the court or the Supervisory Board is in contrast to the Attorney General's Office and the Police. Although Article 26 of Law No. 31 of 1999 states that investigators from the Attorney General's Office and the Police are also authorized to conduct wiretapping, there is still no strong technical regulation governing the procedure for its implementation. As a result, the Attorney General's Office and the Police practically never directly use wiretapping in uncovering corruption cases, unlike the KPK, which actively utilizes it. Meanwhile, the technical regulation that once permitted wiretapping, namely the Ministry of Communication and Information Regulation No. 11 of 2006, has been revoked by the Ministry of Communication and Information

Regulation No. 18 of 2018, further clarifying the legal vacuum for investigators outside the KPK.

To address this legal vacuum, the government revised the Attorney General's Law through Law No. 11 of 2021 (Akbar et al., 2024). In this revision, Article 30C letter i grants the Attorney General's Office the authority to conduct wiretapping based on specific laws and to establish a center for monitoring criminal acts (Auliya et al., 2023). However, the wording of the article does not directly regulate the procedure for wiretapping, but rather mandates that the technical implementation will be further regulated in a separate law. This opens up the potential for differences in procedure between wiretapping conducted by the KPK and by the Attorney General's Office or the Police. This is because each institution is based on different regulations; moreover, the Police still use Police Regulation No. 5 of 2010, which requires permission from the Chief Judge of the District Court for wiretapping (Selang et al., 2022).

Besides wiretapping, seizures by the Attorney General's Office and the Police are also subject to the KUHAP, specifically Article 38 paragraphs (1) and (2), which require written permission from the Chief Judge of the District Court before the seizure is carried out. In urgent situations, investigators are permitted to seize movable property first, but must immediately seek court approval afterward. (TAMBUNAN, 2024). In contrast, the KPK, through Article 47 of Law No. 30 of 2002 (before amendment), could conduct seizures without court permission, only requiring sufficient preliminary evidence. This provision made the KPK's seizure procedure more flexible than that of the Attorney General's Office and the Police, which must go through the court mechanism.

In the case of seizures of immovable property, such as land or buildings, both the Attorney General's Office and the Police must comply with Article 38 paragraph (1) of the KUHAP and obtain permission from the Chief Judge of the District Court. Without this permission, the seizure is considered legally flawed. (Nalle et al., 2024). This disparity demonstrates an imbalance in our criminal procedure law system, where one institution has considerable leeway in carrying out coercive measures, while two others are strictly limited. Therefore, harmonization of criminal procedure law is needed through revisions to the KUHAP and sectoral regulations, so that the implementation of coercive measures—especially wiretapping and seizure—can be carried out based on the same, fair legal standards, and uphold the principle of due process of law.

The differences in legal procedures for wiretapping, searches, and seizures between the KPK, the Attorney General's Office, and the Police highlight problems within the integrated criminal justice system, particularly in terms of structural, substantive, and cultural synchronization. While investigators from the Attorney General's Office and the Police must adhere to the principle of due process of law and require court permission to carry out coercive measures, the KPK, based on Law No. 19 of 2019, is empowered to take actions such as wiretapping and seizure without court approval. This creates procedural inequality between law enforcement agencies.

This inequality becomes even more striking when the KPK can

independently conduct wiretapping, while the Attorney General's Office and the Police lack adequate legal grounds for similar actions. The differing treatment of corruption offenders, depending on the agency handling the case, creates a discriminatory and unfair impression. This can hinder the effectiveness of law enforcement and weaken the legitimacy of the judicial process. When the subject matter is the same—corruption—the legal treatment of suspects should be equal and uniform, especially in the implementation of coercive measures.

The diverse wiretapping procedures scattered throughout various Indonesian laws have resulted in different legal consequences, both in implementation and outcome. As a result, the same action may be deemed lawful in one institution but unlawful in another. This inconsistency not only creates legal uncertainty but also has the potential to create conflicts of authority between law enforcement agencies. The same situation occurs with search and seizure procedures, which, if not standardized, will continue to be a source of doubt in law enforcement and weaken the integration of the criminal justice system.

Therefore, synchronization is needed through the updating of the KUHAP as the national basis for criminal procedure law. Standardizing the procedures for coercive measures such as wiretapping, searches, and seizures is an urgent agenda to prevent disparate treatment between agencies. Although the updating of the KUHAP will later impact the revision of the KPK Law—especially the articles that specifically regulate the authority for coercive measures—this is important to create consistency and legal certainty in the corruption criminal justice system. Based on this problem, the author is driven to further research how to formulate ideal and fair regulations for coercive measures in handling corruption crimes in Indonesia.

