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Bridging the Accountability Gap in Criminal Investigations through Internal Penal Policy and Global Human Rights Standards

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Abstract

This study evaluates the operational function and legal status of criminal investigation Standard Operating Procedures within the broader context of institutional accountability and global human rights protections. Addressing the critical legal dilemma of whether these procedures function as mere internal administrative guidelines or binding legal norms, the research examines how ambiguities in their application compromise due process and foster arbitrary designation of suspect status. This inquiry addresses a profound institutional accountability gap where inadequate investigative constraints leave room for discretionary abuses that undermine constitutional liberties and international legal standards. Using a normative legal research design, the analysis employs statutory, conceptual, and case approaches within the Indonesian criminal justice framework to examine the hierarchy of procedural norms. The doctrinal evaluation establishes that Standard Operating Procedures transcend internal administrative guidelines and serve as binding legal instruments bridging abstract criminal procedure codes with concrete investigative practices. These operational frameworks serve as a vital component of an adaptive internal penal policy that aligns national law enforcement with global human rights benchmarks. The findings reveal that while current standardized protocols create procedural uniformity, their practical effectiveness remains severely limited by the absence of objective substantive metrics for evaluating evidence quality and restraining investigator discretion. Safeguarding fundamental human rights and ensuring legal certainty require integrating these procedural standards with objective

metrics for evaluating evidence quality. Reforming internal penal policy to include robust substantive boundaries prevents the abuse of investigative authority and elevates domestic law enforcement into a globally accountable criminal justice institution.

Keywords: Criminal Investigation; Standard Operating Procedures; Suspect Determination; Due Process of Law; Legal Accountability.

INTRODUCTION

The modern rule of law establishes law as the fundamental basis for exercising state coercive power within criminal justice systems worldwide. Maintaining an equilibrium between effective law enforcement and the rigorous protection of constitutional liberties requires strict adherence to due process of law. Across democratic jurisdictions, law enforcement actions must consistently conform to international human rights benchmarks, particularly the guarantees against arbitrary arrest and detention codified in the International Covenant on Civil and Political Rights (hereinafter referred to as ICCPR), as well as the principles of legality and justice (Schaap & Saarikkomäki, 2022).

Implementing these procedural safeguards offers a compelling empirical case study in the evolving dynamics of criminal law enforcement in Indonesia. The national criminal justice system must combat sophisticated crime while fostering public confidence in a professional, transparent, and accountable process. Crime statistics published by Statistics Indonesia show that although criminal cases recorded by the Indonesian National Police declined, the percentage of the population experiencing victimization increased alongside a relatively low crime reporting rate (Nam et al., 2024). These empirical patterns indicate that criminal justice effectiveness cannot be measured solely by declining crime rates; it depends heavily on public trust in professional law enforcement institutions. Public trust remains vital for promoting legal compliance and bridging the profound institutional accountability gap that frequently emerges when investigative discretion lacks objective substantive constraints.

Within this global and national legal structure, the investigation stage is a strategic first step in establishing whether a criminal offense occurred, identifying perpetrators, collecting evidence, and determining whether an individual may lawfully be designated as a suspect. Ascertaining material truth through the impartial application of criminal procedural law ensures that responsible parties are held legally accountable without compromising civil liberties. Suspect designation is a severe legal intervention that triggers profound consequences for personal liberty, as it is the absolute prerequisite for coercive measures including arrest, detention, search, and

seizure. Because investigative authority directly infringes upon fundamental human rights, strict judicial oversight through pre-trial review mechanisms remains essential to prevent arbitrary actions and ensure compliance with global due process standards (Chen et al., 2021).

The constitutional scope of pre-trial review expanded significantly following Constitutional Court Decision Number 21/PUU-XII/2014, empowering courts to examine the legality of suspect designations, searches, and seizures. This judicial intervention maintains a constitutional balance between state enforcement powers and individual rights. Investigative authorities must exercise their discretionary powers in a professional, proportionate, and accountable manner. Ensuring that suspect designations strictly satisfy due process requirements demands more than post-facto judicial review; it requires robust internal constraints to prevent the arbitrary exercise of state authority during the critical preliminary stages of criminal investigations.

