

Legal Review of The Validity of Revoking Police Reports Based on Criminal Law Aspects Parameters

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Abstract. *The controversy surrounding the legality of withdrawing police reports not only impacts the police normatively, but also sociologically, impacting the accusation, who, even after the report has been withdrawn, must still undergo legal proceedings. This situation explicitly demonstrates the confusion surrounding the reality of the practice of withdrawing police reports, setting a bad precedent that fails to fulfill the principles of legal certainty and the value of legal justice in society. It also automatically contradicts the mandate of the rule of law. The aim of this research is to find out and analyze (1) the interpretation of reported offenses and complaint offenses based on positive criminal law, (2) the legal procedures for withdrawing police reports, (3) legal problems in efforts to withdraw police reports. The approach method used in this research is normative juridical. The specifications of this research are analytical descriptive. The data source used is secondary data. Secondary data is data obtained from library research consisting of primary legal materials, secondary legal materials and tertiary legal materials. Based on the results of research and discussion, it can be concluded: (1) Types of crimes related to police handling are generally divided based on the processing method and the form of the error. The types of crimes handled by the Police based on the processing method are ordinary crimes (gewone delicten) and complaint crimes (klacht delicten). (2) The withdrawal of a police report must be preceded by a complaint/report from the public, where the report is a complaint crime (klacht delict) and the exception is that ordinary crimes will be withdrawn in accordance with valid reasons based on law. In terms of procedural stages, the withdrawal of a Police Report, one of which is preparing a Letter of Request for Withdrawal of a Police Report addressed to the investigator. (3) Internal problems of the Indonesian National Police where the Indonesian National Police must improve the capabilities of its investigative human resources in legal reasoning to minimize procedural errors in withdrawing police reports due to a lack of understanding of the substance of the law by reasoning how aspects of criminal law create a type of criminal offense*

such as complaint crimes and ordinary crimes as a difference in the validity of a withdrawal of a police report.

Keywords: *Criminal Law Aspects; Legality of Revocation; Police Report.*

1. Introduction

Indonesia is a country of law, this is emphasized in the Constitution of the Republic of Indonesia, Article 1 Paragraph (3) which states "The State of Indonesia is a country of law". Based on this statement, all human actions within the territory of Indonesia that have been regulated in regulations based on Pancasila and the 1945 Constitution of the Republic of Indonesia, Indonesian people must submit to legal regulations and uphold applicable laws.¹ Law is a norm or rule that contains rules and provisions based on statutes and is of a mandatory nature and if someone violates it, the perpetrator will receive sanctions.

Every good citizen is obliged to uphold the "law" in everyday life as a guideline or reference for carrying out interactions or activities in the community environment, citizens who are negligent/intentionally do not carry out their obligations in complying so that they can cause harm to others, this can be said to be "breaking the law" because these obligations have been determined by law.

Law is a rule that regulates the relationship between society and society or the relationship between society and the state so that everything runs according to what is desired together. Therefore, the law functions to study criminal acts and violations of the law that occur in society and also regulates the interests of society for a case that occurs, whether in the present or the future, then the procedures for its implementation must be applied or practiced in accordance with what has become a provision regulated in the law in order to achieve legal certainty and harmony in the order of life in society.

Ideal law enforcement in principle must fulfill three basic values of the objectives of law, according to Gustav Radbruch's opinion, namely the values of justice, legal certainty and utility.² These three values must be realized, not merely existing at a normative or theoretical level. The embodiment of these values must also be realized in a balanced manner, without sacrificing other values (goals) as much as possible. However, in practice, law enforcement is very difficult to allocate appropriate proportions to these three aspects. Therefore, in

¹Ahmad Firmanto Prasedyomukti and Rakhmat Bowo Suharto, The Role of Judicial Commission on Supervision of Judge's Crime in Indonesia, Jurnal Daulat Hukum, 1 (4), December 2018, p. 896

²Darji Darmodiharjo and Shidarta, The Main Points of Legal Philosophy: What and How Indonesian Legal Philosophy Works, Jakarta: Gramedia, 2006, p. 161

order to realize law enforcement that fulfills these legal objectives, an integrated criminal justice system is needed that can guarantee the implementation of just, legal certainty, and beneficial law enforcement.