Based on the background description above, the research problem formulation is as follows:

1. What are the differences in coercive measure procedures between law enforcement agencies in Indonesia's corruption justice system?
2. How can coercive measures be reconstructed in the corruption criminal justice system through the updating of Criminal Procedure Law?

Research on coercive measures in the corruption criminal justice system has been extensively conducted. First, research by Bagus Teguh Santoso in *Mimbar Yustitia* focuses on coercive measures carried out by investigators during the investigation stage of alleged criminal offenses. The main objective of this research is to analyze legal disharmony as a juridical consequence of Constitutional Court Decision Number 21/PUU-XII/2014 on the mechanism of coercive measures in the KUHAP. The method used is normative legal research with a statutory approach, a conceptual approach, and a case approach relevant to the actions of investigators. The research results show that coercive measures such as arrest and detention that do not comply with the principle of legality and the principle of *rechtmatigheid van bestuur* can be considered void and can be annulled through pretrial proceedings. This research recommends a revision

of the criminal procedure law system to provide legal clarity regarding the procedure for coercive measures at the investigation stage, in order to prevent human rights violations and guarantee investigator accountability. (Santoso, 2022).

Second, research by Syifa Fachrunisa in the *Journal of Criminal Law*, with its object of study being wiretapping conducted in the criminal law enforcement process, categorized as a form of coercive measure. This research aims to examine the legality and position of wiretapping as a repressive action in criminal procedure law, especially in relation to the principle of the right to privacy. Presumably using a normative juridical approach and a statutory approach, this study underscores that wiretapping is not explicitly regulated in the KUHAP, thus potentially conflicting with the principle of due process of law. This research likely recommends the importance of new legislation or a revision of the KUHAP to include technical provisions on wiretapping to prevent abuse of authority by law enforcement officials (Fachrunisa & Kediri, 2021).

The novelty of this research lies in its comprehensive approach to reconstructing coercive measures in the corruption criminal justice system through an integrative and coordinating update of criminal procedure law between law enforcement agencies. Unlike Santoso's (2022) research, which focuses more on the implications of the Constitutional Court's decision on the legality of investigators' coercive actions in the context of pretrial proceedings, or studies on wiretapping that emphasize a specific repressive action, this research offers a normative design for a coercive measures system oriented towards harmonizing procedures between the Police, the Attorney General's Office, and the KPK. This research also emphasizes the importance of formal regulations regarding the stages, limitations, and accountability mechanisms of each form of coercive measure in the context of corruption eradication that upholds the principles of due process of law and human rights protection. Thus, this research not only criticizes normative gaps or inconsistencies in regulations but also develops a normative-reformative framework that can be adopted in future revisions of the KUHAP.

The aim of this research is to analyze and evaluate the differences in the procedures for implementing coercive measures—such as arrest, detention, search, and seizure—carried out by various law enforcement agencies in Indonesia's corruption criminal justice system. This research also aims to formulate an ideal and equitable model for reconstructing criminal procedure law, particularly in the aspect of coercive measures, using an integrative approach between agencies and based on the principle of due process of law. By identifying inconsistencies in current practices and regulations, this research aims to propose updates to the norms in the KUHAP to provide legal certainty, guarantee the protection of suspects' rights, and improve the effectiveness of law enforcement against corruption crimes. Furthermore, this research is intended to contribute to academic discourse and legislative policy regarding a more synchronized, accountable, and responsive criminal justice system to the

challenges of corruption eradication in the future.

2. Research Method

This research is a type of normative legal research, focusing on the study of positive legal norms that regulate the mechanism of coercive measures in the criminal justice system, particularly in handling corruption crimes. Normative legal research is used to examine written legal rules, legal principles, and relevant legal doctrines to understand the ideal concept in the application of coercive measures by law enforcement agencies. This research does not rely on empirical observation, but rather on the logical construction of applicable legal norms. Its main focus is on how the law should ideally and fairly be applied. Thus, this research is prescriptive and systematic in formulating normative solutions to the identified legal problems.

