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Strengthening the Function of Polri's Primary Investigator as a Restorative Justice Facilitator within the Framework of the New KUHAP (Law Number 20 of 2025)

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Abstract: Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHP) introduces a significant statutory development by expressly designating Penyidik Polri as Primary Investigators and assigning them authority to coordinate, supervise, and direct Civil Servant Investigators (PPNS) and Specific Investigators, subject to the statutory exceptions provided by the Law. The new KUHP also incorporates restorative justice into the statutory framework of criminal procedure through Articles 79–88, including provisions concerning eligibility, initiation, voluntary agreement, implementation, termination of proceedings, and judicial determination. This study aims to analyze the statutory position and authority of Penyidik Polri as Primary Investigators and examine how the coordination and supervision functions operationalized through the Korwas PPNS structure can be integrated with the restorative justice framework without creating a conflict between supervisory authority and restorative facilitation. This study employs normative legal research using a statute approach and a conceptual approach. The legal materials are analyzed through systematic and conceptual interpretation to distinguish the statutory authority of Penyidik Polri, the institutional functions of Korwas PPNS at the Bareskrim, Polda, and Polres levels, and the authority of individual officers legally appointed to exercise investigative powers. The study proposes a normative model based on functional separation, procedural safeguards, informed and voluntary consent, legal representation, victim and vulnerable-group protection, conflict-of-role safeguards, judicial review, recordkeeping, and complaint mechanisms. The proposed model also recognizes the sectoral and *lex-specialis* provisions preserved under Articles 3, 363, and 364 of Law Number 20 of 2025. The proposed framework remains a normative and unvalidated model; its operational effectiveness requires further empirical examination through representative sectoral cases and stakeholder evidence.

Keywords: Primary Investigator, Penyidik Polri, Korwas PPNS, Restorative Justice, New KUHP.

INTRODUCTION

Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), hereinafter referred to as the New KUHAP, confers significant statutory authority upon Polri Investigators in their capacity as Primary Investigators, endowed with the authority to coordinate and supervise investigations conducted by PPNS and Specific Investigators. The New KUHAP explicitly mandates that PPNS Investigators and Specific Investigators undergo coordination, supervision, and instruction by Polri Investigators commencing at the preliminary investigation stage (*penyelidikan*)—defined as activities executed to ascertain whether a particular occurrence constitutes a criminal offense (Kartika, 2026). Subsequently, upon obtaining preliminary investigative findings, the proceedings escalate to formal criminal case status through determination at the full investigation stage (*penyidikan*) to identify the suspect, which is likewise executed in coordination with and subject to the formal approval of Polri Investigators (Undang-Undang Republik Indonesia Nomor 20 Tahun 2025, Pasal 1 angka 5 dan 8; Pasal 6 ayat (2); Pasal 7 ayat (3)–(5); Pasal 19 ayat (1)–(2); Pasal 20 ayat (1)–(2)).

This legal regime stands as an imperative consequence of Polri's institutional role as the Primary Investigator, as jurisprudentially reaffirmed in Putusan Mahkamah Konstitusi Nomor 59/PUU-XXI/2023 at paragraph (3.16.3), page 521, stating that: "...the authority of the Police as a law enforcement institution functioning as the primary investigator..." (Putusan Mahkamah Konstitusi Republik Indonesia, 2023). Pursuant to Pasal 6 ayat (1) UU No. 20 Tahun 2025, investigators comprise Polri Investigators, Civil Servant Investigators (PPNS), and Specific Investigators. As Primary Investigators equipped with comprehensive attributive jurisdiction to conduct investigations into all criminal offenses, it is juridically coherent that all non-Polri investigative bodies may perform investigative measures solely under the coordination, supervision, and directive guidance of Polri Investigators, with the sole statutory exclusion of KPK investigators, the Prosecution Service, and Naval Investigators (Syahputra, 2026).