In principle, the Criminal Justice System is a process of criminal law enforcement that is implemented in an integrated manner. Therefore, the criminal justice system is closely related to criminal legislation itself, both substantive criminal law and criminal procedural law. It can be called this because criminal legislation is essentially law enforcement in abstracto which will be realized in criminal law enforcement in concrete.³

According to Romli Atmasasmita, the Criminal Justice System approach is based on the coordination and synchronization of the components of the criminal justice system (Police, Prosecutors, Courts, and Correctional Institutions), as well as the supervision and control of the use of power by these components. The efficiency of the crime prevention system is more important than the resolution of cases, and the use of law as an instrument to strengthen the administration of justice.⁴

A criminal act can be classified into serious and minor categories, based on the severity of the punishment. According to Moeljatno, as quoted by Eddy OS Hiarij, a criminal act is an act prohibited by law and is punishable by anyone who violates the prohibition.⁵ The large number of criminals significantly impacts the number of cases handled and investigated by the Indonesian National Police, ranging from serious to minor. All cases must be processed until a verdict is reached, ensuring legal certainty.

The investigation of a criminal act by investigators not only ensures legal certainty but also protects the human rights of victims and the public at large. The public will feel secure because the perpetrator is being legally prosecuted for committing a crime, thereby ensuring their human rights are protected. According to Widodo Ekatjahjana, human rights are fundamental rights inherent in human nature, and therefore the state must respect and protect them.⁶

People who have been victims of crime will usually take legal action by reporting the crime to the police. Reporting is one legal effort to fulfill the law's function as social control, aiming to encourage, persuade, order, or even compel members of society to comply with applicable legal norms and regulations.

³Edi Setiadi and Kristian, *Integrated Criminal Justice System and Law Enforcement System in Indonesia*, Jakarta: Prenadamedia Group Publisher, 2017, p. 28.

⁴Mardjono in Aminanto, *Criminal Law Politics: Disparity in Judges' Decisions in Corruption Crimes*, Jemberkatamedia, 2017, p. 18

⁵Eddy OS Hiarij, *Principles of Criminal Law: Revised Edition*, Yogyakarta: Cahaya Atma Pustaka, 2016, p. 121

⁶Widodo Ekatjahjana, *The State of Law, the Constitution, and Democracy*. Jember: Jember University Press, 2015, p. 62

Fundamentally, the legal process for a criminal case can be distinguished by the type of offense. There are two types of offenses related to the legal process: complaint offenses (*klacht delict*) and general offenses (*delicta communia*). In general offenses, the case can be processed without the consent of the aggrieved party (victim). Therefore, even if the victim has withdrawn their complaint to the authorities, investigators are still obliged to process the case. This differs from complaint offenses, which can only be processed with an official complaint or report from the victim, as they involve more personal interests.⁷

Based on the expert opinion, namely E Utrecht in his book *Criminal Law II*: "in the complaint offense, prosecution of the offense is dependent on the agreement of the injured party (victim). In this complaint offense, the victim of the crime can withdraw his report to the authorities if a peace has been reached between them."⁸ For complaint-based offenses, a complaint may only be filed within six months of the person entitled to file learning of the crime, if residing in Indonesia, or within nine months if residing outside Indonesia. The person filing the complaint has the right to withdraw the complaint within three months of filing it.

It's no secret that many criminal cases that have reached the police stage are dismissed due to reconciliation efforts between the perpetrator and the injured party (victim), even though these cases do not constitute complaints as stipulated in the provisions of the Criminal Code. The withdrawal of a report in criminal law is essentially regulated by Article 75 of the Criminal Code. According to this provision, the individual who filed the complaint has the right to withdraw the complaint within three months of the initial filing.

In the context of complaint-based offenses, there is an option to withdraw the complaint, which would result in the suspension of the case process. However, in the context of ordinary offenses, there is no such option. Therefore, if a settlement is reached between the suspect and the reporter, resulting in the withdrawal of the report or complaint, it will have no impact on the case's handling. The principle of this article definitively indicates that the reporter has the option to request the withdrawal of their report regarding a criminal incident after it has been submitted to the police.