Putting these constitutional mandates into practice relies heavily on transforming abstract criminal procedural law into systematic investigative practices through a comprehensive internal penal policy. The Standard Operating Procedures (hereinafter referred to as SOPs) for Criminal Investigations under Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 are the primary vehicle for this operationalization. Rather than serving as mere internal administrative directives, these binding operational protocols must govern investigative discretion, ensure procedural uniformity, and close the institutional accountability gap (Fielder & Murphy, 2022). This regulatory framework works alongside National Police Regulation Number 6 of 2019 and Regulation of the Chief of the National Police Number 8 of 2009, which mandate full respect for human rights across all policing duties. Evaluating the true effectiveness of this internal penal policy involves examining whether these guidelines provide objective substantive metrics for assessing evidence to genuinely restrain investigator discretion and secure legal certainty.

Departing from the concern over procedural safeguards and the exercise of state authority in criminal proceedings, Pangaribuan examines the historical and contemporary development of Indonesia's Criminal Procedure Code (KUHAP), particularly the tension between state authority and the protection of individual procedural rights (Pangaribuan, 2025). His analysis shows that formulating Indonesian criminal procedure involves an ongoing challenge of balancing the state's investigative interests with the need to protect individuals from excessive law enforcement power. The study highlights the importance of procedural safeguards in limiting investigative authority and ensuring that criminal justice applies according to a rights-based framework. Pangaribuan's analysis is particularly relevant to this study because it demonstrates that procedural guarantees should not be understood

merely as formal requirements but as instruments for controlling the exercise of state power in criminal proceedings. However, his study focuses primarily on the legislative development and broader reform of the KUHAP rather than the operational procedures investigators use to determine suspects. It therefore leaves an important question regarding how statutory and constitutional safeguards translate into concrete investigative practices through internal police regulations and SOPs.

While Pangaribuan highlights the importance of procedural safeguards at the broader statutory and institutional level, their effectiveness ultimately depends on how investigators assess and use evidence during the criminal investigation process. From this evidentiary perspective, Butt and Nathaniel examine the role and consequences of expert evidence in Indonesian criminal proceedings, particularly expert opinions in criminal law cases (Butt & Nathaniel, 2024). Their study shows that expert evidence can have significant evidentiary consequences for both investigators and defendants, especially when written expert statements requested during the investigation later become part of the evidentiary basis relied on in criminal proceedings. The findings reveal a broader concern regarding the relationship between formal evidentiary requirements and the substantive reliability of evidence used in the criminal justice process. This study is relevant to the present research because it indicates that compliance with formal evidentiary requirements does not necessarily guarantee the substantive quality or fairness of investigative decision-making. Nevertheless, their analysis focuses primarily on the role of expert evidence in criminal proceedings rather than the internal procedural mechanisms investigators use to assess and validate evidence before determining a person as a suspect. The present study therefore extends this discussion by examining whether criminal investigation SOPs provide sufficient operational standards to ensure that evidentiary sufficiency is accompanied by an objective assessment of evidentiary quality.

Beyond evidentiary reliability, another important dimension concerns the discretion law enforcement officers exercise when applying procedural and evidentiary standards in individual cases. In this regard, Mabin examines the relationship between policing, executive discretion, and institutional accountability through police powers that generate immediate legal and punitive consequences for individuals (Mabin, 2023). The study shows that delegating broad discretionary authority to police officers can significantly risk individual rights when that authority lacks adequate accountability and oversight mechanisms. Mabin further illustrates that procedures that appear merely administrative or operational can have substantial consequences for individuals when they provide insufficient constraints on the exercise of official discretion. Although the study does not specifically address suspect determination or the Indonesian criminal justice system, its analysis provides an important conceptual basis for understanding the relationship between operational

procedures and police discretion. Its relevance to the present study lies in the proposition that procedural standardization alone does not necessarily eliminate arbitrary decision-making if procedural rules fail to establish sufficiently clear parameters for substantive evaluation. From this perspective, this study examines whether Indonesian criminal investigation SOPs merely establish procedural uniformity or also provide adequate substantive parameters to constrain investigative discretion in designating suspects.

