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The Lead Investigator Concept and Indonesian Police Authority in Economic Crimes

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ABSTRACT

Economic crimes have grown increasingly complex, demanding cross-sectoral investigations. In Indonesia, investigative authority is distributed among the Police (Polri), the Corruption Eradication Commission, the Financial Services Authority, the Directorate General of Taxes, and Civil Servant Investigators. This multi-agency structure creates overlapping jurisdictions. Although the new Criminal Procedure Code designates Polri as the lead investigator, operationalizing this role remains challenging due to sectoral procedural specificities. This study aims to analyze the normative construction of Polri's investigative authority, identify normative conflicts arising from sectoral fragmentation, and formulate legal implications for harmonization. Employing a normative juridical method, the research uses statutory, case, and conceptual approaches. It evaluates the legal framework through the theories of attribution, delegation, and mandate, and assesses legal certainty using Radbruch's standards. The findings reveal that Polri's authority constitutes an attribution conferred directly by statute. Constitutional Court decisions have expanded the pool of predicate offense investigators but intensified coordination burdens. Furthermore, while the new code designates Polri as the primary investigator, procedural exclusivity in sectoral laws, such as the financial services statute, continues to impede effective coordination. The framework satisfies the standard of being clearly formulated but falls short on stability and workability. Legislative harmonization is required to establish clear boundaries between general and specialized investigative competence, binding coordination protocols, and a robust framework for digital evidence and personal data protection aligned with the new procedural code.

Keywords: *Economic Crime, Investigative Authority, Interagency Coordination, Legal Certainty, Police Investigators.*

INTRODUCTION

Economic crime has evolved into a far more intricate form of criminality than it was in previous decades.[1] The growth of financial technology, the digitalisation of banking services, and the integration of global capital markets have opened new avenues for offenders to manipulate information, misappropriate assets, and launder money through transactional mechanisms that are difficult to trace using conventional methods.[2] This complexity lies not merely in the modus operandi but also in the evidentiary structure, which demands cross-sectoral understanding encompassing forensic accounting, financial services regulation, and electronic data analysis. Such conditions place investigators in a challenging position, as they must navigate between the general criminal law framework and continuously evolving sectoral provisions.[3]

Within Indonesia's criminal justice system, the authority to investigate economic crimes does not rest with a single institution. Investigators of the Indonesian National Police *(Polri)* operate alongside specialised investigators attached to other bodies, including the Corruption Eradication Commission *(KPK),* the Financial Services Authority *(OJK),* the Directorate General of Taxes *(DJP),* and Civil Servant Investigators across various ministries *(PPNS).* This configuration produces a multi-agency enforcement structure in which each institution possesses distinct legal foundations, jurisdictional scopes, and coordination mechanisms.[4] Such patterns are common in economic crime enforcement across many jurisdictions, yet their effectiveness depends heavily on clear task allocation and the quality of interagency cooperation.

Previous studies have examined various dimensions of economic crime enforcement, but their findings point to a gap that this study addresses with greater precision. Maulana analysed evidentiary weaknesses in money laundering cases, and Ambarwati examined legal protection for state banks, yet neither addressed the distribution of investigative authority.[5] More directly relevant are studies on

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[1] Nicholas Lord and Michael Levi, "Economic Crime, Economic Criminology, and Serious Crimes for Economic Gain: On the Conceptual and Disciplinary (Dis)Order of the Object of Study," *Journal of Economic Criminology* 1 (September 2023): 1–8, https://doi.org/10.1016/j.jeconc.2023.100014.

[2] Mouhamed Bachir DIOP, "Combating Money Laundering in the Age of Digital Transformation: A Comparative Study between Türkiye and Nigeria," *Journal of Economic Criminology* 9 (September 2025): 100165, https://doi.org/10.1016/j.jeconc.2025.100165.

[3] Peter Premrl, Bojan Dobovšek, and Boštjan Slak, "Complexities in Defining and Investigating Financial Crime," *Security Journal* 38, no. 1 (March 6, 2025): 55, https://doi.org/10.1057/s41284-025-00501-4.

[4] Ferry Yuli Mulyani, Yusuf M. Said, and Magister Hukum STIH IBLAM, "A Multi-Agency Approach to Combating Transnational Crime and Money Laundering," *Jurnal Indonesia Sosial Sains* 7, no. 5 (May 21, 2026): 2458–67, https://doi.org/10.59141/jiss.v7i5.2348.

[5] Ahmad Afandi Maulana, "AN ANALYSIS OF JUDGES JURIDICAL JUDEX FACTIE WHO UNCHECKING THE FACTS AND TRIAL EVIDENCE IN MONEY LAUNDERING: THE CASE STUDY OF JUDGE'S DECISION NO. 383 K/PID.SUS/2017," *IUS POSITUM: Journal of Law Theory and Law Enforcement* 1, no. 1 (December 28, 2021): 34–46, https://doi.org/10.56943/jlte.v1i1.2; Mega Dewi Ambarwati and Anggrita Esthi Suhessyani,

jurisdictional overlap Khaq and Hidayat identified operational constraints in banking-sector investigations, Alladuniah and Syafiuddin documented how unclear task allocation between *Polri* and sectoral investigators produces duplication and legal uncertainty.[6] Khaq and Hidayat argued that vesting exclusive authority in *OJK* contradicts *Polri*'s position as a general investigator.[7] While these studies establish that overlap exists, they do not explain how the newly codified concept of lead investigators in the 2025 Criminal Procedure Code reshapes the normative relationship between general and sectoral investigators. Recent scholarship has begun to address this question. Yanuar et al. analysed the residual problems following Constitutional Court Decision No. 59/PUU-XXI/2023, and other 2025 studies examined the legal impact of *Polri* investigations in the financial services sector.[8] However, these studies focus on the financial sector in isolation. They do not integrate the lead investigators framework, the coordination obligation under Article 7(3) of the new Criminal Procedure Code, and the sectoral procedural specificities into a single analytical model. That is the gap this study fills.

