

## Coordination of Fishery PPNS under Article 73(3) with POM AL Investigators under the New Criminal Procedure Code (Article 7)

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**Abstract.** *Civil Servant Investigators (Penyidik Pegawai Negeri Sipil / PPNS) under Article 7 paragraph (5) of Law Number 20 of 2025 concerning the Criminal Procedure Code stipulates that coordination and supervision as referred to in paragraphs (3) and (4) shall not apply to investigators within the Office of the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy (Tentara Nasional Indonesia Angkatan Laut / TNI AL) in accordance with statutory provisions. This study analyzes the legal rationale for the exclusion of investigators from the Attorney General's Office, the Corruption Eradication Commission, and the Indonesian Navy from the coordination and supervisory authority of the primary investigative body, namely the Indonesian National Police (Polri), as regulated under Article 7 paragraphs (3) and (4) of Law Number 20 of 2025 concerning the Criminal Procedure Code. Furthermore, this study examines the role of Fisheries PPNS and Naval Military Police investigators in conducting investigations into criminal offenses occurring within the Indonesian Exclusive Economic Zone (Zona Ekonomi Eksklusif Indonesia / ZEEI). This research employs a normative legal research method. The objective of this study is to examine the legal justification for the exemption of investigators from the Attorney General's Office, the Corruption Eradication Commission, and the Indonesian Navy from Polri coordination and supervision as stipulated in Article 7 paragraphs (3) and (4) of Law Number 20 of 2025, as well as to analyze the role of Fisheries PPNS and Naval Military Police investigators in investigating criminal offenses within the ZEEI.*

**Keywords:** *Civil; Criminal; Investigators; Law; Procedure.*

### 1. Introduction

Based on the author's review, there are fifteen duties and authorities of Police Civil Servant Investigators. The first duty is to receive reports or complaints from

any person regarding the existence of a criminal act. The second is to search for, collect, and secure evidence. The third is to carry out the first actions at the scene of the incident. The fourth is to order a person to stop and examine the relevant person's documents or identity cards. The fifth is to identify the individual suspected of committing the offense in order to determine the status of a suspect. The sixth is to undertake coercive measures. The seventh is to take fingerprints, conduct identification, photograph the person, and obtain forensic data. The eighth is to visit persons related to the alleged criminal act for examination and to obtain their statements. The ninth is to summon persons for examination and to hear their statements as a witness, expert, or suspect. The tenth is to terminate an investigation by notifying the public prosecutor. The eleventh is to resolve cases through restorative justice mechanisms.

Additionally, the twelfth duty is to designate a suspect as a crown witness. The thirteenth is to accept a guilty plea. The fourteenth is to conduct assessments and to seek facilities and/or referrals for the specific needs of women and vulnerable groups. The fifteenth is to carry out other actions in accordance with the provisions of applicable laws and regulations (Ady Thea DA, 2025).

Investigation is, in essence, an initial step in the actual suppression of crime, and it constitutes a process comprising a sufficiently complex series of investigative acts. The results of the investigation are then compiled into case materials and submitted to the public prosecutor, which subsequently serves as the basis for the indictment at the trial stage. Therefore, in the framework of the Criminal Justice System, investigation represents a stage—or the initial process—for addressing crime at the pre-adjudication stage. For that reason, investigation functions as a key and a gateway through which a criminal case can proceed within the Criminal Justice System. In other words, this stage becomes a decisive factor in determining whether the perpetrator can be processed through the system. Moreover, it raises the question of whether the criminal law rules relied upon as the legal justification for conducting an investigation are assessed as appropriate in legal terms, such that they are truly implementable, functional, and operational (A Widiada Gunakaya, 2011).

In the context of the New Criminal Procedure Code under Law No. 20 of 2025, Article 7 paragraph (5) states that coordination and supervision—referred to in paragraphs (3) and (4)—are excluded for investigators within the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy, in accordance with the applicable law. In that provision, Article 7 paragraphs (3) and (4) are formulated as follows: paragraph (3) provides that PPNS and Certain Investigators, in carrying out their duties and authority, are under the coordination and supervision of the Police Investigator. Paragraph (4) further requires that PPNS and Certain Investigators must coordinate with the Police Investigator until the handover of the case file to the public prosecutor.

Based on these provisions, the question then arises: how should the existence of a rule stating that PPNS investigators at the level of the Corruption Eradication Commission, the Attorney General, and the Indonesian Navy are not included in PPNS and Certain Investigators referred to in Article 7 paragraphs (3) and (4) of Law No. 20 of 2025 be understood? The author's analysis is therefore directed toward this issue and the legal consequences that may follow from such an arrangement.

### 1) Research Questions

- a. Why is the authority of investigators within the Attorney General of the Republic of Indonesia, investigators within the Corruption Eradication Commission, and investigators within the Indonesian Armed Forces—specifically in this context—excluded from coordinating and supervising with the main investigators of the Police as stipulated in Article 7 paragraphs (3) and (4) of Law No. 20 of 2025 regarding the New Criminal Procedure Code?
- b. How are the roles of Fishery Police Civil Servant Investigators and Navy Military Police Investigators in conducting investigations into criminal acts within the Exclusive Economic Zone of Indonesia (ZEEI)?

### 2) Research Objectives

- a. To determine why investigators within the Attorney General of the Republic of Indonesia, investigators within the Corruption Eradication Commission, and investigators within the Indonesian Armed Forces are excluded from coordination and supervision as intended in Article 7 paragraphs (3) and (4) of Law No. 20 of 2025 regarding the New Criminal Procedure Code.
- b. To determine how Fishery Police Civil Servant Investigators and Navy Military Police Investigators perform their roles in conducting investigations into criminal acts within the Exclusive Economic Zone of Indonesia (ZEEI).