Departing from the preceding analysis of statutory safeguards, evidentiary reliability, and police discretion, a significant analytical gap remains in the operational standards for designating suspects. Existing studies largely overlook how internal guidelines translate abstract statutory provisions and constitutional mandates into binding procedural obligations that bridge the institutional accountability gap. Prior research fails to conceptualize Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 as a vital component of internal penal policy that effectively constrains discretionary authority and upholds global human rights standards.

To address this analytical gap, this study investigates the legal standing and operational function of these SOPs as the normative foundation for designating suspects. The research evaluates the extent to which these operational guidelines secure legal certainty, enhance investigator accountability, and reinforce due process protections by calling for objective substantive metrics for assessing evidence to prevent the arbitrary exercise of investigative power.

METHODS

This study adopts a normative legal research design to evaluate the legal standing and operational accountability of the SOPs for Criminal Investigations under Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 (Marzuki, 2019). Normative legal research examines internal legal consistency, doctrinal coherence, and normative implementation rather than empirical social behavior. With this doctrinal objective, the research relies primarily on authoritative legal materials to construct a rigorous analytical baseline.

To conduct a comprehensive legal evaluation, the research integrates three distinct methodological approaches. First, the statutory approach systematically examines primary legislative instruments, including the Indonesian Criminal Procedure Code, relevant police regulations, and institutional decrees. Second, the conceptual approach refines the theoretical foundations of the rule of law, due process, legal certainty, and investigative discretion. Third, complementing these foundations, the case approach reviews judicial interpretations, notably Constitutional Court Decision Number 21/PUU-XII/2014, to establish the binding evidentiary threshold in designating suspects (Efendi, 2022).

The research materials include primary legal materials, secondary legal publications, and tertiary scholarly sources. Primary materials consist of binding statutory provisions, police regulations, and official decrees. Secondary materials incorporate peer-reviewed journal articles, legal treatises, and authoritative doctrines concerning criminal procedure (Rizkia & Fardiansyah, 2023). The analysis uses a qualitative, prescriptive legal method to synthesize statutory norms and judicial decisions, establish the conceptual position of investigation SOPs within the national legal hierarchy, and evaluate their capacity to ensure institutional accountability.

RESULT AND DISCUSSION

Legal Status of Criminal Investigation SOPs in Designating Suspects

The legal status of the SOPs of Criminal Investigation must be understood within Indonesia's national legal system, which recognizes that every investigative action involves the exercise of state authority derived strictly from statutory law. From a normative perspective, law enforcement officers' authority to conduct criminal investigations and determine an individual as a suspect does not derive from internal operational rules or administrative guidelines (De Maillard & Savage, 2022). Instead, this foundational authority is anchored directly in the criminal procedural law, which authorizes investigators to undertake systematic investigative measures to collect evidence, uncover material truths, and identify perpetrators within the criminal justice process. Crucially, anchoring this authority in statutory law ensures that law enforcement remains faithful to foundational legal values, preventing the state from using arbitrary power that could compromise the integrity of the criminal justice system (Ashworth, 2000).

The SOPs established under Regulation of the Head of the Criminal Investigation Agency of the Indonesian National Police Number 1 of 2022 do not give rise to new investigative powers or confer attributive legal authority upon law enforcement personnel. The regulatory instrument serves as an operational legal instrument that translates general statutory legal norms into standardized technical procedures that every investigator and assistant investigator must follow in performing their duties. The regulation expressly affirms this operational function, stipulating that the operational standards provide clear guidelines for investigators while ensuring uniformity in investigative practices across operational units (Miles-Johnson, 2024).