The approaches used in this research include the statute approach, the conceptual approach, and the case approach. The statute approach is used to examine norms in the KUHAP, the Corruption Crime Law, and other regulations relevant to coercive actions. The conceptual approach aims to understand basic concepts such as the principle of due process of law and the protection of human rights in criminal procedure law. Meanwhile, the case approach is carried out by examining court decisions, particularly pretrial decisions related to disputes over the legality of coercive measures. These three approaches are used integratively to produce a comprehensive legal analysis.

Data collection techniques in this research are conducted through a literature study, by tracing and collecting primary and secondary legal materials. Primary legal materials include legislation, Constitutional Court decisions, and court jurisprudence. Meanwhile, secondary legal materials include scientific literature such as law books, journal articles, and state institution documents related to criminal procedure law and corruption eradication. In addition, tertiary legal materials such as legal dictionaries and encyclopedias are also used to strengthen conceptual understanding. The collected data is systematically compiled as a basis for analyzing and formulating the intended legal reconstruction.

The data analysis technique used in this research is qualitative analysis with a legal interpretation method. This method includes grammatical, systematic, and teleological interpretations of relevant legal provisions to find the substantive and contextual meaning of the norms under review. In addition, a comparative analysis is conducted between regulations and practices among law enforcement agencies to find disharmonies or normative gaps. The analyzed data is then processed into the basis of normative arguments to formulate an ideal model for reconstructing criminal procedure law. Through this analysis, the research is expected to produce legal formulations that are logical, applicable, and guarantee legal certainty and justice. Results and Discussion

Differences in Coercive Measure Procedures Among Law Enforcement Agencies in the Corruption Justice System

Coercive measures are crucial instruments in the criminal justice process, particularly during the investigation and prosecution stages. In the context of Indonesian criminal law, coercive measures include arrest, detention, search, seizure, and wiretapping (Errika et al., 2025). These mechanisms are closely related

to the principles of legality and human rights protection. In corruption cases, the authority to carry out coercive measures is not only held by the Police, but also by the Attorney General's Office and the Corruption Eradication Commission (KPK). Although these three institutions operate within the same legal framework, in practice there are differences in procedure and approach in the implementation of coercive measures, which often lead to disharmony between institutions and legal uncertainty for suspects.

The legal basis for the implementation of coercive measures essentially refers to the Criminal Procedure Code (KUHAP), specifically Article 1, point 19, which defines coercive measures, and Articles 16 to 49, which regulate the procedure for each type of action. In addition to the KUHAP, there are also sectoral laws that grant special authority to certain law enforcement agencies, such as Law Number 2 of 2002 concerning the Police, Law Number 16 of 2004 concerning the Attorney General's Office, and Law Number 30 of 2002 concerning the KPK and its amendments in Law Number 19 of 2019. These provisions form the basis justifying the diversity in the practice of coercive measures between institutions, both procedurally, administratively, and in the underlying legal authority. Each institution has different operational characteristics, although they fundamentally aim to uncover and prosecute corruptors.

The Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK), as three law enforcement agencies in Indonesia, have different characteristics in the implementation of coercive measures. The Police exercise their authority based on the KUHAP, where every action such as arrest, detention, search, and seizure must go through formal procedures such as warrants and reports to the court, but in practice, it often receives criticism regarding accountability and administrative violations (Dwi, 2024). The Attorney General's Office, although focused on prosecution, also has investigative authority in corruption cases and tends to be more cautious in the implementation of coercive measures, but still faces coordination challenges and resource limitations (Putra, 2024). Meanwhile, the KPK has comprehensive authority from investigation to prosecution with high efficiency in the use of coercive measures, which were previously free from court permission requirements; however, since the amendment of Law No. 19 of 2019, some authorities such as wiretapping require the approval of the Supervisory Board, thus reducing the KPK's flexibility (Kogam et al., 2021). Nevertheless, the KPK is still considered the most procedurally disciplined compared to the other two institutions.

Fundamental differences between the coercive measure procedures of the Police, the Attorney General's Office, and the KPK are evident in aspects ranging from the operational legal basis, administrative standards, technical authority, to the oversight system. The Police strictly follow the KUHAP but are vulnerable to abuse due to weak oversight. The Attorney General's Office is more selective in the application of coercive measures but is often less effective due to limitations in coordination and resources. On the other hand, the KPK uses a more independent and integrated approach with the support of internal control mechanisms and higher procedural standards, although some of its strategic authority has now been

limited. These differences have serious legal implications, ranging from inconsistent legal treatment of suspects, the potential for criminalization, to jurisdictional conflicts between institutions. This disharmony creates legal uncertainty and injustice in the law enforcement process, especially in the context of corruption cases that should be handled with efficiency and procedural uniformity.