## 2. Research Methods

This study uses normative legal research. Normative legal research is employed for this investigation because the study is conducted by examining Law No. 20 of 2025 concerning the New Criminal Procedure Code, which is related to Police Civil Servant Investigators who are granted authority to conduct investigations into certain criminal offenses. The approach adopted is the statutory approach (statute approach), since this study examines Law No. 20 of 2025 on the New Criminal Procedure Code as well as other statutory regulations by analyzing the consistency and harmonization among one statute and another (Jonaedi Efendi, et al., 2018).

With regard to sources of law, this research relies on several types of legal materials. First, primary legal materials include all forms of statutory regulations, whether general or specific, that are directly related to the legal issue examined in this study. Second, secondary legal materials consist of supporting literature, such as legal publications. Third, tertiary legal materials are additional or complementary reference sources, other than those already mentioned as primary and secondary materials, particularly those that remain relevant to the research topic.

### **3. Result and Discussion**

#### **3.1. Authority of Police Civil Servant Investigators (Penyidik Pegawai Negeri Sipil/PPNS)**

The authority of Police Civil Servant Investigators (PPNS) under Law No. 20 of 2025 concerning the New Criminal Procedure Code addresses investigative purposes, including provisions related to PPNS. Under Law No. 20 of 2025 (the New Criminal Procedure Code), the definition of an “investigator” is provided in Article 1 paragraph (1), which states (Presiden Republik Indonesia and Presiden Republik Indonesia, “Undang Undang No. 8 Tahun 1981):

*“Investigators are police investigators of the Republic of Indonesia, Police Civil Servant Investigators, or other investigators specifically authorized by law to conduct investigations.”*

The definition of Police Civil Servant Investigators (PPNS) in Law No. 20 of 2025 (the New Criminal Procedure Code) is contained in Article 1 paragraph (3), which provides (Indonesia and Indonesia. Pasal 1 Ayat 3):

*“A Police Civil Servant Investigator, hereinafter referred to as PPNS, is a civil servant officer who is granted authority to conduct investigations under the law that serves as the legal basis.”*

Furthermore, Article 6 paragraph (1) of Law No. 20 of 2025 (the New Criminal Procedure Code) explains that (Indonesia and Indonesia. Pasal 6 Ayat 1):

Article 6:

*“(1) Investigators consist of: a. Police investigators; b. PPNS; and c. Certain Investigators.”*

In relation to the duties and authorities of investigators, Article 7 paragraphs (1) through (5) regulates such matters, as follows:

Article 7 (Indonesia and Indonesia. Pasal 7 Ayat 1, 2, 3, 4, and 5):

*“(1) Investigators have duties and authorities:*

- a. receive reports or complaints from a person regarding the existence of a criminal act;
- b. search for, collect, and secure evidence;
- c. carry out the first action at the scene;
- d. order a person to stop and examine the person's documents or identity cards;
- e. seek out a person suspected of committing the criminal act in order to determine the status of a suspect;
- f. conduct coercive measures;
- g. take fingerprints, conduct identification, photograph a person, and obtain that person's forensic data;
- h. visit persons related to the criminal act to be examined and to hear their statements;
- i. summon persons to be examined and to have their statements heard as a witness, expert, or suspect;
- j. terminate an investigation by notifying the public prosecutor;
- k. resolve cases through restorative justice mechanisms;
- l. designate a suspect as a crown witness;
- m. receive a guilty plea;
- n. conduct assessments and seek facilities and/or referrals for the special needs of women and vulnerable groups; and
- o. conduct other actions in accordance with the provisions of applicable laws and regulations.

(2) PPNS and Certain Investigators have authority based on the laws that serve as their legal foundation.

(3) In carrying out their duties and authority, PPNS and Certain Investigators are under the coordination and supervision of Police Investigators.

(4) In carrying out their duties and authority, PPNS and Certain Investigators are required to coordinate with Police Investigators until the handover of the case file to the public prosecutor.

(5) The coordination and supervision referred to in paragraphs (3) and (4) are excluded for investigators within the Attorney General of the Republic of

Indonesia, the Corruption Eradication Commission, and the Indonesian National Armed Forces of the Navy, in accordance with the provisions of the law.”

Every investigation must be carried out in accordance with the provisions of the Criminal Procedure Code (KUHP), and in exercising their authority, PPNS—regardless of their field—must coordinate with police investigators. To regulate PPNS authority, Police Regulation No. 6 of 2010 on the Management of Investigations by Police Civil Servant Investigators was issued (Ilman Hadi, 2013). This regulation was adopted under the previous KUHP regime.

Several provisions in the implementation of Police Regulation No. 6 of 2010—concerning the management of investigations by Police Civil Servant Investigators—under the former KUHP regime are as follows:

Article 2 letter (b):

Obligation, namely, a requirement for PPNS to conduct investigations of criminal acts with coordination and supervision by Police Investigators.

Article 2 letter (f):

Proactivity, meaning that the implementation of PPNS investigations, together with coordination and supervision by Police Investigators, is conducted actively.