A sharper gap emerges when regulatory developments and Constitutional Court decisions reshape the landscape of investigative authority. Constitutional Court Decision Number 59/PUU-XXI/2023, for example, affirmed that *Polri* investigators retain the authority to investigate criminal offences in the financial services sector, despite Law Number 4 of 2023 on Financial Sector Development and Strengthening having previously restricted such authority to *OJK* investigators alone. However, the decision was not followed by harmonisation of implementing regulations, creating residual problems that render the ruling difficult to operationalise consistently. This shift carries significant legal consequences, particularly concerning coordination mechanisms, the allocation of investigative burdens, and legal certainty for parties involved in investigative processes. Existing research has yet to systematically analyse how this decision affects the construction of *Polri* investigators' authority within a coherent normative framework.

Beyond regulatory dynamics, technological challenges further widen the gap between formal authority and operational capacity. Digital evidence possesses

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"LEGAL PROTECTION FOR GOVERNMENT BANKS ON THE IMPLEMENTATION OF WRITE-OFF," *IUS POSITUM: Journal of Law Theory and Law Enforcement* 1, no. 1 (December 28, 2021): 47–59, https://doi.org/10.56943/jlte.v1i1.5.

[6] Ifan Eldin Khaq and Ahmad Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM," *IUS POSITUM: Journal of Law Theory and Law Enforcement* 1, no. 3 (August 12, 2022): 65–76, https://doi.org/10.56943/jlte.v1i3.114; Muhammad Ali Alladuniah and Afif Syafiuddin, "Integrasi Kewenangan Penyidik Dalam Sengketa Fraud Pada Sektor Lembaga Keuangan Syariah," *FAWAID: Sharia Economic Law Review* 7, no. 2 (2025): 103–26, https://doi.org/https://doi.org/10.31332/flr.v7i2.12932.

[7] Khaq and Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM," August 12, 2022.

[8] Muh Afdal Yanuar, Sigid Suseno, and Wanodyo Sulistyani, "Problematika Hukum Kewenangan Penyidikan Tindak Pidana Sektor Jasa Keuangan Pasca Putusan Mahkamah Konstitusi Nomor 59/PUU-XXI/2023," *Jurnal Konstitusi* 22, no. 3 (September 19, 2025): 554–90, https://doi.org/10.31078/jk2237.

characteristics distinct from conventional physical evidence, requiring rigorous procedures for acquisition, preservation, and presentation to remain valid and admissible in court. Technology-based economic crimes, such as fraudulent online investments, customer data theft, and unauthorised electronic transactions, demand that investigators master digital forensic analysis while also understanding personal data protection regulations. This capacity gap potentially creates legal risks, including the invalidation of evidence or violations of data subjects' rights, which ultimately undermine the effectiveness of law enforcement.

The novelty of this study lies in its effort to construct an analytical framework that integrates three dimensions simultaneously, namely the normative construction of *Polri* investigators' authority examined through the theory of authority, the dynamics of normative conflict among sectoral statutes following Constitutional Court decisions, and the demand for harmonisation of criminal procedure with personal data protection and digital evidence. Such an integrative approach remains underdeveloped in Indonesian economic criminal law literature, which generally focuses on a single normative aspect or institutional case studies. By combining statutory, conceptual, and analytical approaches, this study seeks to provide a more complete picture of how investigative authority should be constructed and operationalised within a coherent law enforcement framework.

The objective of this study is to analyse the normative construction of *Polri* investigators' authority in handling economic crimes through the lens of attribution, delegation, and mandate theories. This study also identifies normative conflicts arising from the fragmentation of sectoral regulations, and formulates the legal implications of the gap between formal authority and the demand for normative harmonisation. The analysis is expected to contribute to the development of a more harmonised legal framework while offering recommendations for strengthening investigator competence, interagency coordination mechanisms, and digital evidence governance in the handling of economic crimes in Indonesia.

LITERATURE REVIEW

Studies on the authority of *Polri* investigators in economic crimes have developed in recent years, although most remain focused on specific sectors in isolation. Alladuniah and Syafiuddin analysed the authority of *Polri* investigators in banking-sector economic crimes and concluded that *Polri* is juridically authorised to conduct investigations, yet implementation faces obstacles in the form of overlapping regulations, limited access to banking data, and weak interagency coordination.[9] Their study demonstrates that the issue of authority does not merely concern the existence of a legal basis, but rather how that authority is operationalised within the applicable procedural framework. Yanuar, Suseno, and

[9] Alladuniah and Syafiuddin, "Integrasi Kewenangan Penyidik Dalam Sengketa Fraud Pada Sektor Lembaga Keuangan Syariah."