The general provisions of the regulatory framework explain that these procedural guidelines were developed as a formal benchmark for implementing investigative actions. This benchmarking ensures that criminal investigations are conducted accurately, in an orderly manner, and effectively, minimizing procedural errors, reducing the risk of pre-trial challenges, and enhancing public confidence in

the integrity of the criminal justice process. From a procedural justice perspective, this operational framework is essential to establishing the legitimacy of law enforcement. When police follow transparent, fair procedures, they build trust based on motives with the public, fostering long-term cooperation and a consensual policing model rather than one reliant solely on coercion (Tyler, 2017). From this perspective, the operational framework transcends the narrow classification of an internal administrative directive. It functions as a binding operational legal instrument that translates abstract legislative mandates into measurable procedural requirements, ensuring consistency, enhancing professionalism, and minimizing irregularities throughout the investigative trajectory (Chung et al., 2022).

This conceptualization aligns with scholarly analyses emphasizing that due process of law balances effective law enforcement with rigorous protection of civil liberties, serving as an indispensable mechanism for promoting fairness and strengthening the rule of law (Turner & Rowe, 2026). Within an integrated legal framework comprising substantive criminal law, criminal procedural law, and administrative statutes, the implementation of procedural rules cannot be separated from the operational standards governing day-to-day law enforcement practices. The SOPs of Criminal Investigation occupy a strategic position by bridging statutory provisions and investigative reality, ensuring that investigators exercise their legal powers in strict compliance with the principles of legality, legal certainty, due process of law, and the protection of human rights (Cooper, 2023).

To rigorously evaluate this operational instrument's normative foundation and binding validity, the analysis applies the hierarchy of norms theory, known as the Stufenbau theory, originally developed by Hans Kelsen and later refined by Hans Nawiasky. Under Kelsenian doctrine, legal norms are hierarchically structured, meaning that every lower legal norm derives its formal and material validity from a higher legal norm within a unified legal system. Hans Nawiasky expanded this model by classifying legal norms into four hierarchical tiers: the fundamental norm of the state, basic state law, formal legislation, and implementing regulations alongside autonomous regulations. Within this hierarchy, lower legal norms must strictly conform to higher-ranking instruments from which they derive their validity (Stevens et al., 2026).

Applying this doctrinal hierarchy to the Indonesian legal structure, the validity of Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 depends entirely on its consistency with superior legal instruments, which include the Indonesian Criminal Procedure Code, the foundational laws governing the Indonesian National Police, and Police Regulation Number 6 of 2019 on Criminal Investigation Management. Within this stratified normative framework, the SOPs serve as implementing regulations that align with higher legal norms in terms of technical procedures. The regulations serve as a binding benchmark that promotes

procedural uniformity, prevents operational errors, and reduces the likelihood of pre-trial issues and public dissatisfaction.

Translating abstract statutory norms into systematic, documented, and measurable procedural standards ensures that investigators strictly serve their roles within the boundaries of legality, legal certainty, and due process. In a state under the rule of law, any exercise of state power restricting individual constitutional liberties must possess a clear statutory basis, follow established procedural rules, and remain subject to robust legal and administrative accountability. Protecting fundamental human rights during preliminary investigations depends on consistent compliance with these standardized operational requirements, covering every phase from the initial receipt of a police report and preliminary inquiry to evidence collection, case reviews, suspect designation, and final case disposition (Puddister, 2023).

The regulatory provisions require that every investigative phase be performed in strict accordance with established operational standards, providing an objective benchmark that prevents arbitrary discretion. Detailed annexes to the regulation provide comprehensive procedural requirements for investigation administration, coercive measures, case conferences, suspect designation, investigation termination, progress reports, and pre-trial proceedings. These standardized requirements minimize subjective variation in how investigators interpret procedural rules, fostering predictability, transparency, and consistent enforcement of criminal procedural law (Aden et al., 2025).