Regarding detention, search and seizure, and confiscation under Police Regulation No. 6 of 2010 on the management of investigations by Police Civil Servant Investigators, these matters are explained in the following articles (PUSDIKMIN POLRI, 2010):

Concerning Arrest, Article 26 paragraphs (1) and (2):

*(1) PPNS who have authority to carry out arrests must implement such arrests in accordance with the criminal procedure law.*

*(2) PPNS who do not have authority to conduct arrests must request assistance from Police Investigators, subject to the following conditions:*

*a. The written request for arrest assistance is addressed to the relevant Police Criminal Investigation function officer, by attaching the incident report and the report on the progress of the investigation.*

*b. Before PPNS submit a written request to the Police Investigators as meant in letter (a), the request may be preceded orally by stating/explaining the case and the suspect’s identity.*

*c. The request for arrest assistance must include:*

- 1) *the suspect's identity;*
  - 2) *a brief description of the incident that occurred;*
  - 3) *the provision(s) violated, and*
  - 4) *the consideration for the necessity of conducting an arrest.*
- d. *The request for arrest assistance must be signed by the head/commander of PPNS as the investigator; if the PPNS superior is not an investigator, the request must be signed by the PPNS and acknowledged by the PPNS superior.*
- e. *If the Police Investigator grants the request for arrest assistance, the Police Investigator shall notify PPNS of the decision.*
- f. *In carrying out the arrest, the Police Investigator conducts the arrest with the involvement of the relevant PPNS.*
- g. *The investigation administration for the arrest assistance activities is prepared by the Police Investigator.*

Article 27 paragraphs (1) and (2):

- (1) The handover of the suspect from the Police Investigator to PPNS must be documented in the form of a Statement of Handover (Berita Acara).
- (2) If the suspect has been arrested and after examination it is determined that the suspect is not proven to have committed the offense, no detention shall be carried out; therefore, the suspect must be released through a release order and delivered to the family or their legal counsel.

Concerning Detention, Article 28 paragraphs (1) and (2):

- (1) PPNS who have authority to conduct detention shall implement such detention in accordance with the criminal procedure law.
- (2) PPNS who do not have authority to conduct detention must request assistance from Police Investigators, subject to the following conditions:
- a. The written request for detention assistance is addressed to the relevant Police Criminal Investigation function officer, by attaching the incident report and the report on the progress of the investigation.
  - b. Before PPNS submit a written request to the Police Investigators as meant in letter (a), the request may be preceded orally by stating/explaining the case and the suspect's identity.
  - c. The request for detention assistance must include:

- 1) the suspect's identity;
  - 2) a brief description of the incident;
  - 3) the provision(s) violated along with the threat of punishment; and the consideration for the necessity of detention.
- d. The request for detention assistance must be signed by the head/commander of PPNS as the investigator; if the PPNS superior is not an investigator, the request must be signed by the PPNS and acknowledged by the PPNS superior.
- e. If the Police Investigator grants the request for detention assistance, the Police Investigator shall notify PPNS of the decision.
- f. The implementation of detention is carried out by the Police Investigator.
- g. PPNS, in conducting investigations, must pay attention to detention time limits.
- h. If PPNS require an extension of detention time for the purposes of investigation, they must submit a written request for detention extension assistance to the Police Investigator at least 7 (seven) days before the detention time limit expires.
- i. The investigation administration for the detention assistance activities is prepared by the Police Investigator.

Concerning Search, Article 29 paragraphs (1) and (2):

- (1) PPNS have authority to conduct searches; the implementation must comply with the criminal procedure law, subject to the following conditions:
- a. A request letter for search permission is submitted to the head of the local District Court, prepared by PPNS, with a copy sent to the Police Investigator.
  - b. Before the search permission request letter is sent to the local District Court, PPNS may request consideration from the Police Investigator regarding the reasons why a search is necessary.
  - c. The search permission request letter as referred to in letter (b) is signed by the PPNS superior as the investigator; if the PPNS superior is not an investigator, the request letter is signed by PPNS and acknowledged by the PPNS superior.
  - d. After the search permission letter is issued by the local District Court, the investigator issues a Search Warrant/Order signed by the PPNS superior as the investigator; if the PPNS superior is not an investigator, the signing is carried out by PPNS and acknowledged by their superior.

e. In a situation that is urgently and immediately necessary, after the search is conducted it must be promptly reported to the local District Court head in order to obtain approval.

(2) PPNS who do not have authority to conduct searches must request assistance from Police Investigators subject to the following conditions:

a. The request letter for search assistance is addressed to the relevant Police Criminal Investigation function officer, by attaching the incident report and the report on the progress of the investigation.

b. Before PPNS submit a written request to the Police Investigators as meant in letter (a), the request may be preceded orally by stating/explaining the case and the suspect's identity.

c. The request for search assistance must include, among others:

1) the search target;

2) a brief description of the incident;

3) the provision(s) violated; and

4) the consideration for the necessity of conducting the search.

d. The request for search assistance is signed by the PPNS superior as the investigator; if the PPNS superior is not an investigator, the request is signed by PPNS and acknowledged by the PPNS superior.

e. The Police Investigator may grant the search assistance request; then the Police Investigator informs PPNS of the decision.

f. In implementing the search, the Police Investigator conducts it by involving the relevant PPNS.

g. The investigation administration for the search assistance activities is prepared by the Police Investigator.

Concerning Confiscation, Article 30 paragraphs (1) and (2):

(1) PPNS who have authority to conduct confiscation must implement such confiscation in accordance with the criminal procedure law, subject to the following conditions:

a. A request letter for permission to confiscate must be submitted to the head of the local District Court, prepared by PPNS, with a copy sent to the Police Investigator.

b. Before the request letter for permission to confiscate is sent to the head of the local District Court, PPNS may request consideration from the Police Investigator regarding the reasons why confiscation is necessary.

c. The request letter for permission to confiscate as referred to in letter (b) is signed by the PPNS superior as the investigator; if the PPNS superior is not an investigator, the request letter is signed by PPNS and acknowledged by the PPNS superior.

d. After the permission to confiscate is issued by the local Court, the investigator issues a Confiscation Warrant/Order signed by the PPNS superior as the investigator; if the PPNS superior is not an investigator, the signing is carried out by PPNS and acknowledged by their superior.

e. In a situation that is urgently and immediately necessary, after the confiscation is carried out it must be promptly reported to the head of the local District Court in order to obtain approval.