Unilaterally withdrawing a complaint is inconsistent with Article 75 of the Criminal Code. Legal procedures for investigations and arrests typically follow the guidelines outlined in Article 17 of the Criminal Procedure Code. This article stipulates that an arrest warrant may be issued against a person strongly suspected of committing a crime, provided there is strong preliminary evidence

⁷Youngky Fernando and Asti Wasiska. *Criminal Acts and Their Elements versus Deelneming Delicten/Criminal Acts of Participation versus Criminal Responsibility*. Manazir Scientific Journal, 1 (1) June-December 2023, p. 59

⁸E. Utrecht, *Criminal Law II*, Surabaya: Pustaka Tinta Mas, 2000, p7.

supporting the allegation. Typically, the complainant can submit a letter requesting the withdrawal of the complaint, accompanied by a settlement agreement between the parties.⁹

This interpretation reveals a contradiction in the legal substance contained in Article 75 of the Criminal Code and Article 17 of the Criminal Procedure Code. Consequently, the complainant unilaterally withdrew their report, but this action did not hinder the ongoing examination and investigation process, particularly in cases of general offenses (*delicta communia*). Legal proceedings often continue even after a report has been withdrawn.¹⁰ This condition is further exacerbated by the limited interpretation of the general public and their legal representatives regarding reports that they consider to be criminal acts, but are not legally classified as criminal acts.¹¹

Article 3 paragraph (3) of the Regulation of the Head of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation explains in letter b that the police are obliged to conduct an initial study to assess whether or not it is appropriate to make a police report.¹² After a report is submitted to the police, the police are obliged to review and analyze whether an act can be said to be a crime or not through examination and investigation based on the search for strong evidence.

This controversy not only impacts the police normatively, but also sociologically, affecting the accused, who, even after the report has been withdrawn, must still undergo legal proceedings. This situation explicitly demonstrates the confusion surrounding the reality of the practice of withdrawing police reports, which sets a bad precedent that fails to uphold the principles of legal certainty and the value of legal justice in society. It also automatically contradicts the mandate of the rule of law.

2. Research Methods

To conduct the study in this research, the author used a normative legal method or written legal approach (statutory/statutory approach). The normative legal approach is an approach carried out based on primary legal materials by

⁹M Firdan Maulana, *Withdrawal of Complaints and Reports in Investigative Practice*, Muhammadiyah University of Surakarta. Muhammadiyah University of Surakarta, 2018

¹⁰Nur Cahyanti, Budi Raharjo, and Sri Endah Wahyuningsih, *Sanctions Against Notaries Who Commit Criminal Acts According to Indonesian Laws and Regulations*. *Jurnal Akta*, 5 (1) 2018, p. 430

¹¹Amanda Bherlyana Putri and Gokma Toni Parlindungan S. *The Position of Civil Cases as Prejudicial in Criminal Proceedings: An Analysis of the Supreme Court Decision*. *Journal of Global Legal Review*, 3 (1) June 2025, p. 30

¹²Oscar Stefanus Setjo and Umar Ma'ruf, *Investigation of Children Who Conflict With Law in Narcotics Criminal Acts In Law Area of the Semarang City Police Jurisdiction*. *Journal of Legal Sovereignty*, 3 (2) 2020, p 287-288

examining theories, concepts, legal principles and regulations related to this research. This approach is also known as a library approach, namely by studying books, laws and other documents related to this research.¹³

3. Results and Discussion

3.1. Interpretation of Report Offenses and Complaint Offenses based on Positive Criminal Law

Essentially, the presence of criminal law in society is intended to provide a sense of security to individuals and groups in carrying out their daily activities. Therefore, criminal law can minimize crime in society.

Criminal law is a branch of law that regulates prohibited acts and punishes those who commit them in order to maintain order, security, and justice in society. Criminal law defines what constitutes a crime and the sanctions that can be imposed on anyone who violates it. In general, criminal law encompasses two main aspects: prohibited acts and the threat of punishment or sanctions stipulated in the law.

