

(Research) Article

Juridical Review of Abuse of Authority by Law Enforcement Officials in the Process of Investigating Corruption Crimes

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Abstract. This study explores the phenomenon of abuse of authority in the investigation stage of corruption cases, focusing on various violations of practices, causative factors, and implications for justice and legal certainty. The study uses a normative juridical approach through the study of laws and regulations, legal doctrine, and empirical literature to build a comprehensive and systematic analysis. The findings indicate that oversight gaps, weak institutional control, and low integrity of the authorities are the main triggers for actions that go beyond authority, which in turn reduces the effectiveness of evidence and lowers public trust in law enforcement institutions. In addition, the lack of transparency and accountability mechanisms further exacerbates the risk of procedural violations during the investigation process. These conditions can potentially undermine the principles of due process of law and fairness in the criminal justice system. To address this problem, it is necessary to improve internal and external control mechanisms, strengthen supervision by independent institutions, and ensure the consistent implementation of disciplinary measures and legal sanctions against violators. By reinforcing these efforts, it is expected that law enforcement agencies can enhance professionalism, maintain integrity, and restore public confidence in handling corruption cases. (Soekanto & Mamudji, 2020; KUHAP; Corruption Law).

Keywords: Abuse of Authority; Authority; Corruption Crime; Investigation; Law Enforcement Officials.

Received: July 12, 2025;

Revised: September 25, 2025;

Accepted: November 17, 2025;

Published: January 31, 2026;

Curr. Ver.: January 31, 2026;



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1. Introduction

The investigation stage is a crucial initial determinant in the criminal justice process because the results greatly affect the legitimacy and validity of the subsequent evidentiary process. In handling corruption cases, which often involve a network of political and economic interests, the authority of investigators presents a great potential to be abused if it is not accompanied by accountability and effective control mechanisms (Soekanto & Mamudji, 2020). The practice of abuse of authority can appear in administrative or substantive forms: postponement of examinations through manipulation of certificates, pressure on witnesses, evidence engineering, or other actions that exceed the limits of authority regulated by the Criminal Code (Article related to the authority of investigators). Empirical cases show the real consequences of such deviations. For example, the use of medical information or administrative documents to delay the investigation process is often found in case study studies (Sidi, 2021), and obstacles to the state loss restitution process confirm that abuse of authority has a wide impact on the goal of eradicating corruption (Rahmayanti, 2023). In addition, shortcomings in internal oversight mechanisms and permissive bureaucratic culture

increase the likelihood of deviant investigators' actions (Saragih, 2023). Against this background, this paper aims to juridically examine the forms of abuse of authority at the investigation stage of corruption cases, identify the causative factors (juridical, institutional, and cultural), and assess their impact on the principles of justice and legal certainty in Indonesia. The expected recommendations are in the form of improving the supervision mechanism and normative steps to strengthen the accountability of investigators. (Law No. 31/1999; KUHAP).

2. Research Method

The research method used in this study is normative legal research with a doctrinal and interpretive orientation. Operationally, the research utilizes two main approaches. First, a statute *approach* that systematically examines relevant provisions, including the Criminal Code and the provisions of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, including related implementing regulations. Second, a conceptual approach is used to build an analytical framework regarding the concepts of authority, investigator accountability, and professional discipline that are the benchmarks for juridical assessment. The data source consists of primary legal materials (legal texts, government regulations, and relevant court decisions), secondary materials (monographs, scientific articles, and policy studies), term references and definitions. The data collection process is carried out through *library research* with document inventory and extraction of legal issues. Data analysis is carried out qualitatively and descriptive-analytically: first, interpreting norms and synchronizing legislative provisions with investigation practices; then conduct comparisons between sources to identify bstandards or legal loopholes that allow for abuse of authority. Analytical techniques include legal hermeneutics (interpretation of texts), normative comparison, and argumentative synthesis that results in the formulation of legal problems and normative recommendations. To increase the validity of the findings, the interpretation is enriched by triangulating sources and cross-checking previous studies and the opinions of legal experts. (Soekanto & Mamudji, 2020; Marzuki, 2019).

