

Repeated Investigation Orders in Corruption Cases and Their Implications for Legal Certainty

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Abstract

The reissuance of an investigation order following a pretrial ruling that invalidates a person's designation as a suspect raises questions about investigative authority and legal certainty. This article examines the legal role of investigation orders, the consequences of their repetition in corruption cases, and safeguards for accountable renewed investigations. It uses doctrinal legal research through statutory and conceptual analysis and examination of judicial decisions. The analysis distinguishes administrative renewal, changes in investigative scope, renewed investigation after pretrial review, and the reopening of discontinued proceedings. The number of orders alone does not determine legality. Assessment must address authority, case identity, the grounds for invalidation, the evidentiary basis, and procedural compliance. Invalidation of a suspect designation does not determine criminal liability or automatically engage *ne bis in idem*. However, repetition without reviewable reasons may prolong uncertainty and weaken judicial oversight. The article proposes a documented comparison of investigative grounds, substantive supervisory review, appropriate notification, interagency coordination, and periodic assessment of progress. Published prosecutorial regulations provide an administrative framework that could support these safeguards. Judicial oversight under Law No. 20 of 2025 offers a further basis for their development, although a specific comparative record remains a recommendation. These measures seek to support effective corruption enforcement while respecting judicial rulings and the rights of persons affected by investigation.

Keywords: investigation order; corruption offences; pretrial review; legal certainty.

Introduction

An investigation order, known in Indonesian practice as a Surat Perintah Penyidikan (Sprindik), assigns investigators to examine a suspected criminal offence. In corruption proceedings, the order must be understood in relation to the issuing institution's statutory powers, the scope of the case, and the requirements governing each investigative act. Difficulties arise when an order is reissued in relation to the same person and events, particularly after a court has invalidated that person's designation as a suspect through *praperadilan*, the Indonesian mechanism of pretrial judicial review. The interest in continuing an investigation must then be considered alongside the requirement that a judicial ruling have practical consequences for the exercise of investigative powers (Christiani, 2026, pp. 59–62, 131–133).

Article 28D(1) of the 1945 Constitution guarantees fair legal certainty. This guarantee requires state action to rest on grounds that can be identified and reviewed. For a person under investigation, it concerns the reasons for examination, the clarity of their legal status, and access to a remedy against allegedly unlawful action. For investigators, it provides guidance on the limits of their authority. Effective corruption enforcement therefore depends on procedures through which investigative decisions can be justified and scrutinised (Republic of Indonesia, 1945, Article 28D(1)).

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Earlier scholarship has addressed aspects of this problem. Silalahi and Tajudin (2018) connect repeated investigation orders following pretrial review with professional responsibility and oversight. Ririhena et al. (2023) examine duplicate orders and the risks of misuse of authority and uncertainty about investigative grounds. These studies provide a basis for considering how oversight should operate when an investigation is renewed. This article develops the discussion by distinguishing different forms of repetition and proposing criteria centred on the grounds for invalidation, changes in the evidentiary basis, and the relationship between the earlier and subsequent orders.

Related studies also consider institutional capacity in corruption enforcement and the protection of rights in criminal proceedings. Nasution et al. (2023) examine corruption investigations concerning land, while Utami and Lubis (2024) discuss the accusatorial principle in criminal proof. Together, they help frame the relationship between the quality of evidence and the rights of persons examined during an investigation.

The distinctions matter because repetition may describe several different situations. Reissuing an order to correct an administrative matter is not equivalent to designating again a person whose earlier designation was invalidated. An investigation into different events should likewise not be treated automatically as a renewed investigation of the same case. Assessing legality by counting orders may produce an unduly broad prohibition or permit repetition without an adequate substantive basis.

The change in Indonesia's criminal procedure legislation also affects the analysis. Law No. 20 of 2025 concerning the Criminal Procedure Code took effect on 2 January 2026 and replaced Law No. 8 of 1981 (Republic of Indonesia, 2025; State Secretariat of the Republic of Indonesia, 2026). This article examines decisions delivered under the 1981 Code as part of the development of procedural oversight. References to provisions of that Code are placed in this historical context. Application to a particular case must account for the governing provisions and transitional rules; reasoning developed under the earlier Code cannot substitute for examination of the new legislation.