(2) In cases where PPNS do not have authority to conduct confiscation, PPNS must request assistance from the Police Investigator subject to the following conditions:

a. The written request for confiscation assistance is addressed to the relevant Police Criminal Investigation function officer, by attaching the incident report and the report on the progress of the investigation.

b. Before PPNS submit a written request to the Police Investigator as meant in letter (a), the request may be preceded orally by stating/explaining the case and the suspect's identity.

### 3.2. Analysis of Article 7 paragraphs (3), (4), and (5) of Law No. 20 of 2025 concerning the New Criminal Procedure Code

1) Relationship between Police Civil Servant Investigators and Investigators within the Attorney General of the Republic of Indonesia

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| PPNS Authority under the New Criminal Procedure Code | <p><b>Article 7:</b></p> <p><i>“(1) Investigators shall have the duties and authorities to:</i></p> <ul style="list-style-type: none"> <li><i>a. receive reports or complaints from a person regarding the existence of a criminal act;</i></li> <li><i>b. search for, collect, and secure evidence;</i></li> <li><i>c. carry out the first action at the scene;</i></li> <li><i>d. order a person to stop and examine the person's documents or identity cards;</i></li> <li><i>e. seek out a person suspected of committing the criminal act in order to determine the status of a suspect;</i></li> <li><i>f. conduct coercive measures;</i></li> <li><i>g. take fingerprints, conduct identification, photograph a person, and obtain that person's forensic data;</i></li> </ul> |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><i>h. visit persons related to the criminal act for examination and to hear their statements;</i></p> <p><i>i. summon persons for examination and to have their statements heard as a witness, an expert, or a suspect;</i></p> <p><i>j. terminate an investigation by notifying the public prosecutor;</i></p> <p><i>k. resolve cases through restorative justice mechanisms;</i></p> <p><i>l. designate a suspect as a crown witness;</i></p> <p><i>m. receive a guilty plea;</i></p> <p><i>n. conduct assessments and seek facilities and/or referrals for the special needs of women and vulnerable groups; and</i></p> <p><i>o. carry out other actions in accordance with the provisions of applicable laws and regulations</i></p> <p><i>(2) PPNS and Certain Investigators shall have authority based on the law that serves as their legal basis.</i></p> <p><i>(3) In carrying out their duties and authority, PPNS and Certain Investigators are under the coordination and supervision of Police Investigators.</i></p> <p><i>(4) In carrying out their duties and authority, PPNS and Certain Investigators must coordinate with Police Investigators until the handover of the case file to the public prosecutor.</i></p> <p><i>(5) The coordination and supervision referred to in paragraphs (3) and (4) shall be excluded for investigators within the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian National Armed Forces of the Navy, in accordance with the provisions of the law."</i></p> |
| <p><b>Law Number 11 of 2021 concerning the Office of the Attorney General of the Republic of Indonesia</b></p> <p><a href="#"><u>Law Number 16 of 2004 concerning the Office of the Attorney General of the Republic of Indonesia (as amended by Law Number 11 of 2021), Article 30 paragraph (1) letter (d),</u></a> stipulates that the prosecution service is authorized to conduct investigations into specific criminal offenses as provided by statutory law.</p> | <p>1. Article 30 paragraph (1) letter (d): The prosecution service has the duty and authority to supervise the execution of criminal judgments and to coordinate and control the investigation of specific criminal offenses conducted by Penyidik Pegawai Negeri Sipil (PPNS).</p> <p>2. Article 30 paragraph (3) letters (a) and (b): The prosecution service is authorized to provide guidance, supervision, and coordination over PPNS, including conducting pre-prosecution of investigation outcomes (<i>Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia</i>).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Government Regulation Number 43 of 2012 concerning Procedures for the Implementation of Coordination, Supervision, and Technical Guidance for Special Police, Penyidik Pegawai Negeri Sipil (PPNS), and Forms of Community-Based Security.</b></p>                                                                                                                                                                                                                | <p>Article 9 paragraph (2): Coordination in the field of investigative operations shall be carried out through the following measures:</p> <p><i>a. receiving a notification letter regarding the commencement of an investigation from Penyidik Pegawai Negeri Sipil (PPNS) and forwarding it to the Public Prosecutor in accordance with statutory provisions;</i></p> <p><i>b. planning activities for the implementation of joint investigations in accordance with the respective authorities of each institution;</i></p> <p><i>c. providing technical and tactical assistance, coercive measures, and investigative consultation to PPNS;</i></p> <p><i>d. receiving case files resulting from investigations conducted by PPNS and forwarding them to the Public Prosecutor in accordance with statutory provisions; (Peraturan Pemerintah (PP) Nomor 43 Tahun 2012)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                                                  |  | e. attending or organizing case conferences signed by PPNS;<br>f. receiving notifications regarding the termination of investigations from PPNS and forwarding them to the Public Prosecutor;<br>g. exchanging data and information concerning alleged criminal offenses investigated by PPNS;<br>h. attending periodic meetings organized by PPNS. |
| <b>Prosecutorial Regulation Number 3 of 2024</b> |  | However, in contemporary practice, in order to enhance efficiency and transparency, the prosecution service may directly coordinate with Penyidik Pegawai Negeri Sipil (PPNS) through a coordinating prosecutor during the pre-prosecution process (Royal Sitohang).                                                                                |

Thus, it can be understood that under Law Number 20 of 2025 concerning the Criminal Procedure Code, Article 7 paragraph (5) stipulates that:

“The coordination and supervision as referred to in paragraphs (3) and (4) shall not apply to investigators within the Office of the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy, in accordance with statutory provisions.”