According to Van Apeldoorn, criminal law is "Criminal events (namely events that are subject to law), along with their laws." The definition given by Pompe has a slight difference in terms with the definition given by Van Apeldoorn, namely in the terms criminal acts and events.

According to Moeljatno, criminal law is part of the overall law in force in a country that provides the basis and rules for: First, determining which actions may not be carried out, Second, determining when and in what cases those who have violated the prohibitions can be subject to or sentenced to criminal penalties, Third, determining and how the imposition of criminal penalties can be carried out. Then with the existence of regulations that have been made by the State, anyone who does not hesitate to commit a crime will be able to be immediately taken action.¹⁴

These regulations are used to determine when and in what cases, those who have violated these prohibitions can be subject to or sentenced to criminal penalties as threatened. Determining how the imposition of criminal penalties can be carried out, if someone is suspected of violating these prohibitions.

Of the two opinions, the author tends more towards the term criminal act, because this word has an abstract meaning, namely indicating two concrete conditions: first, the existence of a certain incident and second, the existence of a person who acted which gave rise to the incident.

¹³Rony Hanitijo Soemitro, *Legal Research Methodology and Jurimetry*, Ghalia Indonesia, Jakarta, 1990, p. 34

¹⁴Moeljatno, *Principles of ...Op.Cit.*, 2008

At first glance, Moeljatno's terminology appears to be no different from Van Apeldoorn's definition. This is particularly evident in determining the legal framework encompassed by the concept of criminal law. Public opinion has determined that the term criminal law is defined solely as substantive law. Meanwhile, according to CST Kansil, criminal law is the law that regulates violations and crimes against the public interest, actions which are punishable by suffering or torture.¹⁵

Then according to Satochid Kartanegara, criminal penalties are a number of regulations that are part of positive law that contain prohibitions and requirements determined by the State or other authorities that have the authority to determine criminal regulations, these prohibitions or requirements are accompanied by criminal threats, and if this is violated, the state has the right to make demands, impose criminal penalties, and carry out criminal penalties.¹⁶

Positive criminal law is a collection of written legal principles and rules that are currently in force and binding in general or specifically enforced by or through the government or courts in the Republic of Indonesia. In positive law, the word "criminal act" is a translation of the Dutch term "strafbaarfeit", but the legislators in Indonesia do not explain "strafbaarfeit" in detail. The word "feit" itself in Dutch means "part of a reality" or "een gedeelte van de werkelijkheid" while "strafbaar" means "punishable", so that literally the word "strafbaar feit" can be translated as "part of a reality that can be punished", which is certainly not appropriate, because it will be known later that what can be punished is actually a human being as a person and not a reality, deed or action.¹⁷

Positive criminal law (*ius constitutum*) encompasses substantive (KUHP) and formal (KUHPA) criminal law, which regulate prohibited acts and their sanctions. Important points regarding positive criminal law include:

- 1) Main Definition: Positive law is a rule that is currently in force (written) and binding, often referred to as *ius constitutum*.¹⁸
- 2) Sources of Law: Consisting of the Criminal Code (KUHP), Criminal Procedure Code (KUHPA), laws outside the Criminal Code and Criminal Procedure Code, government regulations, and jurisprudence.

¹⁵Hartanto, *Understanding Criminal Law*. First edition, Lintang Pustaka Utama: Yogyakarta, 2019, p. 3

¹⁶Sofjan Sastrawidjaja, *Criminal Law 1*, Bandung. CV. Armico, 1990, p. 2

¹⁷PAF Laminating, *Basics of Indonesian Criminal Law*, Sinar Baru, Bandung, 1984. p. 172

¹⁸*Ius Constitutum* is a positive law of a country, namely the law that applies in a country at a certain time, for example, the Indonesian law that applies today is called *ius constitutum*, or has the character of positive law, also called the Indonesian legal system. See in: Soedjono, Dirdjosworo, *Introduction to Legal Science*, 2nd Edition, PT. Raja Grafindo Persada: Jakarta, pp. 163-164