The legal ramifications of these newly established provisions under the New KUHAP pose novel operational challenges while simultaneously unlocking strategic opportunities for the Bureau of Civil Servant Investigator Supervisory Coordination (Biro Korwas PPNS) under the Criminal Investigation Agency of the Indonesian National Police (Bareskrim Polri) (Alih Usman, 2026). This stems from the requirement that supervisory coordination, oversight, and directive guidance by Polri Investigators must be conducted directly and concurrently, encompassing the preliminary investigation, full investigation, and dossier submission stages to the Prosecution Service. Failure to execute such coordination and supervision—evidenced through formal coordination minutes, case conference records (*berita acara gelar perkara*), or co-signed coercive measures—carries the direct legal risk of case dossier rejection by Prosecutors (Ombudsman Republik Indonesia, 2019). Furthermore, procedural defects expose law enforcement to potential legal defeat in pretrial (*pra-peradilan*) challenges initiated by suspects, their families, or legal counsel, given that statutory procedural law rules represent strict formal binding constraints that cannot be bypassed or disregarded (Minarno, 2020).

The execution of continuous coordination, supervision, and instruction by Polri for PPNS and Specific Investigators during preliminary and full investigative operations necessitates an elevation in the institutional capacity and capability of Polri Investigators assigned to the Korwas PPNS Bureau across all administrative echelons—from Bareskrim Polri down to Regional Police (Polda) and Resort Police (Polres) levels. Currently, the Korwas PPNS function at the Polda level is executed by the Directorate of Special Criminal Investigation (Ditkrimsus), whereas at the Polres level, it is managed by the Criminal Investigation Unit (Satreskrim) (Setiadi, 2025). The central systemic challenges emerging from the implementation of investigative procedures under KUHAP 2026 lie in the urgent necessity to enhance both the qualitative competence and quantitative deployment of Korwas PPNS

investigative personnel across all echelons to adequately accommodate and respond to requests for investigative assistance and oversight.

Research Questions

In light of the foregoing background, this study seeks to examine the statutory position of Penyidik Polri as Primary Investigators under Law Number 20 of 2025 and the institutional mechanisms through which their coordination and supervisory authority over PPNS and Specific Investigators is operationalized within the organizational structure of the Indonesian National Police. Particular attention is given to the respective roles of Biro Korwas PPNS Bareskrim Polri, the corresponding Korwas functions at the Polda and Polres levels, and the legal authority of individual officers exercising investigative and supervisory powers. The specific research questions are as follows:

1. What are the statutory implications of designating Penyidik Polri as Primary Investigators under Law Number 20 of 2025, particularly in relation to their authority to coordinate, supervise, and direct PPNS and Specific Investigators?
2. How are the coordination, supervision, and direction functions exercised by Penyidik Polri institutionally distributed among Biro Korwas PPNS Bareskrim Polri, the corresponding Korwas function at the Polda level, and the Korwas function at the Polres level, including the legal requirements for individual officers authorized to exercise such powers?
3. How can the institutional and individual authority structure of Penyidik Polri and the Korwas function be strengthened to facilitate the implementation of restorative justice while preserving sectoral or *lex-specialis* investigative authority and ensuring an accountable law enforcement process?

Literature Review

A comprehensive examination of Restorative Justice (RJ) in Indonesia requires foundational reference to established theoretical frameworks. Nils Christie (1977) offered a foundational critique of conventional criminal justice systems through his doctrine of "conflicts as property," contending that the state has wrongfully appropriated conflicts from their legitimate owners—namely, the victim and the offender. Consequently, genuine resolution necessitates restoring the relational dynamics between these primary parties, which have been systematically marginalized during state expropriation (Christie, 1977, p. 1).

Widely acknowledged as the pioneer of Restorative Justice, Howard Zehr posited that criminal justice should refrain from focusing exclusively on retributive punishment, focusing instead on the harm generated and the mechanisms required to heal such harm. This conceptual shift was detailed in his seminal work *Changing Lenses* (1990), which juxtaposed the retributive criminal paradigm against the restorative model (Zehr, 1995, pp. 40-43).