Article 7 paragraph (3) of Law Number 20 of 2025 provides that Penyidik Pegawai Negeri Sipil (PPNS) and Certain Investigators, in carrying out their duties and authorities, are placed under the coordination and supervision of investigators of the Indonesian National Police. However, given the exception introduced in paragraph (5), this provision does not apply to investigators within the Office of the Attorney General. Consequently, PPNS operating within the prosecutorial environment are not subject to the coordination and supervision of Polri investigators. This condition implies that PPNS may directly coordinate with the Office of the Attorney General for investigative purposes.

This interpretation is further supported by Law Number 11 of 2021 concerning the Office of the Attorney General of the Republic of Indonesia. As stipulated in Article 30 paragraph (3) letters (a) and (b), the prosecution service is authorized to provide guidance, supervision, and coordination over PPNS, as reflected in the provisions presented in the table above.

Furthermore, Article 7 paragraph (4) of Law Number 20 of 2025 requires PPNS and Certain Investigators to coordinate with Polri investigators in the execution of their duties and authorities until the submission of case files to the Public Prosecutor. Nevertheless, the exception provided in Article 7 paragraph (5) indicates that PPNS within the Office of the Attorney General are not obligated to coordinate with Polri investigators in the submission of case files.

As also outlined in the table above regarding the submission of investigation case files, contemporary practice demonstrates that, in order to enhance efficiency and transparency, the prosecution service may directly coordinate with PPNS through a Coordinating Prosecutor during the pre-prosecution stage, as regulated under Prosecutorial Regulation Number 3 of 2024.

Therefore, based on the foregoing analysis, it can be concluded that PPNS may directly coordinate with the prosecution service in matters relating to investigative processes as well as the submission of investigation case files. This is justified by the institutional role of the Office of the Attorney General, which possesses the authority to exercise supervision, guidance, and coordination over PPNS, including conducting pre-prosecution of investigation outcomes.

## 2) The Relationship between Civil Servant Investigators and Investigators of the Corruption Eradication Commission

**The Authority of Penyidik Pegawai Negeri Sipil (PPNS) under the Criminal Procedure Code (KUHAP)**

### **Article 7:**

*“(1) Investigators shall have the duties and authorities to:*

- a. receive reports or complaints from individuals regarding alleged criminal acts;*
- b. search for, collect, and secure evidence;*
- c. take initial actions at the crime scene;*
- d. order a person to stop and examine their identification documents;*
- e. locate individuals suspected of committing a criminal offense in order to designate them as suspects;*
- f. undertake coercive measures;*
- g. take fingerprints, conduct identification, photograph individuals, and collect forensic data;*
- h. approach individuals related to a criminal act for examination and testimony;*
- i. summon individuals to be examined and to provide testimony as Witnesses, Experts, or Suspects;*
- j. terminate investigations by notifying the Public Prosecutor;*
- k. resolve cases through Restorative Justice mechanisms;*
- l. designate a suspect as a crown witness;*
- m. receive confessions of guilt;*
- n. conduct assessments and facilitate or provide referrals to address the specific needs of women and vulnerable groups; and*
- o. undertake other actions in accordance with statutory regulations.*

*(2) Penyidik Pegawai Negeri Sipil (PPNS) and Certain Investigators shall exercise authority based on the laws that constitute their legal foundation.*

*(3) PPNS and Certain Investigators, in carrying out their duties and authorities, shall be under the coordination and supervision of investigators of the Indonesian National Police (Polri).*

*(4) PPNS and Certain Investigators, in performing their duties and authorities, are required to coordinate with Polri investigators until the submission of case files to the Public Prosecutor.*

*(5) The coordination and supervision as referred to in paragraphs (3) and (4) shall not apply to investigators within the Office of the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy, in accordance with statutory provisions.”*

The regulation provides that investigators are authorized to detain a suspect during the investigation stage for a maximum period of 20 days. An extension of detention may be requested from the Public Prosecutor for an additional period of up to 40 days. Investigators are obliged to release the suspect if the maximum extension period of 40 days has been exceeded.

In this regard, the Chairperson of the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia / YLBHI), Muhammad Isnur, emphasized that such provisions potentially undermine the independence of Penyidik Pegawai Negeri Sipil (PPNS) and Certain Investigators, as they are positioned under the authority of investigators of the Indonesian National Police. As a consequence, police authority becomes increasingly expansive—approaching what may be described as a “super power”—extending into specific investigative domains in which general investigators may not possess specialized expertise.

In principle, PPNS and Certain Investigators primarily require operational assistance from the police, such as in apprehending suspects, pursuing offenders, or implementing other coercive measures. They do not require comprehensive control over the entire investigative process, which substantively falls within the authority of PPNS and Certain Investigators who have been granted mandates under their respective statutory frameworks (Ady Thea DA, 2025).

Accordingly, it must be recognized that PPNS possess specific authorities derived from particular laws, often relating to specialized areas of investigation. This condition supports the recognition of investigative independence for PPNS. Within the framework of Law Number 20 of 2025 concerning the Criminal Procedure Code, Article 7 paragraph (5) provides an exception for PPNS and investigators of the Corruption Eradication Commission. Nevertheless, in the execution of their duties and authorities, PPNS remain subject to coordination and supervision by Polri investigators and are required to coordinate with them until the submission of case files to the Public Prosecutor.