- 3) Function: Determines actions that are considered crimes (criminal acts) and determines sanctions for the perpetrators.
- 4) Characteristics: Coercive in nature and must be enforced by law enforcement (Police, Prosecutors, Judges).
- 5) Principle of Legality: Indonesian positive criminal law is strictly bound by the principle of legality, namely that no act can be punished without prior statutory regulations.¹⁹

In the context of legal studies in Indonesia, positive criminal law focuses on what is currently stated in legislation (objective). Law in Indonesia is based on the philosophy of positivism. Legal positivism is a school of thought strongly influenced by the teachings of positivism in general. Therefore, an understanding of the teachings of legal positivism constitutes a positive norm in the legal system. Positivism is a philosophical school that asserts natural science as the sole source of true knowledge and rejects activities related to metaphysics.²⁰

In positive criminal law, the word *delik* is known in several terms such as criminal act, criminal event or criminal act. In the Big Indonesian Dictionary, the meaning of *delik* is defined as, "An act that can be punished because it is a violation of criminal law." The word *delik* comes from Latin, namely *delictum*, which in the Dutch *Wetboek Van Strafbbaar feit* is called *strafbaar feit*. In German it is called *delict*, in French it is called *delit*, and in Dutch it is called *delict*. In the Indonesian Dictionary, the definition is defined as doing something that can be done because it involves opposing criminal law.²¹

According to Achmad Ali, a crime is a general understanding of all actions that violate the law or statutes which do not specify whether they violate the courts in the legal field or public law, including criminal law.²² According to Ter Haar, a crime is defined as any disturbance of the balance by one party in the interests of the livelihood of a person or group of people.²³

The interrelationship between criminal law and crimes (criminal acts) is very close and inseparable, with crimes being the core or primary object regulated by criminal law. Criminal law provides the legal basis, rules, and sanctions, while crimes are the concrete acts prohibited by those rules.

¹⁹I Gede Pantja Astawa, *Dynamics of Law and Legislation in Indonesia*. Bandung: PT. Alumni, 2008, p. 56

²⁰Faissal Malik, A Review of the Theory of Legal Positivism in the Indonesian Criminal Justice System. *Undiksha Journal of Citizenship Education*, 9 (1), February 2021, p. 189.

²¹Joko Sriwidodo, *Indonesian Criminal Law Studies: Theory and Practice*. First edition, Kepel Press, Yogyakarta, 2019, p. 119

²²Achmad Ali, *Unveiling the Veil of Law*, Jakarta, Gunung Agung, 2002, p. 251

²³Moeljatno, *Principles of Criminal Law*, Jakarta, Rineka Cipta, 2002, p. 18

From the perspective of Indonesian positive criminal law, the discussion of crimes needs to be adjusted to the enactment of Law Number 1 of 2023 concerning the Criminal Code. The new Criminal Code came into effect on January 2, 2026, and no longer maintains the formal division between "crimes" and "violations" as in the old Criminal Code, but instead uses the general term "Criminal Act." The new Criminal Code also emphasizes that a crime is an act that is punishable by law and/or action, and must be unlawful or contrary to prevailing laws in society.

The various types of crimes in positive criminal law after the enactment of the new Criminal Code can be explained as follows. First, legal crimes and statutory crimes can still be used as groupings in academic studies, but are no longer associated with the division of "crimes" and "violations" in the Criminal Code structure. Legal crimes are acts that are initially considered reprehensible by society, such as murder, theft, and assault. Statutory crimes are acts that are punishable by law, for example, certain administrative violations that are subject to criminal penalties by law.

Second, a formal crime is considered complete when the prohibited act has been committed, without having to wait for any consequences. An example is theft under Article 476 of the new Criminal Code, which is the act of taking property that is wholly or partially owned by another person with the intent to possess it unlawfully. This crime is complete when the act of taking is carried out with unlawful intent, although subsequent losses may still be considered in the evidence and sentencing.

Third, a material crime is a crime that is only considered complete if the prohibited consequence actually occurs. An example is murder under Article 458 of the new Criminal Code, as its primary element is taking another person's life. This act can only be declared murder if the consequence is the death of the victim.