Subsequently, John Braithwaite (2002) in *Restorative Justice and Responsive Regulation* conceptualized responsive regulation—a flexible, context-sensitive law enforcement approach tailored to offender behavior and socio-legal dynamics through a "regulatory pyramid." Under this model, state intervention escalates from dialogic mediation at the base to formal coercive sanctions at the apex only when compliance fails (Braithwaite, 2002, pp. 30-34). Braithwaite's regulatory pyramid is exceptionally salient to this study as it addresses tiered enforcement within administrative and sectoral penal regimes—directly aligning with the statutory role of Polri Investigators as primary investigators exercising coordination and oversight over Civil Servant Investigators enforcing ministerial and agency-specific statutes.

Prior to the enactment of UU No. 20/2025, scholarly literature noted that legal bases for restorative justice were fragmented across institution-specific internal regulations, such as Perpol 8/2021, Perja 15/2020, and Perma 1/2024—a state characterized by researchers as normative fragmentation regarding Restorative Justice (Peraturan Kepolisian Negara Republik

Indonesia Nomor 8 Tahun 2021, Pasal 2 dan 4; Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020, Pasal 2-3; Peraturan Mahkamah Agung Nomor 1 Tahun 2024, Pasal 2-4).

Numerous doctrinal studies have examined restorative justice dynamics: I Made Tambir (2019, p. 549) evaluated RJ approaches in resolving criminal offenses during the pre-trial investigative stage. Arief and Ambarsari (2018, p. 173) analyzed the application of restorative justice principles across the broader Indonesian criminal justice spectrum. Widiartana (2017, p. 1) explored the restorative justice paradigm in crime mitigation via penal policy. Furthermore, Huda (2023, p. 22) specifically examined restorative justice within Indonesian criminal procedure law. Regarding police operational policy, Fithri and Wahyuni (2026, p. 87) analyzed the implementation of Restorative Justice by the Indonesian National Police concerning minor offenses and juvenile delinquency.

Following the enactment of the new KUHAP, Pulungan and Situmorang (2026, p. 46) observed that RJ is now explicitly codified under Pasal 79-88 KUHAP, defining RJ as an inclusive approach engaging all stakeholders (victims, offenders, families, and affected community members) to restore conditions to their original state pre-offense. Their comparative study between the new KUHAP and SEMA No. 1/2026 concluded that UU No. 20/2025 provides a far more robust legal foundation by normatively integrating RJ into the national criminal procedural statute, whereas SEMA operates merely as technical-operational guidelines within the judiciary.

Febby Mutiara Nelson highlighted that RJ now spans all stages of criminal proceedings—pre-adjudication (preliminary and full investigation), adjudication (trial proceedings), and post-adjudication. Previously governed by disparate institutional regulations, RJ has been elevated to statutory law. She emphasized a critical technical development: the formal inclusion of RJ as an explicit legal ground for terminating an investigation (pemberhentian penyidikan) pursuant to Pasal 24 KUHAP (Nelson, as cited in Komisi Yudisial Republik Indonesia, 2026).

From a Sharia jurisprudence perspective, Thorik, Anggraeni, Hubi, Darmawan, and Kismala (2024, pp. 88-96) analyzed comparative parallels and distinctions between restorative justice in Indonesian positive law and Islamic criminal law. Their findings indicate that Islamic penal law has long recognized peace-based dispute resolution via *al-islah*, with key distinctions between the systems residing in the scope of eligible offenses, restitution modalities, and procedural prerequisites.

Although RJ is celebrated as a balanced mechanism accommodating victims who prioritize restitution over retributive incarceration, scholarly skepticism highlights risks that RJ could be improperly manipulated to terminate cases prematurely. Citing Albert Eglash, Afrida (2025) argued that during preliminary investigation (*penyelidikan*), victims often lack clear legal standing and procedural awareness, creating vulnerabilities to forced settlements ("*damai paksa*") and extortion without adequate evidentiary examination—notwithstanding the explicit voluntariness mandate under Pasal 81 ayat (2) KUHAP. Similar concerns were raised by legal journalists in Bandung during a Focus Group Discussion titled "Restorative Justice in the New KUHAP: A Solution for Justice or a Space for '86' [corrupt deals]?", warning that RJ could become a avenue for unlawful compromise absent rigorous public scrutiny (Suryadi, 2026). However, ANTARA News observed that the new KUHAP statutorily restricts RJ, explicitly prohibiting its application to severe offenses including terrorism, corruption, sexual violence, and crimes against human life (Firdaus, 2026).