From the author’s analytical perspective, this arrangement may be interpreted as reflecting the existence of specialized investigative domains, in which general investigators lack the necessary expertise. Consequently, PPNS and Certain Investigators retain distinct and specialized mandates granted by their respective laws, thereby affirming their functional role within the broader criminal justice system.

### 3) The Relationship between Civil Servant Investigators and Investigators of the Indonesian Navy

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| The Authority of Penyidik Pegawai Negeri Sipil (PPNS) under the Criminal Procedure Code (KUHP) | <p><b>Article 7:</b><br/> <i>“(1) Investigators shall have the duties and authorities to:</i><br/> <i>a. receive reports or complaints from individuals regarding alleged criminal acts;</i><br/> <i>b. search for, collect, and secure evidence;</i><br/> <i>c. take initial actions at the crime scene;</i><br/> <i>d. order a person to stop and examine their identification documents;</i><br/> <i>e. locate individuals suspected of committing a criminal offense in order to designate them as suspects;</i><br/> <i>f. undertake coercive measures;</i><br/> <i>g. take fingerprints, conduct identification, photograph individuals, and collect forensic data;</i></p> |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- h. approach individuals related to a criminal act for examination and testimony;*
- i. summon individuals to be examined and to provide testimony as Witnesses, Experts, or Suspects;*
- j. terminate investigations by notifying the Public Prosecutor;*
- k. resolve cases through Restorative Justice mechanisms;*
- l. designate a suspect as a crown witness;*
- m. receive confessions of guilt;*
- n. conduct assessments and facilitate or provide referrals to address the specific needs of women and vulnerable groups; and*
- o. undertake other actions in accordance with statutory regulations.*

**(2) Penyidik Pegawai Negeri Sipil (PPNS) and Certain Investigators shall exercise authority based on the laws that constitute their legal foundation.**

**(3) PPNS and Certain Investigators, in carrying out their duties and authorities, shall be under the coordination and supervision of investigators of the Indonesian National Police (Polri).**

**(4) PPNS and Certain Investigators, in performing their duties and authorities, are required to coordinate with Polri investigators until the submission of case files to the Public Prosecutor.**

**(5) The coordination and supervision as referred to in paragraphs (3) and (4) shall not apply to investigators within the Office of the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy (Tentara Nasional Indonesia Angkatan Laut / TNI AL), in accordance with statutory provisions."**

**Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 on Fisheries**

**Article 73:**

**(1) Investigations of criminal offenses in the fisheries sector within the fisheries management area of the Republic of Indonesia shall be conducted by Fisheries Penyidik Pegawai Negeri Sipil (PPNS), investigators from the Indonesian Navy (TNI AL), and/or investigators of the Indonesian National Police (Polri).**

**(2) In addition to TNI AL investigators, Fisheries PPNS are authorized to conduct investigations into fisheries-related criminal offenses occurring within the Zona Ekonomi Eksklusif Indonesia (ZEEI).**

**(3) Investigations of criminal offenses in the fisheries sector occurring at fishing ports shall primarily be conducted by Fisheries PPNS.**

**(4) Investigators as referred to in paragraph (1) may coordinate in handling investigations of fisheries-related criminal offenses.**

**(5) For the purpose of coordinating the handling of criminal offenses in the fisheries sector as referred to in paragraph (4), the Minister shall establish a coordination forum (Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan).**

The authority to conduct investigations into illegal fishing offenses, as regulated under Article 73 paragraph (1) of the Fisheries Law, stipulates that investigators authorized to handle criminal offenses in the fisheries sector include Penyidik Pegawai Negeri Sipil (PPNS), investigators from the Indonesian Navy, and/or investigators of the Indonesian National Police. Investigators from the Indonesian Navy must hold at least the rank of Second Lieutenant. The Indonesian Navy constitutes one of the authorized institutions to conduct investigations into

fisheries-related criminal offenses occurring within the Zona Ekonomi Eksklusif Indonesia (ZEEI).

Pursuant to Article 2 of Law Number 5 of 1983 concerning the ZEEI, the ZEEI is defined as a zone beyond and adjacent to Indonesia's territorial waters, as established under applicable laws governing Indonesian waters. This zone includes the seabed, subsoil, and the waters above it, extending up to a maximum limit of 200 (two hundred) nautical miles measured from the baselines of Indonesia's territorial sea. In addition to investigators from the Indonesian Navy, PPNS are also involved in investigative activities within the ZEEI, while in fishing ports, PPNS assume the primary role in conducting investigations (Putri Awin Susanti Zamili, 2022).

Based on the tabular presentation and the foregoing explanation, it can be observed that Fisheries PPNS and the Indonesian Navy (TNI AL) play a significant role in conducting investigations within the ZEEI. In this context, Fisheries PPNS serve as the primary investigative authority. From the author's analytical perspective, the authority of Fisheries PPNS to investigate criminal offenses in the fisheries sector within the ZEEI reflects the existence of specialized investigative domains, in which general investigators may lack the requisite expertise. Accordingly, the primary coordination framework, as outlined in Article 73 paragraphs (2) and (3) of Law Number 45 of 2009, involves both TNI AL (with a minimum rank of Second Lieutenant) and Fisheries PPNS.

Thus, Fisheries PPNS and TNI AL are entrusted with specific mandates derived from statutory provisions, particularly Article 7 paragraph (5) of Law Number 20 of 2025 concerning the Criminal Procedure Code and Article 73 paragraphs (2) and (3) of Law Number 45 of 2009 concerning Fisheries, which collectively affirm their specialized roles within the fisheries law enforcement framework.