Sulistyani reinforced this finding through an analysis of Constitutional Court Decision Number 59/PUU-XXI/2023 and identified residual problems that render the ruling difficult to operationalise consistently, as the procedural provisions in Law Number 4 of 2023 were not reviewed.[10] These two studies provide an important foundation, yet they have not constructed an analytical framework that integrates the dimensions of authority, normative conflict, and the demand for harmonisation into a single comprehensive model.

Literature on conflicts of authority between *Polri* and sectoral investigators has also developed, although its approach remains largely descriptive. Khaq and Hidayat highlighted the problem of investigators in financial services crimes and noted that the existence of other investigators, including the Prosecution Service, the Police, and the Corruption Eradication Commission, potentially creates overlapping authority. Khaq and Hidayat examined the coordination of investigative authority between Civil Servant Investigators and *Polri* investigators and found that unclear task allocation often results in duplicated investigations and legal uncertainty for the parties involved. Khaq and Hidayat analysed investigative authority over crimes in the financial services sector and affirmed that vesting investigative authority solely in *OJK* investigators constitutes an inappropriate policy formulation because it contradicts *Polri*'s position as a general investigator under the Criminal Procedure Code.[11] This studies demonstrate that the principal problem is not the absence of authority, but the unclear construction of norms governing the distribution of authority among law enforcement institutions.

Studies on digital evidence and data protection in economic crime investigations have also gained increasing attention, yet they have not been adequately integrated with analyses of investigative authority. Santosa and Kamali demonstrated that digital evidence possesses characteristics distinct from conventional physical evidence and requires rigorous procedures for acquisition, preservation, and presentation to remain valid and admissible in court.[12] Law No. 27 of 2022 on the Protection of Personal Data (Personal Data Protection Act) highlighted that law enforcement officials act as data controllers and processors, thereby bearing full responsibility for safeguarding personal data in accordance with data protection principles, including the obligation to destroy data once the retention period expires. Meanwhile, Hashem and Khojasteh's study on fintech forensics demonstrated that investigating technology-based financial crimes

[10] Yanuar, Suseno, and Sulistyani, "Problematika Hukum Kewenangan Penyidikan Tindak Pidana Sektor Jasa Keuangan Pasca Putusan Mahkamah Konstitusi Nomor 59/PUU-XXI/2023."
[11] Ifan Eldin Khaq and Ahmad Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM," *Journal of Law Theory and Law Enforcement* 1, no. 3 (August 12, 2022): 65–76, https://doi.org/10.56943/jlte.v1i3.114.
[12] Dewa Gede Giri Santosa and Karell Mawla Ibnu Kamali, "ACQUISITION AND PRESENTATION OF DIGITAL EVIDENCE IN CRIMINAL TRIAL IN INDONESIA," *Jurnal Hukum Dan Peradilan* 11, no. 2 (July 31, 2022): 195, https://doi.org/10.25216/jhp.11.2.2022.195-218.

demands technical capabilities that exceed conventional approaches.[13] These two studies and one law underscore the importance of digital forensic capacity and data protection compliance, yet they have not systematically connected these aspects to the normative construction of *Polri* investigators' authority within a multi-agency framework. This gap is what the present study seeks to fill through an integrative analysis of authority, normative conflict, and the demand for harmonisation of criminal procedure.

RESEARCH METHODOLOGY

This study uses normative juridical research, also known as doctrinal legal research, in which law is treated as a system of norms, principles, and doctrines that can be examined through legal reasoning.[14] Its aim is to assess the adequacy of the legal framework governing the investigative authority of *Polri* in economic crime cases and to trace the legal implications that follow from it. The study therefore makes no claim about how well that authority works in daily practice, since such a claim would call for socio-legal or empirical methods. Three approaches are combined. The statutory approach maps the hierarchy, consistency, and scope of the relevant provisions. The case approach reads Constitutional Court Decision Number 15/PUU-XIX/2021 and Decision Number 59/PUU-XXI/2023 through their ratio decidendi, that is, the considerations of the judges, the change each ruling brought to the governing norm, and what that change means for coordination among *Polri*, the *KPK*, *OJK*, and *PPATK*. The conceptual approach clarifies terms such as economic crime, investigative authority, and coordination. Research on investigations in the financial services sector has combined these same approaches,[15] which supports their use here. Two theories guide the analysis. The theory of authority, which distinguishes attribution, delegation, and mandate as sources of authority, helps identify where the powers of *Polri* investigators come from and how far they reach.[16] Legal certainty, read through Radbruch's standards, is then used to judge whether those powers are clearly formulated, grounded in factual conditions, stable over time, and workable in practice.[17] The

[13] Seyed MohammadJafar Mirzapour Ale Hashem and Alireza Khojasteh, "Fintech Forensics: Opportunities And Challenges," *Journal of Financial Technology Perspective (FinTech)* 2, no. 5 (2025).
[14] Marzuki Peter Mahmud, *Penelitian Hukum*, 19th ed. (Jakarta: Kencana, 2019), https://opac.perpusnas.go.id/DetailOpac.aspx?id=1409842.
[15] Yusuf Warsyim and Harmoko Harmoko, "Politik Hukum Pengawasan Dan Penegakan Kode Etik Dan Perilaku Hakim Konstitusi," *Jurnal Konstitusi* 22, no. 2 (June 30, 2025): 398–416, https://doi.org/10.31078/jk2229.
[16] Cekli Setya Pratiwi et al., *PENJELASAN HUKUM Asas-Asas Umum Pemerintahan Yang Baik (AUPB) HUKUM ADMINISTRASI NEGARA*, ed. Imam Nasima, 2016.
[17] Kurt Wilk, *Legal Philosophies of Lask Radbruch and Dabin*, ed. Wilk Kurt, vol. 4 (Harvard Univ Press, 1950), https://books.google.com/books/about/The_Legal_Philosophies_of_Lask_Radbruch.html?hl=id&id=t4mxAAAAIAAJ.

relationship among the investigating institutions is examined within the framework of the integrated criminal justice system.