While existing literature establishes a solid theoretical foundation for RJ and examines its normative codification under the new KUHAP, no prior research has analyzed the specific statutory role of Polri Investigators as Primary Investigators mandated to coordinate and supervise PPNS and Specific Investigators—excluding the three statutorily exempt bodies (Prosecution, KPK, and Navy). Crucially, this primary investigative oversight is

operationalized by Polri investigators under the functional direction of Korwas PPNS Bareskrim Polri.

METHOD

This study utilizes a normative legal research method employing two primary approaches: a statute approach towards Undang-Undang Nomor 20 Tahun 2025 and its statutory implementation rules, alongside a conceptual approach examining restorative justice doctrines established by Christie (1977), Zehr (1995), and Braithwaite (2002). Data sources consist of secondary data comprising primary legal materials (statutes, statutory regulations, and Constitutional Court decisions), secondary legal materials (academic literature, accredited journal articles, and previous research findings), and tertiary legal materials (media documentation and official state institutional publications) compiled through comprehensive library research. The collected legal materials were subjected to qualitative-descriptive analysis using grammatical and systematic legal interpretation techniques, integrated with conceptual analysis to construct a recommended structural model for strengthening the restorative justice facilitation function of Korwas PPNS Bareskrim Polri.

RESULTS AND DISCUSSION

Legal Construction of Polri Investigators' Authority as Primary Investigators under Undang-Undang Nomor 20 Tahun 2025

The conceptual foundation of restorative justice originates from theoretical doctrines within penal jurisprudence advocating for recovery-oriented rather than retributive dispute resolution. Barda Nawawi Arief established the foundational distinction between retributive and restorative paradigms within Indonesian criminal policy. The retributive model interprets penal sanctions as state-administered punishment for wrongdoing, assuming the state fully represents the victim. Conversely, restorative justice prioritizes restoring pre-offense conditions (restoration) among victims, offenders, and the community. Arief further situated this concept within the inherent limitations of criminal law (*sociale zorg* and *strafmodus*) as an instrument for crime prevention, positioning restorative justice as an essential non-penal policy tool (Arief, 2018).

Undang-Undang Nomor 8 Tahun 1981 never explicitly incorporated the term "*penyidik utama*" (primary investigator); Polri's organizational primacy was merely implicit through supervisory coordination mechanisms. In stark contrast, Undang-Undang Nomor 20 Tahun 2025 explicitly designates Polri Investigators as primary investigators vested with statutory authority to investigate all criminal offenses. Consequently, Polri's jurisdictional primacy now rests upon an explicit statutory legal umbrella rather than acting as a mere structural byproduct of coordination procedures (Undang-Undang Republik Indonesia Nomor 20 Tahun 2025).

Prior to the formal introduction of the Primary Investigator designation in Law No. 20/2025, the Indonesian criminal justice architecture operated under the doctrine of the sole investigator. Although unstated in text, this model derived from functional differentiation within the integrated criminal justice system, which delineates law enforcement roles into distinct yet complementary spheres: Polri executes investigations, the Prosecution Service conducts prosecutions, the Judiciary adjudicates, and Correctional Institutions manage inmate rehabilitation—maintaining inter-agency coordination without eroding jurisdictional boundaries (Sitompul, 2026).

Normatively, Polri's investigative mandate derives directly from Pasal 30 ayat (4) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, elaborated under Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia. Conversely, PPNS derive investigative authority from specific sectoral statutes, rendering their jurisdiction specialized and limited to designated statutory offenses (Firyalfatin, 2026).