### **3.3. Juridical Review of the Authority of Fishery Police Civil Servant Investigators (PPNS) under Law No. 31 of 2004 on Fisheries**

The authority of Fishery PPNS regulated under the Fisheries Law constitutes the principle of *lex specialis derogate legi generalis*, one of the legal maxims, which means that a special rule prevails over a general rule. In implementing the duties and authorities of investigators, the Directorate General of PSDKP subsequently issued the Decision of the Director General of PSDKP No. 372/DJ-PSDKP/2011 dated 29 December 2011.

That Technical Guideline serves as guidance for fishery civil servants to conduct investigations starting from preliminary examination, as well as the receipt and assessment of fisheries criminal cases submitted by the Fishery Surveillance Vessel. It also serves as guidance for carrying out the investigation process, which includes task orders, investigation orders, notification letters regarding the

commencement of investigation, summons, arrest, detention, search, confiscation, examination, and in absentia.

Since Susi Pudjiastuti assumed the office of Minister of Maritime Affairs and Fisheries, Fishery PPNS have increasingly handled fisheries criminal offense cases. This is because the Fishery Surveillance Vessel fleet has expanded and because fishery PPNS recruitment training is conducted every year, in addition to capacity-building training for Fishery PPNS, including training on case disclosure techniques, technical meetings among law enforcement officers for fisheries matters, as well as technical coordination meetings for Fishery PPNS, which became the precursor to the establishment of the Fishery PPNS Association as a unifying forum aimed at improving professional capacity, building communication networks, and enhancing the performance of Fishery PPNS. Through various capacity-building activities, it is expected that the quality of Fishery PPNS—with specialized capabilities—will improve, because fisheries criminal offenses fall within the category of special crimes rather than ordinary crimes (Sherief Maronie et al., 2019).

As described earlier, it can be seen that Fishery PPNS investigators and the Indonesian Navy play a significant role in investigations within the EEZ, where Fishery PPNS serve as the primary investigative authority. This encompasses investigations into specific-case domains where ordinary investigators do not have specialized expertise. Thus, the primary coordination described in Article 73 paragraphs (2) and (3) of Law No. 45 of 2009 includes the Navy (minimum Lieutenant) and Fishery PPNS. One example of coordination between Fishery PPNS and the Navy is the case of the vessel *Silver Sea 2*, captured by the Navy on 12 August 2015 and then handed over to Fishery PPNS on allegations of transshipment.

To better understand the investigation process, the following is an outline of the investigation procedure for fisheries criminal acts.

- 1) Issuance of an Investigation Order.
- 2) SPDP (Article 73B paragraph (1) of Law No. 45/2009).
- 3) Examination (Article 73 paragraph (4) letter (e) of Law No. 45/2009).
  - a. Summons (Article 73A letter (b) of Law No. 45/2009).
  - b. Detention (Article 73 paragraph (6) of Law No. 45/2009).
  - c. Confiscation (Article 73A letter (j) of Law No. 45/2009).
  - d. Termination of Investigation (Article 73A letter (k) of Law No. 45/2009).

4) Handover of the Case File (Article 73B paragraph (6) of Law No. 45/2009).

a. Case files declared complete (P-21).

b. Case files not complete (P-18).

5) Handover of the suspect and evidence to the public prosecutor (Jaksa Penuntut Umum / JPU).

The following sets out the relevant provisions in Law No. 45 of 2009 concerning the amendment of Law No. 31 of 2004 on Fisheries, relating to the investigation process described above:

Article 73B paragraph (1) of Law No. 45/2009 (relating to SPDP):

“Investigators as referred to in Article 73 shall notify the public prosecutor of the commencement of an investigation no later than 7 (seven) days after the discovery of a fisheries criminal act.”

Article 73 paragraph (4) letter (e) of Law No. 45/2009 (relating to examination):

“Investigators as referred to in paragraph (1) may conduct coordination in the handling of investigations into fisheries criminal acts.”

Article 73 paragraph (1):

“Investigation of fisheries criminal acts within the fisheries management area of the State of the Republic of Indonesia shall be conducted by Fishery Civil Servant Investigators, Navy Naval Officer Investigators, and/or Police Investigators of the Republic of Indonesia.”

Article 73A letter (b) of Law No. 45/2009 (relating to summons):

“summon and examine suspects and/or witnesses in order to hear their statements;”

Article 73B paragraph (2) of Law No. 45/2009 (relating to detention):

“For the purposes of investigation, investigators may detain a suspect for a maximum of 20 (twenty) days.”

Article 73A letter (J) of Law No. 45/2009 (relating to confiscation):

“carry out confiscation of evidence used and/or the proceeds of a criminal act.”

Article 73A letter (k) of Law No. 45/2009 (relating to termination of investigation):

“terminate an investigation; and”

Article 73B paragraph (6) of Law No. 45/2009 (relating to submission of case files):

“Investigators as referred to in Article 73A shall submit the results of an investigation to the public prosecutor no later than 30 (thirty) days from the notification of the commencement of the investigation.”

Within the scope of investigations conducted by Fishery PPNS—where those Fishery PPNS are designated to cooperate with the Indonesian Navy (Article 73 paragraph (1) of Law No. 45 of 2009)—both agencies coordinate closely, particularly with regard to law enforcement against fisheries criminal acts within the territorial waters of Indonesia, relating to illegal fishing and violations of maritime sovereignty. This also includes criminal offenses related to the use of explosives/chemicals, which may be found in Articles 84–86 of Law No. 45 of 2009.