The analysis is bounded in scope and in time. Economic crime is defined operationally as criminal conduct that harms financial or economic interests and is carried out through financial transactions, financial institutions, or electronic financial systems, namely money laundering, banking offences, capital market fraud, financial services offences, tax offences, and technology-based financial fraud such as fraudulent online investment and customer data theft. Corruption falls within the scope only where it intersects with money laundering as a predicate offence or where the authority of *Polri* overlaps with that of the *KPK*. Cybercrime is treated as an economic offence only when digital means are used to obtain financial gain or to cause financial loss. As for time, the study examines the positive law in force at the time of writing, including Law Number 20 of 2025 concerning the Criminal Procedure Code, which took effect on 2 January 2026 and replaced Law Number 8 of 1981. Earlier court decisions are therefore read in light of the new procedural framework and its transitional provisions. The primary legal materials consist of Law Number 2 of 2002 concerning the Indonesian National Police, the new Criminal Procedure Code, the statutes on money laundering, the Financial Services Authority, financial sector development, and government administration, and the two Constitutional Court decisions mentioned above. Because the discussion also touches digital evidence, the primary materials include the Personal Data Protection Law and the Electronic Information and Transactions Law with its amendments, which govern how personal and electronic data may be collected, stored, and used in investigations. The secondary materials consist of books and journal articles, mainly from 2021 to 2026, on investigative authority, legal certainty, and the evidentiary status of digital evidence.[18] All materials were gathered through library research, and the validity and legal status of each instrument were checked against official publications.

The legal materials were analysed qualitatively with a descriptive analytical method.[19] The analysis proceeds in four steps. First, the materials are classified by hierarchy and relevance, then interpreted grammatically, systematically, and teleologically, with systematic interpretation given the most weight because the main concern is how the Police Law, the Criminal Procedure Code, and the sectoral statutes fit together.[20] Second, a mapping matrix is compiled for the institutions that hold investigative authority in economic crime cases, namely *Polri*, the *KPK*, *OJK*,

[18] Putri Wulandari, "Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches," *Archipel: Journal of Indonesian Interdisciplinary Studies* 1, no. 6 (February 28, 2026): 12–25, https://doi.org/10.65739/archipel.v1i6.34.

[19] Budiana Budiana et al., "Yurisometry as an Alternative Approach in Normative Legal Research in Indonesia: A Conceptual Study," *Indonesian Journal of Law and Economics Review* 21, no. 2 (March 4, 2026): 1–11, https://doi.org/10.21070/ijler.v21i2.1492.

[20] Peter Mahmud, *Penelitian Hukum*.

the Directorate General of Taxes, and Civil Servant Investigators. For each of them the matrix records the legal basis, the scope of authority, the coordination mechanism, and the legal consequences when authority overlaps. Third, the two Constitutional Court decisions are analysed by identifying the legal question, the reasoning of the judges, the norm that changed, and the implications for how *Polri* exercises its authority together with the *KPK*, *OJK*, and *PPATK*. Fourth, the matrix and the decisions are evaluated against the theory of authority and the standards of legal certainty, and conclusions are drawn deductively into recommendations for harmonisation. In this way the study does not end as a list of regulations. Because it relies on documents and not on field data, its statements about implementation are normative assessments and should not be read as empirical measurements.[21] That limit is acknowledged openly, and it leaves room for later socio-legal work that observes investigative practice directly.

RESULT AND DISCUSSION

The Construction of Investigative Authority

Economic crime in Indonesia is governed by a fragmented regulatory framework, and this fragmentation shapes how investigative authority is distributed among state institutions. The Indonesian National Police *(Polri)* draws its general investigative competence from Law Number 2 of 2002 on the Indonesian National Police and the Criminal Procedure Code. Article 13 of the Police Law establishes law enforcement as a principal duty, while Article 14(1)(g) grants the Police the authority to conduct inquiry and investigation of criminal offences. Hasanah and Utari confirm that *Polri* holds juridical authority over banking-sector economic crimes, yet their study also observes that implementation encounters overlapping regulations, limited access to banking data, and weak interagency coordination.[22] This suggests that formal authority alone does not guarantee operational effectiveness.

Viewed through the theory of authority, *Polri*'s investigative competence constitutes an attribution conferred directly by statute. Sectoral investigators, such as those within the Financial Services Authority *(OJK)* and the Directorate General of Taxes *(DJP),* also derive authority through attribution, though their scope is confined to the sectors they regulate. The distribution of investigative authority across these institutions can be mapped systematically to reveal where powers intersect and where coordination is most needed.

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[21] Mhd Hasbi, Saritua Silitonga, and Ariman Sitompul, "Living Law in Indonesia's New Criminal Code: Constructing a Harmonization Framework for National and Customary Criminal Law," *SASI* 32, no. 3 (September 26, 2026): 309–25, https://doi.org/10.47268/sasi.v32i3.3718.