Fourth, general crimes are crimes that can be committed by anyone without requiring any particular qualifications or status. Examples include murder under Article 458 of the new Criminal Code, theft under Article 476 of the new Criminal Code, and assault under Article 466 of the new Criminal Code. These provisions use the wording "Any Person," so the legal subject is general.

Fifth, special offenses are crimes that can only be committed by individuals with certain qualities, positions, or positions, or crimes regulated by special laws. In the new Criminal Code, examples of special offenses can be found in official crimes, for example, officials who abuse their duties or authority. Outside the Criminal Code, corruption, narcotics crimes, money laundering, and terrorism crimes can still be understood as special crimes because they have their own

regulations, although Book One of the new Criminal Code serves as a general guideline as long as special laws do not specify otherwise.

3.2. Procedures for Legally Withdrawing a Police Report

A good law must at least have three basic legal elements: justice, legal certainty, and legal utility. Written regulations in a statute guarantee legal certainty to prevent the state from acting arbitrarily. *Criminal Justice System* or the Law Enforcement System as one of the subsystems of state administration in the context of criminal law enforcement. The Criminal Justice System is an interconnected criminal justice subsystem encompassing the Police, Prosecutors, Courts, and correctional institutions with the aim of preventing crime.

Talking about law enforcement, in law there is an adage that The adage states: "fiat justisia et pareat mundus" (though the world collapses, the law must be upheld). This adage illustrates that in addition to upholding the law, it must also provide legal certainty, benefit, and justice for those seeking justice. Legal certainty, benefit, and justice will not only provide protection for those seeking justice but will also create order in society.²⁴

All law enforcement officers are obligated to fully realize the ideals of the law, namely justice, benefit according to the objectives, and legal certainty. In principle, the law is created to instill confidence in the public regarding various interests. Through the law, the ideals of legal subjects can be achieved, including legal certainty, benefit, and justice. Among these three basic values, there is a *Spannungsverhältnis* (tension), because each of these three basic legal values has different demands, so that all three have the potential to conflict with each other. If law enforcement prioritizes legal certainty in the judicial process, then the value of legal certainty often displaces the values of justice and utility/usefulness. Likewise, if what is prioritized is justice or utility, then it often disregards the value of legal certainty.²⁵

A criminal act begins to be processed at the investigation stage, which is then continued with an investigation, usually carried out by investigators or investigators from the police institution who are given a mandate by law. According to Sadjijono, the term police is an organ or government institution within the state, while the term police is both an organ and a function. As an organ, namely an organized and structured government institution within the state organization. Meanwhile, as a function, namely the duties and authorities

²⁴Dino Rizka Afdhali, Taufiqurrohman Syahuri. The Ideality of Law Enforcement Reviewed from the Perspective of the Theory of Legal Objectives. *Collegium Studiosum Journal*, 6 (2) December 2023, p. 556

²⁵Gokma Toni Parlindungan S. The Principle of Nebis in Idem in the Judge's Decision in the Polygamy Case at the Pasaman District Court as a Reflection of *Ius Constitutum*, *Encyclopedia Social Review*, 2 (1) February 2020, p. 2

and responsibilities of the institution under the authority of law to carry out its functions, including maintaining public security and order, law enforcement, protection, guardianship and service to the community.²⁶

Thus, in terms of public security and order, the police play a significant role in controlling critical situations, making them a state instrument for addressing problems within Indonesian society. In the resolution process, the police play a crucial role in mediating between conflicting parties who have committed violations of the law.

To carry out its responsibility to maintain public security and order, the police have three main functions, namely:

- a. Pre-emptive function, namely all efforts and community development in the context of actively participating in creating situations and conditions that are able to prevent and ward off disturbances to public security and order against state regulations.
- b. Preventive Function, namely all efforts in the police sector to restore public security and order, maintain the safety of people and their property including providing protection and assistance, especially preventing other acts which in essence can threaten or endanger public order and security.
- c. Repressive function, namely taking action against violations of the law to be processed through to the courts, which includes:
 - a) Investigation is a series of investigative actions to search for and discover an event that is suspected to be a criminal act in order to find out whether or not an investigation can be carried out according to the methods regulated by law.
 - b) Investigation is a series of actions by investigators in matters and according to the methods regulated by law to search for and collect evidence, which with this evidence sheds light on the crime that occurred and to find the suspect.