Factors influencing the differences in coercive measure procedures by the Police, the Attorney General's Office, and the KPK are closely related to the legal characteristics, institutional structure, and organizational culture of each law enforcement agency. The differences are not merely technical but stem from interconnected structural, normative, and operational factors. One major factor is the legal basis used by each institution. The Police operate under the KUHAP as the main rule for criminal procedure, while the Attorney General's Office, in addition to the KUHAP, also refers to the Attorney General's Office Law, and the KPK has a special law that grants broad and independent authority over investigation and prosecution. This disparity in legal basis shapes the differences in standards, stages, and administrative obligations in the implementation of coercive measures.

Institutional structure and organizational culture are important factors influencing the implementation of coercive measures by law enforcement agencies in Indonesia. The Police, as an executive agency with a hierarchical structure, are often caught up in bureaucracy that slows down investigative actions. The Attorney General's Office, although having a dual role as investigator and prosecutor, tends to be cautious but is hampered by limitations in coordination and resources. On the other hand, the KPK was designed as an independent institution that integrates investigation, prosecution, and adjudication under one roof, so it was once superior in the efficiency and coordination of coercive measures, although since the enactment of Law No. 19 of 2019 its authority has become more limited because it must go through the supervision of the Supervisory Board. From the aspect of organizational culture, the KPK is known to have higher ethical standards and employee integrity thanks to a strict recruitment and oversight system, unlike the Police and the Attorney General's Office, which still face challenges in internal reform and external influence, thus creating a disparity in the application of the due process of law in the practice of repressive actions.

External legitimacy and oversight shape how law enforcement agencies utilize their coercive powers. The KPK, constantly under public and media scrutiny, tends to implement coercive measures more cautiously and systematically. Conversely, the Attorney General's Office and the Police, operating in a more closed environment, have weaker mechanisms of public control. This leads to differing public expectations of each institution, influencing the nature of their actions. Furthermore, the lack of inter-agency coordination and the absence of a common technical protocol for implementing coercive measures in corruption cases result in each institution operating under its own procedures. This creates disparities, potential jurisdictional conflicts, and inconsistencies in legal treatment. Therefore, future reconstruction of criminal procedure law requires not only

normative updates but also institutional harmonization and a comprehensive overhaul of the work culture within the criminal justice system.

Overlapping authority and disharmony among regulations are root causes of the differing coercive measure procedures employed by the Police, the Attorney General's Office, and the KPK in handling corruption cases. Normatively, all three institutions are empowered to conduct investigations and coercive measures, yet the regulations within their respective laws are not synchronized, often leading to conflicts of authority. The KUHAP, as the overarching law, regulates coercive measure procedures generally and applies to Police investigators. The Attorney General's Office additionally refers to Law Number 16 of 2004 concerning the Attorney General's Office, which grants investigative authority in specific cases. The KPK possesses *lex specialis* through Law Number 30 of 2002 concerning the KPK (and its amendments in Law No. 19 of 2019), granting full authority from investigation to prosecution. These normative differences create legal loopholes where a single legal act can be handled differently depending on the agency involved, including in the implementation of arrests, seizures, and wiretapping.

Overlapping authority among the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK) in the implementation of coercive measures in corruption cases is a systemic problem that remains unresolved in the Indonesian criminal procedure law system. All three institutions have investigative powers and the authority to employ repressive actions based on their respective legislation, but there is no clear regulation regarding the division of jurisdiction and coordination mechanisms. As a result, many cases involve parallel investigations, competing claims of authority, and overlapping legal actions. This situation has become more complex since the enactment of Law No. 19 of 2019, which weakens the KPK's exclusive authority and opens the door for intervention from other institutions.

The lack of technical protocols between agencies increases the risk of conflict during the implementation of coercive measures, such as seizures or detentions carried out without coordination. For example, when the KPK takes over an investigation already handled by the Police, potential procedural clashes can render actions legally flawed, even void, for failing to meet the principles of legality and formal procedure as stipulated in the KUHAP. Differences in standards between agencies, particularly in the use of evidence such as wiretapping, also increase the risk of evidence inadmissibility when the case is handled by different institutions. In many cases, this harms the suspect and damages the legitimacy of law enforcement due to the uncertainty of legal treatment in similar cases.