[22] Aprilia Wahidatul Hasanah and Indah Sri Utari, "Kewenangan Penyidik Polri Dalam Menangani Kejahatan Ekonomi Khusus Pada Sektor Perbankan," *Annual Review of Legal Studies* 3, no. 1 (January 8, 2026): 1–26, https://doi.org/10.15294/arls.v3i1.42490.

The theory of authority distinguishes attribution, delegation, and mandate as three distinct sources of power. Attribution refers to authority conferred directly by the constitution or by statute. Delegation involves the transfer of authority from one organ to another, typically through an express legal instrument. Mandate occurs when one organ exercises authority on behalf of another without transferring the authority itself. Applying this framework to economic crime investigations reveals a structure in which attribution predominates while delegation and mandate play limited roles.

Polri's investigative authority constitutes attribution, as it originates directly from Article 6(1)(a) and Article 6(2) of the Criminal Procedure Code 2025 and Article 14(1)(g) of the Police Law. These provisions confer authority by statute without intermediary. The investigative authority of *OJK* under Article 49(1) of Law Number 21 of 2011 also constitutes attribution, because the statute directly designates *OJK* investigators as competent authorities in the financial services sector. The same applies to the Directorate General of Taxes under Article 44(1) of the Tax Administration Law and to *PPNS* under Article 6(1)(b) of the Criminal Procedure Code 2025. In all these cases, the legislature has directly conferred investigative authority on specific institutions rather than transferring it from another body.

Delegation does not appear in economic crime investigations because no statute transfers investigative authority from one institution to another. The Police Law does not delegate *Polri*'s investigative authority to sectoral investigators, nor does any sectoral statute delegate sectoral authority to *Polri*. Mandate also plays no significant role, because sectoral investigators do not exercise authority on behalf of *Polri*. They exercise their own attributed authority. The coordination obligation under Article 7(3) of the Criminal Procedure Code 2025 does not transform the relationship into mandate, because coordination and supervision are procedural requirements that do not transfer the substance of investigative authority. This finding matters because it explains why coordination failures cannot be resolved by reallocating authority. The problem lies not in the source of authority but in how attributed authorities interact when they operate concurrently.

Table 1 Mapping of Investigative Authority in Economic Crime Cases

Institution	**Legal Basis**	**Scope of Authority**	**Coordination Mechanism**	**Legal Consequence of Overlap**
Polri	KUHAP 2025, Art. 6(1)(a), Art. 6(2), and Art. 7(2)	Lead investigator with authority to investigate all criminal offences under Art. 6(2) of KUHAP 2025,	UU 2/2002 Art. 14(1)(f) and UU 20/2025 Art. 7(3) place PPNS under Polri coordination, supervision, and technical guidance	Potential duplication of investigation with sectoral investigators

Institution	Legal Basis	Scope of Authority	Coordination Mechanism	Legal Consequence of Overlap
		including economic crimes	until case file submission to the prosecutor; Art. 7(5) exempts Prosecution, KPK, and TNI AL.	
KPK	Law No. 19 of 2019, Art. 6 and Art. 8	Corruption offences and money laundering connected to corruption	Supervision over Polri and the Prosecution Service; prosecution coordination	Jurisdictional dispute when corruption intersects with sectoral offences
OJK	Law No. 21 of 2011, Art. 49(1); Law No. 4 of 2023, Art. 8 point 21 amending Art. 49(5) and (6); KUHAP 2025, Art. 6(1)(c)	Shared investigative authority after Constitutional Court Decision No. 59/PUU-XXI/2023 declared the word 'only' in Art. 49(5) conditionally unconstitutional. MK reasoned that reducing Polri's authority contradicted Polri's status as lead investigator	Art. 7(3) KUHAP 2025 places *OJK* investigators under Polri coordination and supervision, as OJK is not exempted under Art. 7(5). Art. 93(3) and Art. 99(3) require OJK investigators to obtain Polri approval for arrest and detention.	Residual uncertainty because implementing regulations were not harmonised
DJP	Law No. 28 of 2007, Art. 44(1) and (3); KUHAP 2025, Art. 6(1)(b)	Exclusive tax investigation authority	Art. 7(3) KUHAP 2025 requires DJP investigators to coordinate with and remain under *Polri* supervision. Art. 93(3) and Art. 99(3) require them to obtain Polri approval for arrest and detention. Art. 44(3) of the Tax Administration Law also requires tax investigators to submit results through Polri investigators.	*Polri* must defer to DJP investigators in pure tax cases
PPATK	Law No. 8 of 2010, Art. 40 and Art. 44	Financial intelligence, not investigation	Forwards analysis results and requests investigation updates.	No direct overlap because PPATK lacks coercive

Institution	Legal Basis	Scope of Authority	Coordination Mechanism	Legal Consequence of Overlap
				investigative powers
PPNS	KUHAP 2025, Art. 6(1)(b) and Art. 7(3)	Authority according to the respective statute serving as its legal basis	Art. 7(3) KUHAP 2025 places PPNS under Polri coordination and supervision until case file submission; Art. 7(5) exempts Prosecution, KPK, and TNI AL.	Duplication and uncertainty when task allocation is unclear

Source: Compiled by the author

The table shows that authority is dispersed across at least six institutions, each with a distinct legal basis and jurisdictional scope. Three patterns emerge from this mapping. First, *Polri* occupies the widest jurisdictional space because its general competence covers all criminal offences, but its authority is constrained procedurally by the existence of specialised investigators. Second, sectoral investigators such as *OJK*, *DJP*, and *PPNS* exercise authority that is narrower in scope but deeper in sectoral expertise. Third, *PPATK* holds a unique position because it provides financial intelligence without possessing coercive investigative powers, functioning as a bridge between financial institutions and law enforcement agencies.