Duties and Authorities of the Republic of Indonesia National Police. In Article 13 of Law No. 2 of 2002, the main duties of the Republic of Indonesia National Police are:

- 1) Maintaining public security and order
- 2) Enforcing the law
- 3) Providing protection, care and services to the community.²⁷

²⁶Sadjijono, *Police Law, Perspective of Position and Relationship in Administrative Law*, Yogyakarta: Laksbang Pressindo, 2006, p. 17

Considering the details of the police's duties and authorities as outlined above, it is clear that the police essentially have two duties in the field of law enforcement: law enforcement in the criminal justice sector (using penal means) and law enforcement using non-penal means. The task of law enforcement in the judicial sector (using penal means) is actually only one or a small part of the police's duties. The majority of the police's duties lie outside of criminal law enforcement (non-penal means).

The police's duties in the criminal justice sector are limited to investigation and prosecution. Other duties are not directly related to criminal law enforcement, although they do encompass some aspects of criminal law. For example, maintaining public order and security, preventing social ills, maintaining public safety, protection, and assistance, and ensuring citizens' compliance with the law are certainly broader duties than those simply defined as criminal acts (crimes/violations) under applicable positive criminal law.

Police investigations and inquiries are regulated in the Criminal Procedure Code. The detailed investigation and inquiry process is regulated in Chapter II concerning investigations and inquiries, namely Articles 5-63 of Law Number 20 of 2025 concerning the Criminal Procedure Code. It is also explained in the Regulation of the Republic of Indonesia National Police (Perpol) Number 6 of 2019 concerning Criminal Investigations. These criminal investigations must be carried out professionally, transparently, and accountably for every criminal case, in order to realize the supremacy of law that reflects a sense of justice.

Article 1 number 8 of the Criminal Procedure Code explains that an investigation is a series of actions by investigators to search for and find events suspected of being criminal acts in order to determine whether or not an investigation can be carried out according to the methods regulated in this Law. Meanwhile, an investigation based on Article 1 number 5 of the Criminal Procedure Code is a series of actions by investigators to search for and collect evidence to clarify criminal acts and find suspects.²⁸Criminal investigations are conducted according to procedures stipulated in Indonesian criminal procedure law. One of the initial stages in the investigation process is the preparation of a police report.

A police report is a document containing written information regarding an incident suspected of being a crime. A police report is a formal form or implementation of Article 1, number 24 of Law No. 8 of 1981 concerning the Criminal Procedure Code.²⁹which currently since the amendment of the Criminal Procedure Code with the latest legal construction, namely Law Number 20 of 2025 concerning the Criminal Procedure Code, namely in Article 1 number 45,

²⁷Article 13 Paragraph 1 of the Republic of Indonesia Law No. 2 of 2002 concerning the Republic of Indonesia National Police.

²⁸Article 1 Numbers 5 and 8 of Law Number 20 of 2025 concerning the Criminal Procedure Code

²⁹Aulia Kadri Pratiwi. Implementation Mechanism...Op.Cit, 2019, p. 9

explains that a report is a notification submitted by a person to an investigator, police investigator, PPNS, or certain investigator regarding a criminal event that has occurred, a criminal event is occurring, or a suspected criminal event will occur.³⁰

Police reports can be made in two models, namely Police Report Model A and Police Report Model B.

1) Police Report Model A

This refers to a case discovered by the police themselves or is a document containing written information relating to an incident suspected of being a crime in which the perpetrator was caught red-handed. For example, if the police are on patrol and discover a crime, they can file a Model A Police Report to begin the investigation.