The article addresses three questions. What is the legal role of an investigation order, and what limits apply to its reissuance in corruption proceedings? How does repetition affect legal certainty and judicial oversight? What safeguards can ensure that renewed investigation rests on reviewable grounds? Its purpose is to explain how continued investigation can remain compatible with procedural protection, without drawing conclusions about any individual's criminal responsibility.

Method

This study uses doctrinal legal research with a descriptive and analytical orientation. Statutory analysis examines the sources of investigative authority and procedural protection. Conceptual analysis considers legal certainty, misuse of authority, and the relationship between lawful action and individual rights. Examination of judicial decisions focuses on reasoning concerning the invalidation of suspect designations and the possibility of renewed investigation (Christiani, 2026, pp. 33–37; Fajar & Achmad, 2016, as cited in Christiani, 2026, p. 34).

Primary legal materials include the 1945 Constitution, criminal procedure and corruption legislation, Constitutional Court Decisions Nos. 21/PUU-XII/2014 and 42/PUU-XV/2017, Supreme Court Regulation No. 4 of 2016, and Attorney General Regulation No. PER-039/A/JA/10/2010 as amended by Regulation No. PER-017/A/JA/07/2014. Secondary materials comprise scholarship on investigation orders, pretrial review, and individual rights. Christiani's thesis (2026) provides the initial focus and synthesis. Materials are collected through documentary research, without interviews or fieldwork. The examination of internal procedures is confined to published provisions; the existence of an administrative mechanism is not treated as evidence of compliance in practice.

The analysis identifies each instrument's function, compares the grounds for investigative action with the reasons for judicial invalidation, and develops conclusions and recommendations. Case descriptions drawn from the thesis are used as secondary

illustrations rather than as the product of an independent review of complete case files. The findings concern legal principles and potential risks. The study neither measures the frequency of repeated orders nor establishes officials' motives in individual proceedings.

Results and Discussion

The legal role of investigation orders and limits on reissuance

An investigation order identifies the investigators assigned to a matter and the suspected events within their mandate. Their authority nevertheless derives from legislation. An assignment document cannot confer powers that the law does not provide. Nor does the existence of an order establish compliance with every requirement for searches, seizure, detention, or designation as a suspect. Each act must be assessed against its own legal basis and procedural conditions.

An investigation order should also be distinguished from a notice of commencement of investigation, or *Surat Pemberitahuan Dimulainya Penyidikan* (SPDP). The former directs investigative work; the latter performs a notification function under criminal procedure law. They are administratively connected but do not replace one another. An investigation order is not, by itself, evidence that a particular person committed corruption. Treating an assignment document as proof would obscure the question that requires examination: the relationship between the evidence and the suspected conduct (Christiani, 2026, pp. 50–58, 74–79).

For analytical purposes, repeated orders can be divided into four categories according to their trigger: administrative renewal during an ongoing investigation, such as a change in the investigative team; a factually grounded change in scope involving other events or persons; renewed investigation following invalidation of a suspect designation; and reopening of discontinued proceedings. This classification does not imply that all four categories are governed by identical legal conditions.

Administrative renewal requires attention to continuity of the mandate and the status of the earlier order. A change in scope calls for an explanation of the events or factual connections that distinguish the expanded inquiry. Renewed investigation after pretrial review requires examination of the court's reasons and the steps taken to address them. Reopening a discontinued matter requires a separate assessment of the grounds for discontinuance and the applicable reopening rules. A justification appropriate to one category does not necessarily justify another.

Under the 1981 Code, Constitutional Court Decision No. 21/PUU-XII/2014 interpreted the preliminary evidentiary threshold as requiring at least two legally recognised items of evidence under Article 184. It also brought suspect designation, searches, and seizure within the scope of pretrial review (Constitutional Court of the Republic of Indonesia, 2015, pp. 109–110). This development extended procedural protection to the legal grounds for state action affecting individual rights, including designation as a suspect.