The financial services sector illustrates the tension that arises when attributed powers intersect with the concept of lead investigators. Law Number 21 of 2011 on *OJK* recognised concurrent investigative authority, but Law Number 4 of 2023 on Financial Sector Development and Strengthening appeared to limit it exclusively to *OJK*. Constitutional Court Decision Number 59/PUU-XXI/2023 then restored *Polri*'s concurrent authority and, in its reasoning, explicitly characterised *Polri* as the lead investigators. However, the claim that the decision has not been followed by harmonisation requires qualification. Government Regulation Number 5 of 2023 on Investigation of Crimes in the Financial Services Sector was issued to implement Article 49 and expressly regulates the synergy between *Polri* and *OJK*, including *Polri*'s coordination and supervisory authority over *OJK* investigators. Furthermore, the P2SK Law has since been amended by Law Number 4 of 2026, which was enacted on 17 June 2026 and explicitly aligns its provisions with Constitutional Court Decision No. 59/2023. *OJK* has stated that the existing coordination mechanism, based on Article 49(6) and reinforced by memoranda of understanding, remains sufficient and does not require new regulations. The residual problem therefore is not the absence of implementing rules. The tension lies in the operationalisation of those rules when *OJK* retains exclusive procedural

powers under Article 48B of the P2SK Law, which the Constitutional Court did not review. This procedural specificity continues to create obstacles for *Polri* even after the legislative and regulatory updates.

Coordination and Digital Challenges

The distribution of investigative authority across multiple institutions creates a structural need for coordination, and this need is now addressed through the concept of lead investigators. Article 6(2) of the Criminal Procedure Code 2025 designates *Polri* investigators as primary investigators vested with authority to investigate all criminal offences. This concept is absent from the previous Criminal Procedure Code and from prior legal doctrine. The legislature, in its statement before the Constitutional Court, explained that the primary investigator status is intended to enable *Polri* to perform coordination and supervision over Civil Servant Investigators, not to diminish their authority.[23] Article 7(3) requires Civil Servant Investigators and special investigators to remain under *Polri* coordination and supervision until the case file is submitted to the public prosecutor, while Article 7(5) exempts Prosecution, *KPK*, and *TNI AL* (Indonesian National Armed Forces – Navy) investigators from this requirement. Article 14(1)(f) of the Police Law reinforces this obligation by assigning *Polri* the duty to coordinate, supervise, and provide technical guidance over Civil Servant Investigators. Constitutional Court Decision Number 15/PUU-XIX/2021 expanded the category of predicate offence investigators to include any official or institution granted investigative authority by statutory regulation. *PPATK* occupies a distinctive position as Indonesia's financial intelligence unit. What remains problematic is not the absence of a coordination norm but the operationalisation of that norm when sectoral investigators possess attributive authority derived from specialised statutes. The tension lies between the coordination obligation in the Criminal Procedure Code and the procedural specificity of sectoral legislation such as Article 48B of the P2SK Law, which grants *OJK* exclusive procedural powers that *Polri* does not possess.

Technological development has introduced further complexity. Santosa and Kamali demonstrate that digital evidence requires specific acquisition and presentation methods because its characteristics differ from conventional forms of evidence. In economic crime investigations, digital evidence is closely connected with the financial evidence used to reconstruct criminal transactions, requiring investigators to possess both access and sufficient technical competence.[24] A further challenge arises from personal data protection. Law Number 27 of 2022 on Personal Data Protection establishes the framework, and Article 15(1) explicitly exempts

[23] "MKRI.ID | House States Police's Main Investigators Do Not Reduce Authority of Civil Servant Investigators," accessed October 19, 2026, https://en.mkri.id/news/details/2026-09-21/House_States_Police's_Main_Investigators_Do_Not_Reduce_Authority_of_Civil_Servant_Investigators.

[24] Giri Santosa and Ibnu Kamali, "ACQUISITION AND PRESENTATION OF DIGITAL EVIDENCE IN CRIMINAL TRIAL IN INDONESIA."

certain data subject rights for the purposes of law enforcement, namely investigation, prosecution, and judicial processes. This exemption provides the legal basis for investigators to access personal data, but it does not grant unrestricted power. The Electronic Information and Transactions Law further governs the acquisition of electronic evidence, while the new Criminal Procedure Code 2025 regulates digital searches and interception in Articles 113 and 136. However, Article 136 is delegative and defers the procedural details of interception to a separate law that has not yet been enacted. Furthermore, Government Regulation Number 33 of 2026, the implementing regulation of the Personal Data Protection Law, establishes procedures for law enforcement requests for personal data, but its full operationalisation awaits the establishment of the independent Data Protection Authority. This regulatory landscape creates a gap between formal authority and procedural readiness. The National Commission on Human Rights, in its official 2025 study on the Criminal Procedure Bill, has recommended that the Criminal Procedure Code contain specific provisions on privacy and personal data protection, including clear limitations and exceptions during investigation and prosecution.[25] This institutional position underscores the urgency of harmonising the Criminal Procedure Code with the data protection framework to ensure that investigative measures remain effective while proportionate to individual rights.