3. Results and Discussion

Forms of Abuse of Authority in the Investigation Process

Abuse of authority in the investigation process of corruption cases can appear in various forms, through manipulation of legal procedures. One form of irregularity that is often found is the use of health reasons to delay the examination of suspects. This delay is often used as a strategy to hinder the investigation process and reduce the effectiveness of evidence collection, as explained by Sidi (2021) who considers that this tactic is a form of intervention in the legal process that should run efficiently and objectively. In addition, acts of intimidation against witnesses or suspects are also a form of irregularities that still occur. This practice is carried out through threats, verbal pressure, and information manipulation so that certain parties provide information that benefits corrupt perpetrators. The abuse of authority violates the principle of due process of law and causes investigations to no longer reflect objectivity and justice.

Factors Causing Abuse of Authority

Some of the main factors are the deviation of authority by the investigating apparatus in handling corruption cases. First, the weak integrity of law enforcement officials. Rahmayanti (2023) revealed that investigators who have low integrity are more vulnerable to being involved in conflicts of interest and outside intervention, so investigations do not run according to the provisions. Weak character and professionalism cause investigators not to carry out their duties based on legal responsibility, but to open opportunities for deviant practices. Second, the internal supervision of law enforcement agencies has not been running optimally. Although there is a monitoring mechanism in the National Police and the Prosecutor's Office, the system is still weak and does not have strong coercion to crack down on deviant officials. Third, there are bureaucratic loopholes in the criminal justice system that allow investigators to overuse their authority, especially at the arrest, detention, and confiscation stages. Another factor is the legal culture that is not yet fully professional. Many officials still consider authority as personal power, not as a legal mandate that must be accounted for. Saragih (2023) stated that the bureaucratic culture is permissive and magnifies the abuse of authority.

The Impact of Abuse of Authority on Justice and Legal Certainty

Abuse of authority has a serious impact on justice, both for suspects, victims, and the community. When investigators act outside the limits of the law, the evidentiary process becomes invalid, potentially giving birth to unfair verdicts. In the context of corruption crimes, this deviation can result in non-optimal return of state losses and weakening the deterrent effect for the perpetrators. In terms of legal certainty, abuse of authority creates norm instability because the rule of law is not implemented consistently. If investigators can use their authority arbitrarily, then the law loses its legitimacy as an instrument of justice. The public will also view the law as a tool of power, not as a guideline that protects the rights of citizens. Furthermore, the abuse of authority has an impact on the decline of public trust. Trust is an important social capital in law enforcement. When the public does not trust the investigating apparatus, support for the eradication of corruption weakens. This condition can worsen public perceptions of the independence of law enforcement and the effectiveness of the criminal justice system.

Efforts to Prevent Abuse of Authority

The results of the study show that efforts to prevent abuse of authority must be carried out through two main steps: strengthening regulations and strengthening supervision. The regulations governing the authority of investigators need to be clarified, especially regarding the limitations and standard procedures that must be followed. In addition, internal and external supervision mechanisms must be strengthened in order to be able to provide strict sanctions against irregularities. Improving the integrity of the apparatus through training, ethical coaching, and legal culture reform is also key. This approach is in line with the principles of accountability, transparency, and professionalism in investigating corruption cases. The eradication of corruption cannot run optimally without officials who have morality and a strong commitment to the law.

4. Conclusion

This research shows that the abuse of authority by law enforcement officials in the process of investigating corruption crimes is still a serious problem in the criminal justice system in Indonesia. Irregularities that occur are not only in the form of actions that go beyond procedural limits, but also include intervention, manipulation of information, and the use of authority for certain interests that are contrary to the principles of justice. This action weakens the effectiveness of investigations and hinders law enforcement efforts against corrupt perpetrators. The main factors that cause abuse of authority include weak integrity of the apparatus, lack of optimal internal and external supervision mechanisms, and a legal culture that has not been fully upheld

professionalism and accountability. Structural gaps in the law enforcement bureaucracy also provide space for the apparatus to act beyond the limits of authority set by law. The impact of abuse of authority is very significant, especially on justice and legal certainty. Investigations that are not carried out objectively and in accordance with procedures can result in insufficient evidence, reduce public trust in law enforcement, and worsen efforts to eradicate corruption. When the law is not implemented consistently, the legitimacy of law enforcement institutions is eroded, and the public increasingly doubts the ability of the criminal justice system to realize substantive justice.

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