This objective reflects Gustav Radbruch's legal philosophy, which holds that a sound legal system must harmonize three fundamental values: justice, legal certainty, and legal expediency. Radbruch posited that while legal certainty is essential for maintaining societal order through predictable rules, justice must remain the highest priority in the administration of law. This perspective underscores that procedural compliance should never be treated as a formality; instead, it is an essential mechanism that ensures the exercise of investigative power remains fair, proportionate, and fully aligned with the protection of fundamental human rights. In essence, Radbruch's justice is operationalized when law enforcement acts with absolute fidelity to legal values, ensuring that procedures are respected not merely as bureaucratic steps, but as safeguards for institutional integrity (van Beek et al., 2023).

The SOPs of Criminal Investigation provide operational certainty for law enforcement officers while ensuring that investigations are conducted with professional integrity and human rights compliance. Clear procedural safeguards reinforce the principle of due process and strengthen public trust in the criminal justice system. Judicial developments further amplified the normative significance of these operational procedures, notably Constitutional Court Decision Number 21/PUU-XII/2014. This landmark ruling interpreted statutory phrases on preliminary

evidence to require at least two legally admissible pieces of evidence as stipulated under Article 184 of the Indonesian Criminal Procedure Code before any person is designated as a suspect. This constitutional interpretation established a binding evidentiary threshold for designating a suspect, reinforcing operational procedures as a mechanism to ensure uniform adherence to constitutional due process standards. The ruling catalyzed a paradigm shift, moving the suspect designation process away from an arbitrary system reliant on subjective investigator discretion toward an objective, verifiable standard subject to judicial oversight (Jang et al., 2026). Because suspect designations trigger profound consequences for personal liberty and serve as the legal prerequisite for coercive measures such as arrest, detention, search, and seizure, the operational procedures provide a vital procedural connector ensuring that statutory mandates and constitutional standards are faithfully implemented (Chan et al., 2025).

Within the framework of the Stufenbau theory, the SOPs derive their normative validity by operationalizing the Indonesian Criminal Procedure Code, Police Regulation Number 6 of 2019, and Constitutional Court jurisprudence without usurping legislative authority or creating independent attributive powers. The instrument bridges abstract legal theory and concrete investigative practice, ensuring that the entire investigative apparatus functions in harmony with the rule of law. Prior studies highlight that investigators' discretionary powers must be anchored in clear accountability frameworks and well-defined operational rules to achieve legal certainty (Pettersson et al., 2022). While existing institutional arrangements establish formal procedural steps, doctrinal analysis shows that the current regulatory framework remains heavily focused on administrative compliance. This administrative focus must evolve into a true process-based model of regulation. The operational guidelines do not explicitly outline qualitative criteria for evaluating evidentiary weight, nor do they prescribe objective parameters for conducting case reviews or restraining discretionary judgments. Discrepancies in legal assessments emerge in practice even when formal quantitative thresholds are met. These insights show that the normative efficacy of operational procedures depends on rigorous standards for evaluating evidence and robust institutional oversight.

Sustaining legal certainty requires more than clear statutory provisions; it demands consistent, impartial application that balances legal certainty with substantive justice and expediency. Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 is a definitive operational legal instrument that bridges statutory provisions and investigative reality. Grounded in the hierarchical norm theories of Kelsen and Nawiasky, the instrument functions far beyond an internal administrative directive; it serves as a vital legal safeguard, preserves legality, upholds legal certainty, builds motive-based public trust, and institutionalizes accountability within the Indonesian criminal justice system.