Decision No. 42/PUU-XV/2017 should be read alongside Article 2(3) of Supreme Court Regulation No. 4 of 2016. The Regulation requires at least two new, lawful items of evidence differing from the earlier evidence concerning the substance of the case. In paragraphs [3.10.2] and [3.10.5], the Constitutional Court explained that earlier evidence substantially perfected by investigators may support a renewed investigation; a merely formal change is insufficient. This reasoning does not authorise reuse of an uncorrected evidentiary basis. The petition was rejected, and the petitioner's proposed requirement that evidence must never have been presented in the earlier pretrial hearing should not be described as part of a granted operative ruling (Constitutional Court of the Republic of Indonesia, 2017, paras. [3.10.2]–[3.10.5]; Supreme Court of the Republic of Indonesia, 2016, Article 2(3)).

Renewed investigation should accordingly be assessed by the substance of the correction. A different number, date, or description in an order does not show that an evidentiary weakness has been resolved. Where invalidation concerns the evidentiary basis, the correction must address that problem. Where it concerns a procedural requirement,

investigators must demonstrate compliance with the applicable procedure. Correcting one administrative element does not necessarily remedy all defects identified by the court.

New evidence in this context should be distinguished from *novum* in proceedings for extraordinary review of a final judgment. Using the same term for every evidentiary development may suggest that distinct procedures and consequences are interchangeable. Renewed investigation concerns the sufficiency and lawfulness of the grounds for action at the investigative stage. Extraordinary review concerns the conditions for challenging a final judgment. This article therefore refers to new evidence or substantial perfection as appropriate, without treating either as automatically equivalent to *novum*.

Implications for legal certainty and pretrial judicial oversight

The principal concern arising from unexplained repetition is uncertainty about legal status. A person whose designation as a suspect has been invalidated may face renewed examination under a subsequent order without understanding what has changed. This may hinder the exercise of defence rights because the person cannot determine whether the new proceedings rest on a different basis or repeat grounds already found inadequate (Christiani, 2026, pp. 122–133).

Utami and Lubis (2024, pp. 1563–1565) describe suspects and defendants as persons entitled to a defence and legal assistance within the accusatorial framework. They connect criminal proof with the protection of individual rights. Applied to repeated investigation orders, this supports the view that renewed investigation should enable the person concerned to understand the grounds for examination and exercise their defence rights. A further order does not relieve investigators of these obligations.

In their comparison of Indonesian and Thai criminal procedure, Lubis and Lubis (2026, pp. 341–342) connect the presumption of innocence with procedural safeguards, including legal assistance and oversight of official action. For the present analysis, continued investigation should therefore rest on reviewable grounds and preserve opportunities to exercise defence rights. A renewed designation as a suspect remains a procedural status and cannot be treated as a determination of guilt.

These risks do not establish that every second order constitutes misuse of authority. Such a conclusion requires examination of the purpose, grounds, and execution of the action. Nevertheless, an unclear relationship between successive orders warrants an explanation and more focused scrutiny. Legal certainty requires changes in status to have traceable reasons, so that assessment does not depend solely on an investigator's assertion that the investigation has been corrected.

Repetition may also weaken the practical effect of judicial oversight. If investigators repeat an act without addressing the court's reasons for invalidating it, pretrial review produces no meaningful correction in the exercise of authority. The person concerned may have to initiate another challenge to similar defects. Responsibility for securing compliance is then repeatedly placed on the person whose rights are affected. This is a risk to effective procedural protection; it does not establish that every renewed investigation is intended to circumvent a ruling.

Nasution et al. (2023, pp. 56–59) identify resource constraints, evidentiary difficulties, and lengthy audit coordination in corruption investigations concerning land. They describe pretrial litigation as a challenge for enforcement authorities and recommend strengthening evidence at an early stage. These observations support improvement in the quality of case preparation. Pretrial review should continue to be respected as a mechanism for examining legality, with any response to invalidation directed towards evidentiary and procedural correction.

The legal consequences for particular investigative acts must also be specified. Multiple orders do not automatically invalidate all subsequent acts, exclude all evidence, or require discontinuance of prosecution. Assessment must consider the act invalidated, the operative ruling, the connection between later action and the unlawful basis, and the governing evidentiary rules. This precision keeps criticism focused on defects that can be demonstrated.