Regarding the authority of fishery PPNS that does not coordinate with the Police, according to a source from the Biskom.id news portal about "The Position of Fishery PPNS After the Regulation of Main Investigators in the New Criminal Procedure Code: Doctrinal Study and Practical Implications," it is explained that PPNS and crews of surveillance vessels often face resistance—whether in the form of dangerous ship maneuvers, ignoring radio communication procedures, or physical resistance during boarding and inspection processes. They must make quick decisions to secure the vessel, crew, and evidence while also maintaining the safety and the State’s assets. In such situations, the spontaneous authority to restrict crew movement, secure the captain, or take control of the vessel is not an optional measure; it is a minimum prerequisite for safety and the effectiveness of law enforcement. If every security action against a person is understood narrowly as an arrest that is lawful only after obtaining an order from the main investigator, then the human rights protection norms inserted into the New Criminal Procedure Code would instead operate in a way that facilitates impunity.

From the perspective of the Due process of law theory, regulation of coercive measures must indeed be strict to prevent abuse of authority. However, human rights protection in criminal procedure law cannot be reduced merely to limiting the movement of law enforcement officers. It also contains the State’s positive obligation to effectively prevent and act against crimes that harm the broader public. Large-scale Illegal Fishing damages fishery resource stocks, threatens the sustainability of traditional fishers, and ultimately erodes the right to a decent life and food sovereignty. Within this framework, restricting Fishery PPNS’s immediate authority through a rigid scheme of *Penyidik Utama* orders, without exceptions for the *flagrante delicto* situation at sea, would open the possibility of structural human rights violations against coastal communities and harm the interests of the State itself.

From a normative standpoint, what needs to be done is not to eliminate the role of the main investigator. Rather, it is necessary to reconstruct the meaning of the obligation to issue “orders” in a progressive and contextual manner, particularly regarding situations involving on-the-spot enforcement at sea. In an on-the-spot

enforcement scenario at sea involving real urgency, Fishery PPNS should be understood as having authority to take immediate actions in the form of stopping the vessel, securing the crew, and conducting initial detention, coupled with an obligation to report and subsequently hand over further control to the main investigator once the situation is under control. This post-action supervision model continues to uphold principles of accountability and human rights protection, while also not undermining the effectiveness of the *Lex Specialis* provisions of the Fisheries Law and the role of Fishery PPNS as the front-line actor in maritime law enforcement.

Thus, based on the above, the situation in which Fishery PPNS no longer coordinate with Police Investigators occurs when, in the technical operational context—where Fishery PPNS act more independently—these situations apply:

- 1) As explained previously, fisheries criminal acts constitute special crimes. In handling illegal fishing—as described above—special fishery expertise is required, and therefore Fishery PPNS act as the main actor in the investigation.
- 2) If the first offense occurs at the scene (TKP) in maritime waters and the location is far from the mainland, Fishery PPNS onboard the vessel conduct arrests, stop-and-intervention actions, and inspections without waiting for Police investigators.
- 3) Concerning arrests, stopping-and-intervention, and inspections onboard the vessel, if an on-the-spot enforcement occurs directly onboard, then Fishery PPNS may immediately confiscate evidence until they submit the case file directly to the public prosecutor.

#### **4. Conclusion**

The investigators within the Office of the Attorney General of the Republic of Indonesia, the Corruption Eradication Commission, and the Indonesian Navy are exempted from the provisions stipulated in Article 7 paragraphs (3) and (4) of Law Number 20 of 2025 concerning the Criminal Procedure Code. This exemption is based on the application of the principle of *lex specialis derogat legi generalis*, whereby specific legal provisions override general ones. The prosecution service, for example, in addition to its primary function as a Public Prosecutor, is also authorized to conduct investigations in certain cases, such as corruption. Similarly, investigators of the Corruption Eradication Commission operate within a specialized investigative framework governed by their own statutory law, while investigators of the Indonesian Navy are regulated under the Law on the Indonesian National Armed Forces. These three categories of investigators possess distinct hierarchical structures in the investigative process and therefore do not fall under the coordination of the primary investigators of the Indonesian National Police. Furthermore, a fundamental distinction exists between Fisheries Penyidik Pegawai Negeri Sipil (PPNS) and investigators of the Indonesian Navy in terms of

their coordination mechanisms. Fisheries PPNS are institutionally required to coordinate with Polri investigators, whereas investigators of the Indonesian Navy coordinate with the Naval Military Police. Despite this difference, both share a common jurisdictional scope, namely the investigation of criminal offenses occurring within the Zona Ekonomi Eksklusif Indonesia (ZEEI). In this context, Polri investigators, Fisheries PPNS, and TNI AL investigators are all authorized to conduct investigations within this maritime zone, although Fisheries PPNS remain functionally coordinated with Polri. However, in practical situations such as operasi tangkap tangan (OTT) conducted directly aboard vessels in maritime waters, Fisheries PPNS assume a primary and leading role in the investigative process. In such circumstances, they are required to make prompt and strategic decisions to secure vessels, crew members, and evidentiary materials, while simultaneously safeguarding state assets and maintaining operational coherence. With the enactment of Law Number 20 of 2025, particularly in relation to the role of Fisheries PPNS, it is essential to establish more detailed implementing provisions through a Government Regulation. Such regulatory refinement is necessary to prevent potential overlaps or conflicts of authority between Fisheries PPNS and investigators of the Indonesian Navy, thereby ensuring legal certainty, institutional clarity, and the effective enforcement of fisheries law within Indonesia's jurisdiction.

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