Applying Philipus M. Hadjon's theory of legal authority, Polri exercises attributive authority (*kewenangan atributif*) originating directly from the Constitution and national statutes, whereas PPNS authority is attributed via specific sectoral legislation (Pranoto, Elawati, Sinaga, & Putri, 2025). This doctrinal distinction forms the basis for technical coordination, supervision, and guidance between Polri and PPNS without overriding PPNS specialized mandates (Pranoto et al., 2025). This legal framework underwent a structural shift through Undang-Undang Nomor 20 Tahun 2025, which explicitly established the Primary Investigator mandate—elevating Polri's role from passive coordination to strong normative legitimacy to direct and oversee investigations by PPNS and specific investigators (2025).

This transition represents a shift from loose supervisory coordination toward strict statutory control. Under KUHAP 1981, PPNS-Polri interactions were governed by Pasal 7 ayat (2), Pasal 107 ayat (1)-(3), and Pasal 109 ayat (3); in practice, PPNS frequently issued mere administrative notifications rather than seeking prior authorization. Undang-Undang Nomor 20 Tahun 2025 significantly tightens these controls: termination of investigation (*penghentian penyidikan*) by PPNS/Specific Investigators imperatively requires Polri Investigator participation (Pasal 24 ayat (3)), PPNS cannot execute arrests without written orders from Polri Investigators (Pasal 93 ayat (3)), and PPNS cannot order detention without written orders from Polri Investigators (Pasal 99 ayat (3)) (Undang-Undang Republik Indonesia Nomor 20 Tahun 2025).

This legal construction introduces significant administrative law challenges. Statutory provisions under Pasal 93 ayat (3) and Pasal 99 ayat (3) curtail PPNS independent authority regarding arrest and detention by conditioning them on external Polri authorization. From an administrative jurisprudence perspective, statutorily attributed authority (*kewenangan atributif*) should operate autonomously rather than requiring external institutional validation (Hakim, 2026). As of the latest publicly available proceedings reviewed for this study, the constitutionality of these provisions remains under judicial review before the Constitutional Court in Case No. 31/PUU-XXIV/2026. The case concerns, among other provisions, Pasal 6 ayat (2), Pasal 93 ayat (3), and Pasal 99 ayat (3) of Law No. 20 of 2025, and the proceedings remained ongoing as of June 17, 2026, when the Court heard testimony from experts and witnesses presented by the Government (Mahkamah Konstitusi Republik Indonesia, 2026). Academic commentators observe that the supervisory model in Law No. 20/2025 potentially departs from prior Constitutional Court jurisprudence by expanding mandatory coordination into the preliminary investigation (*penyelidikan*) stage and granting Polri statutory authority to issue mandatory command orders rather than maintaining pure coordination.

Designating a single institution as primary investigator over other investigative bodies raises critical concerns regarding administrative accountability, institutional independence, and human rights protections for non-primary investigators—leaving them vulnerable to authority abuse and diminished external oversight (Hakim, 2026). Conversely, executive authorities offer a distinct normative justification, asserting that formalizing primary investigator status provides clear normative legitimacy for PPNS within the national criminal justice system while eliminating jurisdictional dualism between Polri and PPNS (humasAHU, 2026). The normative tension between procedural uniformity and inter-institutional checks and balances remains a fundamental area for ongoing legal inquiry.

Supervisory Coordination over PPNS and Its Alignment with the Ethos of Restorative Justice

The relationship between supervisory coordination over PPNS and the implementation of restorative justice should be examined within the procedural framework established by Law Number 20 of 2025. Restorative justice emphasizes the restoration of harm and the involvement of victims, offenders, and affected communities rather than focusing exclusively

on retributive punishment (Zehr, 1995, pp. 40–43). Braithwaite's concept of responsive regulation likewise places dialogic and restorative mechanisms at the less coercive end of a regulatory continuum, while allowing formal sanctions to remain available where restorative engagement is unsuccessful (Braithwaite, 2002, pp. 30–34). These theoretical principles, however, do not establish that the hierarchical relationship between law-enforcement institutions is itself inconsistent with restorative justice. The relevant legal question is therefore how the supervisory authority of Penyidik Polri over PPNS can be exercised within the statutory restorative justice procedure without impairing the voluntariness and procedural rights of the parties.