To address this issue, firm regulatory reform is needed regarding the division of authority and procedures for implementing coercive measures among law enforcement agencies. Revising the KUHAP or creating cross-institutional technical regulations could provide solutions to clarify jurisdiction and establish efficient and fair coordination. Furthermore, an inter-agency coordination forum should be established, permanent in nature, and focused on law enforcement interests rather than institutional interests. With structural and procedural harmonization, the implementation of coercive measures will be more controlled,

uniform, and guarantee the constitutional protection of suspects' rights.

Disharmony among regulations is at the root of various problems in the implementation of coercive measure procedures by law enforcement agencies in Indonesia, particularly the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK). This lack of synchronization is particularly evident in the substance of articles regulating the authority and procedure for actions such as seizure, search, detention, and wiretapping. Each agency adheres to sectoral laws with differing norms, creating overlapping or even jurisdictional and procedural conflicts.

One of the most apparent forms of disharmony is in the regulations concerning seizure and search. Article 38 paragraph (1) of the KUHAP states that *"Investigators are authorized to conduct seizures with the permission of the local District Court Chief Judge."* (Raya et al., 2025). This provision applies generally and must be followed by investigators from both the Police and the Attorney General's Office. However, in the context of the KPK, there is a different regulation. Article 47 paragraph (1) of Law No. 30 of 2002 concerning the KPK states that *"In carrying out wiretapping, searches, and/or seizures, the leadership of the Corruption Eradication Commission may provide written permission to KPK investigators"* (Halim Pranata & Zarkasi, 2021). This provision grants internal authority to the KPK leadership to authorize seizures without requiring permission from the District Court Chief Judge as stipulated in the KUHAP. This creates a legal conflict when a seizure is challenged in pretrial proceedings or used in trial proceedings by the courts, which still refer to the KUHAP as the primary procedural law.

Disharmony is also evident in the issue of wiretapping. The KUHAP itself does not explicitly regulate wiretapping as a coercive measure; therefore, Police and Attorney General's Office investigators lack a clear legal basis for conducting wiretaps. In contrast, the KPK, through Article 12 paragraph (1) letter a of Law No. 30 of 2002, has the specific authority to directly conduct wiretapping as part of the investigation and prosecution of corruption cases.¹ (Cakra & Setiyono, 2021). However, after the revision through Law No. 19 of 2019, this authority is restricted by Article 12B paragraph (1), which requires KPK investigators to obtain permission from the Supervisory Board to conduct wiretapping, searches, and seizures (Rachman & Syarif, 2024). This results in a mismatch between the need for swift action in KPK enforcement operations and the new administrative norms that slow down the investigation process. On the other hand, the Police and the Attorney General's Office lack similar references, so when they conduct wiretapping (although often done de facto), their legal basis is weak and potentially invalidated in court.

Disharmony also occurs in the aspects of case takeover and supervision. Article 50 of Law No. 30 of 2002 concerning the KPK states that *"If the competent institution as referred to in Article 6 letters a, b, and c does not conduct an investigation within a maximum of 30 (thirty) days after the case is known, the Corruption Eradication Commission is authorized to take over the said investigation"* (Amanda et al., 2025). This provision strengthens the KPK's position as a supervisory and control body over investigations conducted by the Police and the Attorney General's Office.

However, there is no provision in the KUHAP, or in the Attorney General's Office Law or the Police Law, that regulates how the coordination or transition of cases is technically carried out. As a result, there is often a tug-of-war in handling cases, especially when the same case has been handled by two different institutions. It is also not uncommon for this to cause coercive measures already taken by one institution to become invalid or have their legality questioned by another.

Article 7 paragraph (1) of the KUHAP states that an investigator is a Republic of Indonesia police officer or a specific civil servant who has been specifically authorized by law (Mukminah, 2025). This means that KPK investigators and Prosecutors, as investigators in the context of corruption, must have a basis for appointment and the granting of specific authority explicitly stated in their sectoral laws. In practice, investigating Prosecutors, based on Article 30 paragraph (1) letter d of the Attorney General's Office Law, are indeed given the authority to investigate certain criminal acts, including corruption (Ismaidar & Yudhistira, 2025). However, there is no detailed regulation on how the division of tasks with the Police is arranged in the KUHAP, causing both to operate independently without collaborative guidance. This creates overlapping authority and the potential for wasted resources and inefficient case handling.