The same care is necessary in asset recovery. Abdullah et al. (2021, pp. 19–21) discuss non-conviction-based asset forfeiture as an asset-oriented mechanism distinct from criminal proceedings against an individual. The relevant implication here is the need to identify the legal basis for each recovery route. The aim of recovering the proceeds of corruption does not independently justify reissuing an investigation order. Action affecting individuals or assets remains subject to the requirements of the relevant mechanism.

Ne bis in idem likewise requires a separate analysis. Invalidation of a suspect designation through pretrial review is not equivalent to a final judgment determining criminal liability on the merits. It therefore does not, by itself, establish a bar against trying the same conduct again. Examination of *ne bis in idem* must address the identity of the person and conduct and the nature and effect of the earlier decision. Following pretrial invalidation, the more immediate question is compliance with judicial correction and the lawful basis for subsequent action (Christiani, 2026, pp. 123–125; Constitutional Court of the Republic of Indonesia, 2017, pp. 44–45).

Legal certainty does not require an absolute prohibition on subsequent investigation orders. A prohibition based only on sequence could obstruct a case when relevant evidence is later obtained lawfully. Unrestricted repetition, however, would permit changes in legal status without an adequate standard. The necessary constraint is a reviewable connection between the grounds for invalidation, the revised investigative basis, and the act undertaken again.

Christiani's thesis describes the *La Nyalla Mattalitti* proceedings as an illustration of successive orders and pretrial applications concerning related persons and subject matter. The illustration is used to identify the type of problem, without adopting its entire chronology or determining the validity of each order (Christiani, 2026, pp. 88–90). The analytical lesson is that each ruling and evidentiary basis must be read in sequence. The same person's name does not establish identity of the investigated events, while a different order number does not establish a substantive difference.

At the systemic level, repetition concerns the relationship between legal rules, their implementation, and institutional practice. Rules conferring powers require working arrangements through which reasons can be recorded. Officials require supervision that examines whether those reasons support the proposed action. Institutional practice should treat judicial correction as a basis for improvement. This synthesis reflects the thesis's attention to relationships among legal substance, structure, and culture (Christiani, 2026, pp. 131–132; Soekanto, 2014, as cited in Christiani, 2026, p. 60).

Interagency coordination forms part of this problem. More than one enforcement institution may be involved in suspected corruption within its statutory remit. Inadequate records can obscure which institution is responsible for particular events when orders or case responsibility change. Coordination does not expand statutory powers or diminish the rights of persons under investigation. Its role is to preserve continuity and help prevent unjustified overlap.

At the enforcement stage, Sundari et al. (2025, pp. 1261–1263) identify coordination and technical-guidance difficulties in implementing final corruption judgments and recommend clear operational procedures. That stage differs from renewed investigation following pretrial review. Nevertheless, it offers an institutional lesson: legal certainty depends on arrangements for giving effect to judicial decisions. For repeated investigation orders, these arrangements should record the court's correction, responsibility for addressing it, and the relationship between the correction and subsequent action.

Internal prosecutorial procedures and responses to pretrial rulings

The administration of special criminal cases within the Indonesian prosecution service is addressed in Attorney General Regulation No. PER-039/A/JA/10/2010, as amended by Regulation No. PER-017/A/JA/07/2014. This framework is relevant to the issuance of orders and supervision of case handling. The discussion concerns the prosecution service; its internal rules should not be treated as automatically binding on the Corruption Eradication Commission (KPK) or other investigative bodies (Prosecution Service of the Republic of Indonesia, 2010, 2014).

Article 8(2) links advancement to investigation with technical advice on sufficient preliminary evidence. Article 9(2) addresses appointment of the team through an investigation order issued by leadership or a technical official acting on its behalf. Article 10 provides for evaluation, reporting, and documentation. Under Article 1, points 14 and 15, as amended in 2014, an investigation plan identifies intended actions, purposes, and targets, while an *ekspose*, or internal case presentation, supports technical scrutiny and leadership decisions (Prosecution Service of the Republic of Indonesia, 2010, Articles 8–10; 2014, Article I, point 1).