Under Law Number 20 of 2025, restorative justice has been incorporated into the statutory framework of criminal procedure through Articles 79 to 88. The provisions regulate the application of restorative justice, the eligibility and exclusion of cases, the requirement of voluntary agreement, the implementation of the agreement, the termination of investigation or prosecution, and judicial confirmation. Article 81 specifically requires that the restorative justice process be conducted without pressure, coercion, intimidation, deception, threats, violence, or torture. At the investigation stage, Article 83 places the agreement before the Investigator or the officer conducting the preliminary investigation, while Article 84 regulates the subsequent termination of the investigation and submission of the termination to the court for determination (Undang-Undang Republik Indonesia Nomor 20 Tahun 2025).

This statutory construction demonstrates that the new KUHAP does not establish Korwas PPNS as a separate neutral institution positioned between the victim and the offender. The statutory status of Primary Investigator belongs to Penyidik Polri, while Korwas PPNS represents an organizational function through which coordination, supervision, and guidance of PPNS may be operationalized. Accordingly, the involvement of Korwas in restorative justice should not be interpreted as a transfer of the statutory authority of the Investigator responsible for the case. Rather, any involvement of Korwas must be situated within the existing allocation of investigative authority and the procedural requirements governing restorative justice.

This distinction is particularly important because the supervisory function of Penyidik Polri may intersect with significant investigative decisions, including the authorization of arrest and detention and participation in decisions concerning the termination of investigation under the new KUHAP. Consequently, describing the same officer simultaneously exercising supervisory authority and acting as a “co-equal” restorative justice facilitator does not, by itself, eliminate the potential conflict of roles. A Standard Operating Procedure may regulate the manner in which a function is exercised, but an SOP alone cannot create a new statutory authority or alter the legal position of the officer exercising that authority. The issue therefore concerns the institutional and functional allocation of responsibilities rather than merely the existence of a separate SOP.

The distinction between *lex lata* and *lex ferenda* is consequently necessary. Under the *lex lata*, the restorative justice mechanism at the investigation stage remains attached to the Investigator responsible for the case, subject to the statutory requirements concerning eligibility, voluntary consent, agreement, implementation, termination, and judicial determination. Articles 79 to 88 do not expressly establish an independent Korwas PPNS authority as a neutral restorative justice facilitator. This statutory development also responds to the earlier fragmentation of restorative justice regulation across different law-enforcement institutions, which had previously been governed by separate institutional instruments, including Perpol No. 8 of 2021, Perja No. 15 of 2020, and Perma No. 1 of 2024 (Ady, 2023; Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021; Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020; Peraturan Mahkamah Agung Nomor 1 Tahun 2024).

The institutional differences among law-enforcement bodies should also not be treated as evidence that reduced Polri supervision necessarily produces greater restorative justice autonomy. The exemption applicable to KPK investigators cannot serve as a comparative basis for restorative justice because corruption offenses are expressly excluded from the restorative justice mechanism under Article 82 of Law Number 20 of 2025. The position of the Prosecution Service is likewise institutionally distinct because prosecutorial restorative justice had already been regulated through Perja No. 15 of 2020 and subsequently developed through prosecutorial policies, including the relevant guidelines governing restorative justice (Wurara, Malik, & Rumkel, 2025). Similarly, the existence of restorative justice mechanisms within military law cannot by itself establish a causal relationship between the level of Polri supervision and restorative autonomy, although the application of restorative justice to military disciplinary violations provides a distinct institutional context for comparative analysis (Sede & Triadi, 2025). The statutory exemptions therefore demonstrate differences in investigative institutional arrangements rather than establishing a general rule that less external supervision necessarily produces better restorative justice outcomes.