This disharmonious condition illustrates the weak integration between general criminal procedure law (KUHP) and various sectoral laws enacted afterward. This disharmony not only creates procedural dualism and jurisdictional conflicts but also reduces the effectiveness of the entire criminal justice system. In practice, the implementation of coercive measures can be overturned or legally challenged simply because the procedure refers to norms from a law that is not explicitly considered *lex generalis* or *lex specialis* by the court. Therefore, a revision of the KUHP is absolutely necessary not only to update the substance of procedural law but also to accommodate and integrate all provisions on coercive measures scattered across various sectoral laws to prevent contradictions or legal voids in the future. This harmonization is also important to guarantee fair, proportional, and consistent legal treatment for every citizen facing legal proceedings.

The differences in coercive measure procedures among law enforcement agencies in the corruption criminal justice system reflect the complexity of Indonesia's criminal law structure, which is not yet fully harmonized. The three institutions – the Police, the Attorney General's Office, and the KPK – operate on different legal bases but often handle cases with similar characteristics. This disharmony not only creates legal uncertainty and unequal treatment but also risks human rights violations. Therefore, reform of criminal procedure law is crucial to building a coherent framework, thus achieving a fair, effective, and accountable corruption criminal justice system (Kurniawan et al., 2025).

Reconstruction of Coercive Measures in the Corruption Criminal Justice System Through Criminal Procedure Law Reform

The Criminal Procedure Code (KUHP), the primary reference for criminal

procedure law in Indonesia, was compiled in 1981 and has not undergone a comprehensive and adequate revision to date (Rochmah & Puspitasari, 2025). However, the dynamics of law and crime, especially corruption, have developed rapidly, even exceeding the scope of general and conventional procedural law. The KUHAP only recognizes investigators as officers from the Police and certain civil servants, and does not explicitly regulate the authority of ad hoc institutions such as the KPK, which was established through Law Number 30 of 2002. In this context, various coercive measures carried out by the KPK, including wiretapping and searches, initially lacked explicit reference in the KUHAP. Only after the enactment of the KPK Law and its amendments through Law Number 19 of 2019 did this authority have a sectoral basis. However, the disharmony between the KUHAP and sectoral laws has caused normative confusion in judicial practice, especially when evidence from coercive measures is tested for validity in court.

The reconstruction of coercive measures in criminal procedure law needs a multidimensional approach, encompassing juridical, institutional, procedural, and philosophical aspects. The juridical aspect demands uniformity of norms and procedures across all law enforcement agencies. This aims to prevent disparities in legal treatment of suspects handled by different institutions. For example, in the context of seizure, the KUHAP requires court permission, while the KPK Law allows such action with only internal approval. This disharmony often leads to pretrial litigation and weakens the position of law enforcement agencies when facing legal challenges from suspects or their legal counsel. Therefore, reconstruction must include the drafting of new integrative criminal procedure law norms, accommodating the needs of sectoral institutions while remaining within the framework of a uniform and just national legal system.

Institutionally, the implementation of coercive measures in corruption cases must be oriented towards the principles of coordination, supervision, and a clear division of authority. Currently, overlapping authority between the Police, the Attorney General's Office, and the KPK remains a serious problem. Each institution can conduct investigations and coercive measures on the same case, with different standards and legal bases. This results in legal confusion and even competing claims over the authority to handle cases. Institutional reconstruction in criminal procedure law needs to clearly define the jurisdictional limits between law enforcement agencies and objective and transparent procedures for case takeover. In this regard, the role of an integrated criminal justice system is crucial to ensure there is no overlap and procedural redundancy that harms suspects or the integrity of law enforcement agencies.

In reconstructing the implementation of coercive measures in corruption cases through the updating of criminal procedure law, the application of the Integrated Criminal Justice System (ICJS) principle becomes crucial. The ICJS emphasizes the integration of functions among the five main components of law enforcement—investigation, prosecution, adjudication, and corrections—to create a coordinated, efficient, and non-overlapping criminal justice system (Jusafri et al., 2024). In the context of corruption crimes often handled by more

than one institution, such as the Police, the Attorney General's Office, and the KPK, this approach is highly relevant to harmonize the use of coercive measures proportionally and in accordance with the principles of due process of law. One current weakness is the lack of an integrated case management system that allows all law enforcement agencies to share data and information in real-time, often resulting in overlapping actions against the same legal subject.