This article infers that assessment following a pretrial ruling could be incorporated into investigation planning, case presentations, and documentary records. When a court invalidates a suspect designation, internal review should connect the reasons for invalidation with the evidentiary or procedural correction before redesignation. This is an analytical development of available working arrangements, rather than a claim that the Regulations already prescribe a dedicated procedure for comparing evidence following pretrial review.

Compatibility with Decision No. 42/PUU-XV/2017 must be assessed through the content of the recorded correction. Leadership approval or administrative completeness does not establish substantial perfection of evidence. A case-presentation record should explain the weakness identified by the court, the corrective step, and its relationship to the grounds for a further designation. Supervisory scrutiny can thereby assist compliance with the decision without assuming the court's role or determining guilt.

These internal Regulations predate Decision No. 42/PUU-XV/2017 and the 2025 Code. Their administrative arrangements must therefore be read consistently with the procedural law governing the case. This article recommends more specific guidance on responding to pretrial rulings so that correction is documented and reviewable. Whether such guidance is implemented effectively requires separate examination of case files and institutional practice; this doctrinal study does not establish empirical findings on implementation.

Safeguards for the exercise of investigative authority

A decision to reissue an investigation order should be accompanied by a record of reviewable reasons. The record should identify the events, persons concerned, source of authority, status of the earlier investigation, and grounds for the further order. Following pretrial review, it should refer specifically to the part of the ruling that requires action. This develops the thesis's recommendations on evidentiary quality, transparency, and oversight (Christiani, 2026, pp. 132–133).

A comparison between the earlier and revised grounds should form part of that assessment. Investigators should record the evidence previously available, the defect identified by the court, subsequent evidence or examination, and its relevance to that defect. Such a record enables supervisors and competent reviewers to determine whether the renewed basis reflects a substantive change. Without comparison, substantial perfection may become a description of changes unrelated to the court's reasons.

For example, if the earlier basis failed to explain a particular person's connection to a flow of funds, a new order alone does not resolve the weakness. Review should focus on lawfully obtained information and its relationship to that person's alleged role. If the defect concerns an examination procedure, the corrective action should be assessed under the relevant procedural requirements. This example illustrates a method of scrutiny; it does not suggest that any single type of document invariably proves corruption.

Ritonga et al. (2025, pp. 101–102) discuss corruption as a predicate offence for money laundering and its relevance to tracing criminal proceeds. Their analysis provides context for the funds-flow example. Information about subsequent transactions should be examined for its connection to the suspected conduct and person under investigation. An expanded asset inquiry requires a substantive explanation so that legitimate development of the case can be distinguished from repetition of an uncorrected basis.

Supervisory review should examine the grounds for a decision as well as documentary completeness. Supervisors should assess the mandate, compliance with judicial correction, and justification for further action. If the same defect remains unresolved, the proposal

should be returned for correction. Internal supervision and judicial oversight operate at different levels. The former can prevent defects before action occurs; the latter provides review within the court's statutory jurisdiction.

Clear notification is another safeguard. Persons affected should receive information about their status and the grounds for action to the extent required by criminal procedure law. Explaining the relationship with earlier proceedings helps them determine how to exercise their defence rights. Transparency here concerns information for entitled persons and reasons available through lawful review. It does not require public disclosure of the entire investigative strategy.

Interagency records should use a consistent identity for the events being investigated. Order numbers may change, but the relationships among events, persons, and stages of case handling should remain traceable. Coordination can help determine whether a matter is distinct, represents legitimate development, or repeats the same subject matter. Access to information must respect each institution's powers and the protection of data within criminal proceedings.

Doloksaribu et al. (2025) identify difficulties in asset tracing and coordination in implementing the additional penalty requiring payment of replacement money (uang pengganti). Although their findings concern recovery following judgment, they illustrate the importance of continuity in case information. For repeated investigation orders, the relevant implication is to preserve the relationship between investigative grounds, asset-related evidence, and later action. Consistent records help prevent a renewed order from obscuring the case's history or the reasons for measures affecting assets.