Criminal Investigation SOPs and Legal Certainty in Designating Suspects

Legal certainty in designating suspects requires more than the formal fulfillment of statutory evidentiary thresholds; consistent implementation of investigative procedures remains essential. Decisions made during criminal investigations directly affect individuals' constitutional rights and freedoms. Exercising such state powers requires strict adherence to constitutional safeguards and the framework of due process of law (Huff, 2021). At the international level, this principle is firmly entrenched in universal human rights instruments, particularly the ICCPR. Article 9 of the ICCPR explicitly protects individuals against arbitrary arrest and detention, while Article 14 guarantees the presumption of innocence and the right to a fair trial. Legal certainty materializes not only through the abstract clarity of legislative norms but also through predictable, consistent, and accountable execution of daily investigative routines (Huff, 2021).

This institutional framework relies upon the harmonious integration of the Indonesian Criminal Procedure Code, National Police Regulation Number 6 of 2019 concerning Criminal Investigations, and Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 governing Standard Operating Procedures. Within this multi-layered structure, the Criminal Procedure Code supplies the baseline statutory authorization for investigative powers and evidentiary structures. Police regulations establish overarching governance frameworks for inquiry functions, while specialized operational guidelines translate broad legal mandates into precise technical protocols (McLean et al., 2023). The primary function of these operational guidelines extends far beyond internal administrative management. They ensure that law enforcement officers exercise their discretionary powers in strict alignment with the law, legal certainty, and the protection of human rights. This operational philosophy echoes the United Nations Code of Conduct for Law Enforcement Officials, which mandates that officers strictly respect and protect human dignity. Furthermore, clear, rule-bound investigative actions serve as the foundation for procedural justice, ensuring that police build legitimacy and motive-based trust through fairness rather than coercion.

Judicial developments reinforce this operational function significantly, particularly through Constitutional Court Decision Number 21/PUU-XII/2014. This landmark ruling established that investigators may designate an individual as a formal suspect only after securing at least two legally admissible pieces of evidence, as mandated under Article 184 of the Criminal Procedure Code. Such judicial intervention catalyzed a fundamental paradigm shift. Suspect determinations shifted from systems dominated by subjective investigator discretion to objective evidentiary standards subject to rigorous judicial review through pre-trial proceedings. In this environment, operational procedures serve as an essential mechanism that translates

constitutional evidentiary mandates into systematic investigative workflows. These workflows include comprehensive evidence collection, witness interrogations, suspect interviews, formal case conferences, and final decisions on designating a suspect. Legal certainty can be obtained when procedural rules establish predictable pathways for administrative action, effectively harmonizing domestic police practices with international fair trial standards (de Leeuw et al., 2026).

Prior empirical and doctrinal studies show that the overall efficacy of suspect determinations depends directly on procedural quality. Scholarly literature emphasizes that broad investigative discretion requires robust accountability mechanisms. Case conferences rely heavily on professional competence, institutional resources, and resilience against external pressures during high-profile inquiries. Legal certainty depends as much on the quality of practical implementation as on legislative drafting (Holmes et al., 2022). Despite these academic contributions, prior research often treats operational procedures as simple administrative guidelines or investigates evidentiary requirements and police discretion in isolation. Existing literature devotes little attention to how standardized operational guidelines connect the Criminal Procedure Code, police regulations, and constitutional jurisprudence into a unified procedural network that delivers comprehensive legal certainty. The present analysis bridges this gap by demonstrating that operational procedures regulate investigative steps and operationalize procedural law principles into concrete standards. These standards limit investigator subjectivity, reinforce consistent enforcement, and strengthen accountability in suspect designations. Crucially, holding investigators to these standards ensures strict fidelity to legal values, preventing state officials from using procedural loopholes to undermine the moral and legal integrity of the justice system.

Practical implementation reveals inherent limitations in operational guidelines' capacity to secure absolute legal certainty. Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 establishes systematic investigative procedures, yet its focus remains on procedural standardization. The text fails to prescribe explicit substantive indicators for assessing the qualitative weight and sufficiency of evidence. Objective parameters governing evidence evaluation during formal case conferences remain underdeveloped, and the text lacks clear statutory boundaries limiting the subjective exercise of investigator discretion. Discrepancies in evidentiary assessment persist among investigators even when formal quantitative thresholds of two admissible pieces of evidence are met. Legal certainty cannot be achieved solely through quantitative metrics; it requires substantive guidelines that ensure objective, consistent, and transparent evaluation of evidence quality.