Under the *lex ferenda*, however, the coordination and supervision structure may be developed to provide procedural safeguards for restorative justice while preserving the statutory authority of the responsible Investigator. Such development should distinguish the supervisory function from the facilitative function where the same officer's involvement creates a potential conflict of roles. The proposed model should therefore provide a mechanism for recusal or independent facilitation in appropriate circumstances, particularly where an officer has previously exercised coercive authority or made significant investigative decisions in the same case. The purpose is not to transform Korwas into a new statutory decision-maker, but to ensure that the exercise of supervisory authority does not compromise the voluntary character of the restorative process. Any institutional redesign, moreover, requires an appropriate legal basis in the implementing regulation and cannot be established solely through an internal SOP.

The proposed model should be organized through a procedural sequence. First, the responsible Investigator identifies whether the alleged offense satisfies the statutory requirements for restorative justice and whether it falls within the exclusions under Article 82. Second, the applicable sectoral legislation must be identified because Articles 3, 363, and 364 preserve sectoral investigative arrangements and provisions concerning coercive measures insofar as they are not inconsistent with the new KUHAP. Third, the initiating actor and the legally responsible case officer must be clearly identified. Fourth, the parties must receive sufficient information concerning the process, their rights, and the consequences of the agreement, with access to legal representation and additional safeguards where victims or other participants are vulnerable. Fifth, where a conflict of roles is identified, facilitation should be assigned to another appropriately authorized officer or an independent facilitator under the implementing framework. Sixth, any agreement must be documented and implemented in accordance with the statutory requirements. Seventh, termination of the investigation must remain within the authority of the legally responsible Investigator and be followed by the judicial determination required by the KUHAP. Finally, the process should be subject to adequate recordkeeping and a complaint or remedial mechanism for allegations of coercion, procedural irregularity, or failure to implement the agreement.

The sectoral dimension is particularly significant in the case of PPNS. The designation of Penyidik Polri as Primary Investigators does not, by itself, eliminate the investigative authority attributed to PPNS or Specific Investigators under sectoral legislation. Article 3 establishes the general applicability of the KUHAP subject to statutory provisions regulating particular matters, while Articles 363 and 364 preserve provisions concerning PPNS and Specific Investigators and provisions concerning coercive measures insofar as they are not

inconsistent with the new KUHAP (Undang-Undang Republik Indonesia Nomor 20 Tahun 2025). Consequently, the implementation of restorative justice in a PPNS-handled case must begin by identifying the applicable sectoral statute, the competent investigative actor, the scope of Polri coordination and supervision, and the authority required for each procedural action.

On this basis, the relationship between Polri supervisory coordination and restorative justice should not be characterized through a simple causal proposition that greater supervision reduces restorative justice autonomy. The statutory framework and the cited restorative justice theories do not sufficiently establish such a proposition. Instead, the central normative issue is whether the existing allocation of authority can be supplemented by procedural safeguards that preserve voluntary participation, legal representation, victim protection, and accountability while maintaining the statutory responsibility of the Investigator. The model proposed in this study should therefore be understood as a normative and unvalidated proposal (*lex ferenda*), rather than as an empirically demonstrated systemic consequence of the new KUHAP. Further empirical examination through representative sectoral cases and stakeholder evidence is required to assess its operational feasibility.

The Concept of Strengthening Korwas PPNS as a Restorative Justice Facilitator

Synthesizing the preceding analyses, this study proposes a structural model based on functional separation within Korwas PPNS Bareskrim Polri, bifurcating two roles historically conflated within a single line of command. First, the technical-investigative coordination function remains strictly hierarchical and command-oriented pursuant to Pasal 24 ayat (3), Pasal 93 ayat (3), and Pasal 99 ayat (3) of Law No. 20/2025—encompassing formal authorization for coercive measures (arrests, detentions) and case dismissals (Sudirdja, 2025). This function requires no modification, as it directly safeguards formal evidentiary validity and due process of law.