Constitutional Court Decision Number 15/PUU-XIX/2021

Legal question. The petitioners challenged the explanatory provision of Article 74 of Law Number 8 of 2010 on Money Laundering, which listed only six institutions authorised to investigate money laundering as predicate offence investigators. The question before the Court was whether this limitation violated the constitutional principle of equality before the law and the right to legal certainty.

Petitioners' arguments. The petitioners argued that limiting predicate offence investigators to six institutions created an unjustified restriction. Investigators from other institutions who possessed authority over predicate offences could not follow the money trail into money laundering, which allowed offenders to escape liability when the predicate offence fell outside the jurisdiction of the six listed institutions.

Court's considerations. The Court held that the limitation conflicted with Article 28D(1) of the Constitution, which guarantees the right to recognition, protection, and fair legal certainty. The Court reasoned that the definition of predicate offence investigators should follow the logic of the money laundering offence itself, which is an autonomous offence that can arise from any predicate offence. Limiting investigators to six institutions would allow predicate offences investigated by other institutions to escape money laundering charges.

[25] Komisi Nasional Hak Asasi Manusia, "Kajian Rancangan Undang-Undang Tentang Hukum Acara Pidana Analisis Dan Rekomendasi Strategis Komnas HAM Atas Pasal-Pasal RUU KUHAP," accessed October 19, 2026, https://jdih.komnasham.go.id/dokumen/view?id=318.

Verdict. The Court declared the explanatory provision of Article 74 unconstitutional and redefined predicate offence investigators to include any official or institution granted investigative authority by statutory regulation.

Impact. The decision expanded the number of institutions competent to investigate money laundering from six to all institutions with statutory investigative authority. This includes *PPNS* across various ministries and sectoral investigators such as *OJK* and *DJP*.

Residual problems. The decision did not establish coordination mechanisms among the expanded pool of investigators. It also did not address the risk of duplicated investigations when several institutions claim authority over the same money laundering offence. The expansion of authority without corresponding coordination rules has intensified the coordination burden that the present study examines.

Constitutional Court Decision Number 59/PUU-XXI/2023

Legal question. The petitioners challenged Article 49(5) of Law Number 21 of 2011 as amended by Article 8 point 21 of Law Number 4 of 2023 on Financial Sector Development and Strengthening. The provision read "Investigation of crimes in the financial services sector may only be conducted by investigators of the Financial Services Authority". The question was whether this exclusivity provision violated the constitutional authority of *Polri* as a general investigator.

Petitioners' arguments. The petitioners argued that the word "only" in Article 49(5) removed *Polri*'s authority to investigate crimes in the financial services sector. This removal conflicted with Article 30(4) of the Constitution, which designates *Polri* as the state's investigative body, and with Article 6 of the Criminal Procedure Code, which establishes *Polri* as a general investigator. The petitioners also argued that the provision created legal uncertainty because it prevented *Polri* from investigating offences that intersected with financial services, such as money laundering arising from banking fraud.

Court’s considerations. The Court held that the word "only" in Article 49(5) conflicted with the Constitution. The Court reasoned that *Polri* holds the status of lead investigator, within the criminal justice system. Reducing *Polri*'s authority through Article 49(5) constituted a denial of *Polri*'s constitutional function. The Court also noted that Article 49(6), which requires *OJK* to coordinate with *Polri*, did not eliminate the exclusivity created by Article 49(5) because the coordination requirement presupposed that both institutions held concurrent authority.

Verdict. The Court declared the word "only" in Article 49(5) conditionally unconstitutional. The provision now reads "may be conducted by investigators of the Financial Services Authority" without the exclusivity qualifier.

Impact. The decision restored *Polri*'s concurrent authority in the financial services sector. It also constitutionalised the concept of lead investigators that the legislature later codified in Article 6(2) of the Criminal Procedure Code 2025.

Residual problems. The Court did not review Article 48B of the P2SK Law, which governs special procedures and grants *OJK* exclusive procedural powers that *Polri* does not possess. As a result, *Polri* retains formal authority but faces procedural obstacles when attempting to exercise that authority. The decision also left unresolved the question of how *Polri* and *OJK* should coordinate when both possess authority over the same financial services offence.

Implications for Legal Reform

The analysis points to a gap that cannot be bridged solely by clarifying legal norms. Legal certainty, read through Radbruch's standards, requires that norms be clearly formulated, grounded in factual conditions, stable over time, and workable in practice.[26] The current framework satisfies some of these requirements but falls short on others. The norms are clearly formulated in the sense that statutory provisions grant investigative authority to specific institutions, and they respond to economic crimes that cross sectoral boundaries. However, they are not stable because Constitutional Court decisions continue to reshape the distribution of authority, and they are not fully workable because coordination mechanisms remain underdeveloped. The gap is therefore a matter of normative design.