2) Police Report Model B

Refers to a report from the public or another party other than the police. It is a document containing written information relating to an incident suspected of being a crime in which the perpetrator was not caught red-handed. If an individual or group of people reports a crime to the police, the police will prepare a Model B Police Report as the basis for initiating an investigation.³¹

A criminal investigation process usually begins with a report, either filed by the victim or by a police officer upon discovering a criminal incident, hereinafter referred to as a Police Report. Reports submitted by victims will be received by the Indonesian National Police Unit, starting from the Police Post, Police Sector, Police Resort/Polresta/Polrestabes, Polda up to the National Police Headquarters. Police reports are one of the bases for initiating an investigation and inquiry into a criminal case. Therefore, a written report made by the victim or reporter has a very important meaning in the context of the judicial process.³²

Investigators or investigators will follow up on reports filed by the complainant or victim through investigative activities to gather evidence and shed light on the reported crime. The length of the investigation process will depend on the difficulty in obtaining the evidence. The sooner evidence is found, the quicker the investigation will proceed.

Every report received must be accounted for by the investigator. Therefore, if the report has sufficient evidence, it must be immediately submitted to the

³⁰Article 1 Number 45 of Law Number 20 of 2025 concerning the Criminal Procedure Code

³¹Valentino Aquila De Wahyu, et al. Analysis of Investigation and Prosecution Performance in Handling Criminal Acts at the Karanganyar Police. *Alliance: Journal of Law, Education and Social Humanities*, 1 (2) March 2024, p. 56

³²Aulia Kadri Pratiwi. *Implementation Mechanism...Op.Cit*, 2019, pp. 9-10

Public Prosecutor. However, if the investigation results in the report do not meet the evidence, the investigator can terminate the investigation and the inquiry is being conducted. If the reporter objects to the termination of the investigation, a pretrial mechanism can be pursued through the local District Court.

4. Conclusion

1. Types of crimes related to police handling are generally divided based on the processing method and the form of the error. The types of crimes handled by the police based on their processing method are ordinary crimes (*gewone delicten*) and complaint crimes (*klacht delicten*). Ordinary crimes are crimes that can be processed directly by police investigators without requiring the consent or complaint from the victim. The police are obliged to act immediately upon learning of the crime. Examples: Murder, premeditated murder, rape, drug trafficking, and corruption. Complaint crimes are crimes that can only be prosecuted if there is an official complaint from the injured party or victim. In these crimes, the victim is given the opportunity to consider whether or not to report the case. Examples: Adultery, defamation/slander, and minor domestic violence. Based on material criminal law sources, ordinary crimes (reported crimes) in the new Criminal Code (Law Number 1 of 2023) are spread across various articles, because criminal law generally adheres to the principle of ordinary crimes unless otherwise specified. Articles 24-27 of Law Number 1 of 2023 concerning the Criminal Code also regulate the provisions for those entitled to file a complaint for a crime.

2. The withdrawal of a police report must be preceded by a complaint/report from the public, where the report is a complaint offense (*klachtdelict*) and the exception is that ordinary crimes will be withdrawn in accordance with valid reasons based on law. The procedural stages for withdrawing a Police Report are: (a) Making a Letter; The reporter prepares a Letter of Request for Withdrawal of the Police Report addressed to the investigator handling the case. (b) Peace Agreement; Generally accompanied by a peace agreement between the reporter and the reported party. (c) Submission; The letter is submitted directly to the investigation section or the police where the report was made. (d) Examination: The investigator will examine the letter and summon the relevant parties for verification. (e) Legal Process: For complaint offenses (*klachtdelict*), the investigation is stopped/the case is closed and not continued if withdrawn a maximum of 3 months after the complaint. Meanwhile, the withdrawal of a police report categorized as ordinary crimes (*gewone delicten*) is possible with stricter provisions with reasons based on law in the decision to stop the investigation. The assessment process is only limited to certain conditions as regulated in Article 24 paragraph (2) which limits the assessment process to only 6 (conditions), namely: There is insufficient evidence; The incident is not a criminal act; The investigation is stopped by law; The case is resolved through the Restorative Justice mechanism; The suspect pays the maximum criminal fine for a criminal act that is only threatened with a maximum

fine of category II; The suspect pays the maximum criminal fine of category IV for a criminal act that is threatened with a maximum prison sentence of 1 (one) year or a maximum fine of category III.

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