Second, the proposed restorative justice facilitation function is engineered with an entirely distinct non-instructional character, positioning Korwas officers as co-equal facilitators rather than commanding superiors over PPNS (Setiadi, 2025). This framework operationalizes Braithwaite's regulatory pyramid (2002, pp. 30-34), wherein dialogic/restorative resolutions form the foundational base of the pyramid, strictly separated from top-tier formal coercive sanctions. Consequently, Korwas involvement in RJ must remain at the pyramid's base as technical mediators and supportive facilitators rather than operating from the coercive apex.

Operationally, this study formulates three core conceptual recommendations:

1. Establishment of dedicated Standard Operating Procedures (SOP) for RJ facilitation completely distinct from technical-investigative supervision SOPs, incorporating explicit safeguards for voluntary consent as mandated by Pasal 81 ayat (2) Undang-Undang Nomor 20 Tahun 2025.
2. Designation and specialized training of dedicated Korwas personnel as certified RJ facilitators, structurally segregated from officers exercising technical-investigative supervision to prevent role conflict.
3. Implementation of external oversight and reporting mechanisms governing Korwas RJ facilitation through the National Police Commission (Kompolnas) or independent supervisory bodies to mitigate risks of coerced settlements ("damai paksa") raised by Afrida (2025) and legal media forums (Suryadi, 2026).

This conceptual framework serves as an initial theoretical proposal requiring further empirical validation—specifically to assess implementation feasibility at Regional (Polda) and Resort (Polres) levels facing personnel constraints relative to the large volume of PPNS requiring support.

CONCLUSION AND RECOMMENDATIONS

First, regarding the statutory implications of designating Polri Investigators as Primary Investigators, Law Number 20 of 2025 fundamentally reconstructs the statutory relationship between Polri Investigators, PPNS, and Specific Investigators. The New KUHAP expressly establishes Polri Investigators as Primary Investigators with authority to coordinate, supervise, and direct investigations conducted by PPNS and Specific Investigators. At the same time, PPNS and Specific Investigators retain investigative authority derived from sectoral legislation, while several strategic investigative measures, including the arrest, detention, and termination of investigations in circumstances regulated by the New KUHAP, require the involvement or authorization of Polri Investigators. This construction therefore produces a tension between the attribution of investigative authority under sectoral legislation and the mandatory supervisory and authorization mechanisms established under Law Number 20 of 2025.

Second, regarding the institutional distribution of coordination, supervision, and direction functions, the New KUHAP's Primary Investigator framework is operationalized through the institutional structure of Korwas PPNS at different levels of the Indonesian National Police. The Biro Korwas PPNS at Bareskrim Polri performs the central supervisory-coordination function, while corresponding Korwas functions are carried out at the Polda and Polres levels through the relevant investigative units. However, the exercise of these functions must be distinguished from the statutory authority of individual Polri Investigators who are legally authorized to undertake investigative and supervisory measures. The analysis demonstrates that the institutional function of Korwas does not itself constitute an independent source of investigative authority, nor does it replace the statutory authority of the Investigator responsible for a particular case. The relationship between Polri and PPNS must therefore remain connected to the applicable sectoral legislation and the *lex specialis* provisions preserved under Articles 3, 363, and 364 of Law Number 20 of 2025.

Third, regarding the strengthening of the authority structure to facilitate restorative justice, the study proposes a normative model based on functional separation between technical-investigative supervision and restorative justice facilitation. The supervisory function should retain its statutory character in relation to investigative coordination, direction, and authorization of coercive measures, while the restorative justice function should be exercised through a distinct non-instructional facilitation mechanism. This model should be supported by dedicated restorative justice procedures, specialized personnel, informed and voluntary consent, access to legal representation, protection of victims and vulnerable participants, conflict-of-role safeguards including recusal or independent facilitation where necessary, judicial determination, adequate recordkeeping, and complaint or remedial mechanisms. Such reconstruction is intended to preserve the statutory position of Polri Investigators as Primary Investigators while preventing the supervisory function of Korwas from compromising the voluntary and participatory character of restorative justice. The proposed framework remains a normative and unvalidated model and therefore requires further empirical examination at the Polda and Polres levels and across representative sectoral cases.

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