Table 2 Evaluation of Legal Certainty Based on Radbruch's Standards

Standard	Indicator	Finding	Legal Basis
Clearly formulated	Authority specified in statute	Satisfied. KUHAP and sectoral laws explicitly designate competent investigators.	KUHAP Art. 6(1); Police Law Art. 14(1)(g); OJK Law Art. 49(1)
Grounded in factual conditions	Norms reflect the nature of economic crime	Partially satisfied. Fails to accommodate concurrent authority in a single factual event.	P2SK Law Art. 48B; MK Decision No. 59/2023
Stable over time	Consistent and predictable distribution	Not satisfied. MK (Constitutional Court of the Republic of Indonesia) decisions continuously reshape institutional authority.	MK Decisions No. 15/2021 and No. 59/2023
Workable in practice	Effective coordination mechanisms	Not satisfied. Coordination is mandated, but operational mechanisms remain weak.	KUHAP Art. 7(3); P2SK Law Art. 48B

Source: Compiled by the Author *Source:* Compiled by the author based on Radbruch's standards as interpreted in Najwa N and Viona Ardhanareswar

The enactment of Law Number 20 of 2025 on the Criminal Procedure Code provides an opportunity to strengthen the procedural foundation for economic crime

[26] Najwa Najwa and Viona Ardhanareswari, "Keadilan, Kepastian Hukum, Dan Kemanfaatan Dalam Penegakan Hukum Pidana Di Indonesia: Tinjauan Filsafat Hukum Gustav Radbruch Atas Kasus Nenek Minah," *MHI: Media Hukum Indonesia* 4, no. 3 (2026): 420–26, https://ojs.daarulhuda.or.id/index.php/MHI/article/view/4041/3976.

investigations. The integrated criminal justice system concept embedded in the new code aims to ensure coordination among investigators, prosecutors, and courts.[27] However, the new framework must operate coherently with sectoral legislation governing financial services, money laundering, personal data, and electronic systems. Without harmonisation, the new procedural framework risks becoming another layer of regulation that investigators must navigate without clear guidance on how to reconcile competing provisions. Three implications follow. First, the normative construction of investigative authority should be clarified through legislative amendment or authoritative interpretation that establishes the relationship between general and specialised investigative competence. Yanuar et al. argue that the Constitutional Court ought to have decided ultra petita by also examining the procedural provisions in the P2SK Law.[28] Second, coordination mechanisms among investigative institutions should be placed on a binding legal footing, with clear rules governing the relationship between *Polri*, *KPK*, *OJK*, *PPATK*, and tax investigators. Third, the legal framework for digital evidence and personal data protection should be harmonised with the Criminal Procedure Code. The National Commission on Human Rights has recommended that the Criminal Procedure Code contain specific provisions on the protection of privacy and personal data, including limitations and exceptions that apply during investigation and prosecution. Beyond these normative reforms, the capacity of investigators to handle economic crimes should be strengthened through specialised training in financial analysis, digital forensics, and sectoral regulation, because formal authority without institutional capacity remains unexercised in practice.

The integrated criminal justice system framework provides the normative foundation for the coordination obligation in Article 7(3) of KUHAP 2025. Under this framework, investigators, prosecutors, and courts function as interconnected components of a single enforcement process. The framework does not require hierarchical subordination of sectoral investigators to *Polri*, but it does require that each institution's exercise of authority be compatible with the overall functioning of the system. This is why coordination is not merely an administrative preference but a structural requirement of the criminal justice system. The concept of lead investigators should be read within this framework, as an expression of the coordinating function that *Polri* performs within the integrated system.

[27] Ivander Juahta and Ujuh Juhana, "Investigator–Prosecutor Coordination in Indictment Drafting Under Indonesia's New Criminal Procedure Code: A Juridical Analysis at Purwakarta District Prosecutor's Office," *International Journal of Law, Crime and Justice* 3, no. 2 (June 3, 2026): 01–10, https://doi.org/10.62951/ijlcj.v3i2.944.

[28] Yanuar, Suseno, and Sulistyani, "Problematika Hukum Kewenangan Penyidikan Tindak Pidana Sektor Jasa Keuangan Pasca Putusan Mahkamah Konstitusi Nomor 59/PUU-XXI/2023."

CONCLUSION

This study finds that the authority of *Polri* investigators in economic crimes is normatively grounded in the Police Law, the Criminal Procedure Code, and various sectoral statutes, yet its exercise unfolds within a fragmented framework where at least six institutions hold concurrent competence. The mapping of authority and the analysis of Constitutional Court Decision No. 59/PUU-XXI/2023 reveal that *Polri*'s status as lead investigators, codified in Article 6(2) of the Criminal Procedure Code 2025, has not fully resolved the structural tension between general and sectoral investigative powers. Residual problems persist because the procedural provisions in the P2SK Law were not reviewed, and tax investigators remain bound by hierarchical coordination requirements. As evaluated through Radbruch's standards, the current framework is clearly formulated but fails the tests of stability and workability due to shifting judicial decisions and underdeveloped coordination mechanisms. The analysis confirms that the core problem is not the absence of legal authority, but the unclear construction of norms governing how attributed authorities interact.

The gap between formal authority and operational capacity cannot be bridged solely by clarifying legal norms. Legislative harmonisation is required to establish clear boundaries between general and specialised competence, binding coordination protocols, and a framework for digital evidence and personal data protection aligned with the Criminal Procedure Code. This study acknowledges its limitation as normative legal research, which assesses the coherence of norms but makes no empirical claim about daily investigative practice. Future research should employ a socio-legal approach to observe how the new Criminal Procedure Code operates in practice, particularly regarding prosecutor notification and data protection safeguards. Comparative studies on how other jurisdictions manage concurrent investigative authority would also enrich the analysis. By combining normative analysis with empirical observation, subsequent research can contribute to a more coherent and accountable framework for economic crime enforcement in Indonesia.

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