Criminal procedure law reconstruction must adopt the ICJS principle normatively and technically, for example, through the development of an integrated data-based case management system that records all legal actions from the initial investigation stage to execution. With this system, every coercive measure such as arrest, search, seizure, and wiretapping will be documented and auditable across agencies, thus avoiding double actions or jurisdictional conflicts. This joint protocol is also important to determine the most appropriate agency to handle the case based on objective criteria such as the scale of state losses or the perpetrator's position. If coercive measures are taken without coordination or outside the system, administrative sanctions can be imposed, or the actions can be declared void. This will encourage discipline, accountability, and efficiency in law enforcement.

The application of the ICJS principle is also in line with the spirit of criminal procedure law reform that upholds efficiency and legal certainty. To date, many corruption cases have failed in court due to inadmissible evidence because procedural coercive measures were violated or differed between agencies. With the standardization of coercive measure implementation protocols applicable to all institutions, officers will have a clear reference in acting, avoiding procedural errors, and strengthening the legitimacy of investigation results. Ultimately, the integration of the ICJS principle in criminal procedure law reform will create a more professional, collaborative, and trustworthy law enforcement system capable of addressing the challenges of corruption eradication without sacrificing the protection of human rights and legal certainty.

Procedural aspects are crucial in reconstructing criminal procedure law, especially in the implementation of coercive measures such as arrest, seizure, and search. Coercive measures that restrict a person's freedom must be carried out cautiously, proportionally, and in accordance with the principles of due process of law. However, in practice, actions lacking a strong legal basis or complete documentation are still often found, such as arrests without warrants or seizures without court reports. This has the potential to render evidence legally flawed, even though speed and secrecy are crucial in corruption cases. Therefore, criminal procedure law reform must establish uniform and binding standard procedures for all law enforcement agencies, including standard documents, reporting deadlines, and action evaluations.

The application of the due process of law principle as stipulated in Article 28D paragraph (1) of the 1945 Constitution and international human rights instruments such as the ICCPR, forms the basis that every coercive measure must be legally valid and accountable (Edotry Torry Karwur et al., 2024).

Actions such as wiretapping, searches, and seizures are forms of limitation on constitutional rights and therefore must meet the elements of legality, proportionality, and accountability. In practice, wiretapping is often carried out without judicial oversight, which, although legally permissible under the previous KPK Law, has been changed by Law No. 19 of 2019, requiring permission from the Supervisory Board (Manalu & Siahaan, 2022). However, this supervision also needs to be managed transparently so as not to hinder effectiveness. Furthermore, the search and seizure procedures according to the KUHAP, which require permission from the District Court Chief Judge, are often violated, especially in cases considered urgent, thus creating procedural violations that impact the validity of the legal process.

Therefore, the reconstruction of criminal procedure law must affirm that coercive measures can only be taken if objective requirements are met, such as sufficient initial evidence, and subjective requirements such as urgency and proportionality (Amalia et al., 2024). Oversight mechanisms must be strengthened through digital recording, direct judicial supervision, and reporting to independent authorities such as the Ombudsman. Furthermore, the legal system must guarantee an effective remedy for suspects if coercive measures are carried out illegally. By making due process of law the foundation, criminal procedure law reform will be able to balance the effectiveness of corruption eradication with the protection of citizens' constitutional rights, forming a clean, strong, just, and humane justice system.

In the philosophical dimension, criminal procedure law must reflect a balance between the state's interest in upholding the law and the protection of human rights for citizens (Saputra et al., 2025). In corruption cases, the pressure to quickly determine suspects and arrest perpetrators often leads officials to take coercive measures without adequate consideration of the suspects' constitutional rights. The reconstruction of criminal procedure law must emphasize that coercive measures are not the primary goal, but rather a tool to achieve legally and justly determined material truth. Therefore, there needs to be an emphasis in the law that coercive measures can only be taken if certain clear objective and subjective conditions are met and are legally testable.

In the context of criminal procedure law reform, the status of corruption as an extraordinary crime should not be used as justification for violating the rule of law and due process of law. Although corruption has systemic impacts and damages the state's structure, granting extraordinary powers to law enforcement officers must still be within the framework of just and constitutional law. Granting excessive leniency based on extraordinary status potentially opens the door to abuse of authority, human rights violations, and arbitrary law enforcement practices. Therefore, the spirit of corruption eradication must be accompanied by a commitment to procedural justice and the protection of individual rights within the criminal procedure law system.