Gustav Radbruch's theory of the core objectives of law offers a valuable philosophical perspective for evaluating these dynamics, identifying justice, legal certainty, and expediency as the tripartite values of legal systems. Legal certainty

demands a clear regulatory framework, while practical application must balance these competing values appropriately (Leawoods, 2000). Standard operating procedures constitute vital operational tools for securing legal certainty through structured routines. Realizing this potential depends entirely on implementation quality. Assessing the effectiveness of operational guidelines requires evaluating their capacity to foster professional, objective, and accountable investigative practices rather than merely measuring formal compliance with statutory text.

Strengthening legal certainty within suspect determination demands institutional reforms extending beyond administrative adjustments. Revisions must target substantive standards regarding investigative decision-making. Establishing clear indicators for assessing evidence quality, setting objective parameters for formal case conferences, and strengthening compliance audit mechanisms are vital measures to curb inconsistent legal interpretations. Integrating advanced information technology into investigative administration further enhances transparency, consistency, and traceability (Garza, 2024). This can be achieved by aligning technical protocols with both the ICCPR frameworks and socio-legal models of procedural fairness. Operational guidelines extend beyond internal administrative directives, bridging statutory legislation, police regulations, and constitutional jurisprudence with daily investigative practice. Investigators exercise statutory powers systematically, objectively, and in compliance with the law, honoring legality, legal certainty, and due process. Solidifying legal certainty requires combining robust operational guidelines with consistent enforcement, high professional competence, and effective oversight mechanisms.

Investigator Accountability and Substantive Evaluation Gaps

For investigators, accountability in designating a suspect relies not merely on formal compliance with administrative procedures. Law enforcement officers must be able to justify every official decision on legal, administrative, and professional grounds. Operating within a state under the rule of law requires that the exercise of state power through investigative authority remains subject to robust oversight and accountability mechanisms. True accountability extends beyond formal procedural conformity to reflect the quality of the decision-making process, which demands sufficient evidence, sound legal reasoning, and comprehensive investigative documentation (Piza & Moton, 2023). Such accountability aligns with the principle of fidelity to legal values, which requires the state, through its law enforcement apparatus, to uphold the integrity of the justice system and avoid enforcing the law through methods or arbitrary discretion that undermine fundamental justice.

The Standard Operating Procedures for Criminal Investigations serve as a governance mechanism that establishes an institutional accountability system throughout the inquiry trajectory. The regulations systematically govern investigation

administration, witness examinations, prospective suspect interviews, formal case conferences, and final designation decisions. Documented procedures ensure that internal supervision and pre-trial proceedings keep every investigative step traceable, evaluable, and reviewable. Operational guidelines regulate investigation conduct while guaranteeing transparency and accountability across organizational units (Meterko & Cooper, 2022). From a procedural justice perspective, this transparency is critical. When investigative procedures are transparent and objectively fair, they build motive-based trust, signaling to the public that police authority is legitimate and serves the collective good rather than personal or institutional bias. Effective criminal investigations require accountability as a prerequisite for operation. Discretionary investigative powers demand institutional oversight to prevent abuses of authority. Decision quality depends directly on professional competence, institutional integrity, and supervisory mechanisms. Accountability emerges through objective, proportionate choices rather than rigid adherence to administrative steps. The analysis demonstrates that accountability arises from an integrated framework connecting operational procedures, administrative documentation, decision-making standards, and oversight systems. Accountability is produced by a unified governance structure rather than isolated procedural rules (Elaad, 2022).