Investigations that have not reached a decision should be assessed periodically. Review should examine progress in gathering evidence, reasons for continuing proceedings, and compliance with statutory time limits. This article does not recommend a universal numerical limit on investigation orders. Case complexity varies, and the number of documents does not measure investigative quality. A more defensible safeguard is to prevent repetition on an uncorrected basis and require an explanation of progress.

Implementation guidance must respect the hierarchy of legal norms. It may specify recording, review, coordination, and accountability within the issuing institution's powers. Restrictions affecting statutory rights or powers require a legal basis at the appropriate level. The replacement of the Criminal Procedure Code also requires assessment of older guidance for compatibility, so that historical references do not sustain practices contrary to current provisions.

The relevant measure of success is whether decisions can be traced and investigative action changes in response to judicial correction. Oversight that only adds forms may increase administrative burdens without resolving uncertainty. Documentation connecting evidence, the reasons for invalidation, and subsequent action provides a basis for assessing the renewed process. Safeguards should therefore produce reviewable explanations and decisions that affect how the case is handled.

Legal foundations and opportunities under the 2025 Criminal Procedure Code

Law No. 20 of 2025 provides a stronger statutory basis for oversight of investigative action. Article 158(a) places the legality of coercive measures within pretrial review, while Article 89 includes designation as a suspect among those measures. Article 158(e) also covers delay in case handling without lawful reasons. The Supreme Court's institutional explanation of these expanded grounds highlights oversight of both official action and the continuation of proceedings (Republic of Indonesia, 2025, Articles 89 and 158(a) and (e); Supreme Court of the Republic of Indonesia, 2026).

On that basis, this article argues that a documented comparison of investigative grounds could be adopted as a working procedure supporting review of a renewed suspect designation. Periodic assessment could also clarify the reasons for continuing proceedings in the context of oversight of unjustified delay. These connections are normative arguments advanced here. The cited provisions do not themselves prescribe a dedicated evidence-

comparison form, a numerical limit on orders, or disclosure of all investigative material to the public.

Implementation should distinguish an existing legal foundation from procedural detail that remains to be developed. Institutional guidance may address recording of the reasons for invalidation, correction of evidence, accountable approval, and notification, provided it complies with legislation. It cannot enlarge investigative powers, diminish the rights of persons examined, or narrow the scope of pretrial review. Oversight of progress can also serve victims, reporting persons, and the wider public by supporting accountable case handling.

The governing legal regime must still be determined under the transitional provisions, particularly Article 361 of Law No. 20 of 2025. The date of a new order alone does not determine the applicable procedural law without examination of the stage and history of the case. Decisions reviewing the 1981 Code remain relevant to understanding the development of procedural protection, but their application under the new regime must rest on the governing norms and the corresponding issue. Documentation should thus support compliance rather than automatically preserve earlier rules (Republic of Indonesia, 2025, Article 361).

Conclusion

Reissued investigation orders in corruption cases should be assessed by reference to statutory authority, case identity, the evidentiary basis, and procedural compliance. The number of orders is insufficient to determine legality. After pretrial invalidation of a suspect designation, the central question is the relationship between the court's reasons and the correction made. Administrative renewal does not necessarily demonstrate substantive improvement, and a particular correction may not resolve every defect.

Repetition without reviewable reasons may prolong uncertainty about legal status, reduce the effectiveness of judicial oversight, and permit disproportionate exercises of authority. These risks should be distinguished from automatic legal consequences. Invalidation of a suspect designation is not a judgment on the merits and does not, by itself, engage *ne bis in idem*. The lawfulness of subsequent acts requires specific examination of their grounds and procedures.

Recommended safeguards include recorded reasons for reissuance, comparison of evidentiary grounds, supervisory scrutiny, notification to entitled persons, coordination, and periodic review of progress. Prosecutorial working arrangements offer mechanisms for assignment, evaluation, and documentation that can be developed to respond to pretrial rulings. Under the 2025 Code, oversight of coercive measures and unjustified delay provides a foundation for such development; a dedicated comparative record remains a recommendation. Implementation must follow the relevant norms and transitional rules. These criteria enable continued investigation to be justified while giving practical effect to judicial correction and protecting legal certainty.

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