Often, the status of an extraordinary crime is used as a reason to disregard formal legal procedures, including in the implementation of coercive measures such as wiretapping and searches. However, the principle of the rule of law

demands that every state action must be based on valid law and carried out by the authorized authority (Wahid et al., 2025). Similarly, due process of law affirms that the fundamental rights of citizens cannot be violated during the investigation process, even if the case is extraordinary (Monang et al., 2024). If extraordinary powers are exercised without control, the state can slip into the abuse of law for the sake of power. Therefore, the reconstruction of criminal procedure law must establish that extraordinary status only applies in a limited manner and cannot be used to negate legitimate legal procedures.

Criminal procedure law reform must also affirm that the greater the authority granted in handling corruption cases, the greater the responsibility to follow legitimate and accountable procedures. The principle of extraordinary accountability must replace the logic of extraordinary permissiveness. All repressive actions such as wiretapping or detention must be accompanied by a legal basis, sufficient initial evidence, and strict supervision from judicial and independent institutions. In a democratic criminal justice system, the effectiveness of law enforcement cannot sacrifice justice. Therefore, the reconstruction of coercive measures in corruption cases must be designed explicitly to remain within constitutional limits, guarantee the protection of suspects' rights, and reflect the integrity of the rule of law.

Weak oversight mechanisms have been a loophole for the abuse of authority, including the criminalization of certain parties. Therefore, the new draft of the code of procedure must include provisions on effective internal oversight, the role of the ombudsman, and public complaint channels that can be used as a tool for social control. In the context of the KPK, the existence of the Supervisory Board is a positive step, but similar mechanisms must also be implemented within the Police and the Attorney General's Office independently and transparently. In addition, the development of an electronic reporting system and digital documentation of all coercive measures will strengthen accountability and transparency.

The current criminal procedure law system has not been able to effectively, fairly, and consistently address the challenges of corruption eradication. The lack of harmonization among law enforcement agencies, differences in procedural standards, and weak protection of suspects' rights are major obstacles to achieving a credible and dignified justice system. Integrative, accountable criminal procedure law reform that adheres to the principles of due process of law will be a strong foundation for a rule of law that upholds justice and the supremacy of law. Thus, criminal procedure law reform is not only a legislative project but also a moral and institutional movement to comprehensively improve the face of law enforcement in Indonesia.

4. Conclusion

The disharmony in regulations and practices among institutions such as the Police, the Attorney General's Office, and the KPK has created disparities in the implementation of repressive actions such as arrest, detention, search, seizure, and wiretapping. The Police tend to strictly refer to the KUHAP, while the Attorney

General's Office combines the authority of the KUHAP and the Attorney General's Office Law, while the KPK uses a *lex specialis* approach through the KPK Law, which provides greater flexibility. These differences in legal basis and procedure lead to overlapping authority, unequal treatment of suspects, and weaken the effectiveness and legitimacy of law enforcement. The lack of an inter-agency procedural coordination system further exacerbates this inconsistency and creates legal uncertainty in handling corruption cases.

The reconstruction of coercive measures in the corruption criminal justice system through criminal procedure law reform needs to be carried out comprehensively, placing the principles of due process of law, the rule of law, and respect for human rights as its main pillars. Criminal procedure reform must contain technical and substantive regulations that harmonize the standards of coercive measures among institutions, including regulations on coordination, wiretapping authority, search and seizure procedures, and oversight and accountability mechanisms. The Integrated Criminal Justice System approach must also be incorporated into the new procedural law framework so that data, actions, and case handling processes can proceed in an integrated and transparent manner. The status of corruption as an extraordinary crime does demand extraordinary action, but this should not be a basis for abandoning legitimate legal procedures and constitutional principles that guarantee the protection of suspects' rights.

The recommendation from this research is the need for a comprehensive revision of the Criminal Procedure Code (KUHAP) that comprehensively integrates the authority and procedures for coercive measures across law enforcement agencies. This revision must be accompanied by the drafting of joint implementing technical regulations (SOPs) among the Police, the Attorney General's Office, and the KPK that regulate the implementation of coercive measures in corruption cases uniformly and accountably. In addition, an integrated oversight system and public complaint mechanism need to be established to guarantee accountability and prevent the abuse of authority in the implementation of repressive actions. Finally, strengthening the capacity and integrity of law enforcement officers must be a parallel agenda in criminal procedure law reform so that the implementation of coercive measures continues to uphold justice, professionalism, and the protection of human rights.

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