Primary implementation challenges involve institutional capacity rather than textual completeness. Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 provides a comprehensive procedural framework for investigation administration, evidence collection, witness examinations, case conferences, and suspect designation. Standardized procedures alone fail to eliminate disparities in investigator decision-making. Law enforcement quality relies on consistent implementation and institutional capacity. Even when administrative steps are strictly completed, suspect designations raise serious legal concerns if evidentiary evaluation lacks objectivity or if legal reasoning remains inadequate (Cabell et al., 2024). This gap poses a significant risk to international human rights standards, particularly the protections against arbitrary arrest and detention outlined in Article 9 of the ICCPR, which requires strict objective legal justification for any deprivation of liberty.

A critical weakness in the regulatory framework is the lack of clear substantive standards for evaluating whether evidence is sufficient before designating a suspect. Current regulations concentrate primarily on formal procedural compliance. Objective criteria for assessing evidentiary quality, parameters for legal reasoning during case conferences, and boundaries governing discretionary judgments remain undefined (de Roo et al., 2026). Decisions about evidence sufficiency often depend on individual investigator experience and subjective competence, creating inconsistent practices despite formal procedural compliance. The regulatory text leaves considerable room for individual interpretation, particularly concerning complex evidentiary categories such as digital records. Strengthening accountability requires

reforms that go beyond administrative procedural adjustments by setting standards for legal reasoning during case conferences, defining objective indicators for evidentiary quality, enhancing professional training, and reinforcing compliance audit systems (Brown et al., 2024).

Case conferences must function as collective review mechanisms that assess evidence sufficiency, ensure legal uniformity, and promote objective discretion, rather than serving as mere administrative prerequisites. When they function effectively, these case conferences serve as a structural bulwark against what Ashworth identifies as officially induced errors or institutional malpractice, ensuring the investigative process does not compromise its legal values before restricting a citizen's freedom. The absence of measurable evaluation criteria limits this oversight function. Future reforms must introduce objective indicators to assess evidentiary quality, set guidelines for legal reasoning during case conferences, and strengthen compliance audit mechanisms. Expanding the use of information technology enhances transparency, facilitates oversight, and ensures effective judicial review through electronic documentation systems. Reforming operational guidelines requires integration with broader institutional developments, ensuring that standardized protocols align with investigator competence, professional culture, and robust supervisory systems to guarantee that every suspect designation rests upon unassailable legal and public justification.

CONCLUSION

This study concludes that the SOPs for Criminal Investigations under the Regulation of the Head of the Criminal Investigation Agency of the Indonesian National Police Number 1 of 2022 serve as an operational legal instrument translating provisions of the Indonesian Criminal Procedure Code and National Police Regulation Number 6 of 2019 into standardized investigative procedures. Rather than serving as the substantive legal basis of investigators' authority, these operational procedures support the implementation of legality, due process of law, legal certainty, and institutional accountability during suspect determinations. By translating statutory norms into predictable routines, these guidelines ensure that law enforcement maintains strict fidelity to foundational legal values and aligns with international human rights standards, such as those articulated in the ICCPR, preventing the arbitrary exercise of state power.

The findings indicate that the practical effectiveness of these operational guidelines depends heavily on implementation quality, professional competence, and robust institutional supervision. While standardized procedures enhance operational consistency, current provisions lack objective criteria for evaluating evidentiary weight, managing complex digital evidence, and bounding the exercise of investigator

discretion factors generating potential inconsistencies in law enforcement practices. This research contributes to the scholarly literature by showing that criminal investigation SOPs go beyond internal administrative guidelines to serve as vital governance instruments, strengthening procedural uniformity and substantive accountability. Ultimately, bridging the gap between formal administrative compliance and substantive legal evaluation is essential for generating procedural justice, which in turn fosters public legitimacy and motive-based trust in the criminal justice system. Future regulatory reforms to Regulation of the Head of the Criminal Investigation Agency Number 1 of 2022 should prioritize setting substantive standards for evaluating evidence, refining internal oversight mechanisms, expanding digital administration systems, and upgrading professional investigator capacity to foster a truly process-based, rights-based law enforcement model.

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