



PERMANENT MISSION OF THE
REPUBLIC OF INDONESIA TO THE UNITED NATIONS
WORLD TRADE ORGANIZATION (WTO)
AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No: 42/POL-II/III/2026

The Permanent Mission of the Republic of Indonesia to the United Nations, the World Trade Organization, and Other International Organizations in Geneva presents its compliments to the Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on the rights of persons with disabilities, Chair of the Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur on the situation of human rights defenders, and Special Rapporteur on the right to privacy and, with reference to the Joint Communication (Ref.: OL IDN 9/2025, dated 18 November 2025), has the honour to convey the response of the Government of the Republic of Indonesia, as attached herewith.

The response provides factual information and clarifications regarding to the concerns provided in the Joint Communication which were based on early legislative draft from March 2025 draft of the Criminal Procedure Code. Throughout the year, the Government of Indonesia conducted 130 consultations with civil society, experts, academics, and other stakeholders. Since then, the draft has undergone substantial revisions and was ultimately superseded by the adoption of Law Number 20 of 2025 on 17 December 2025.

The adoption of Law Number 20 of 2025 on Criminal Procedure Code marks the culmination of decades of legal reform in Indonesia, modernizing a 45-year-old procedural code enacted prior to the country's ratification to the ICCPR and reorienting it toward the promotion and protection of human rights. The new Code also codifies key Constitutional Court decisions that have interpreted and guided the implementation of the previous procedural law framework in line with Indonesia's Constitution, including its Fourth Amendment, which emphasizes fundamental human rights as one of the core pillars of the constitution.

The Permanent Mission requests the abovementioned mandate holders to ensure that their work is informed by updated information, available through open sources, and to pursue engagement with Indonesian authorities in a constructive and results-oriented manners.

Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers

Ms. Heba Hagrass, Special Rapporteur on the rights of persons with disabilities

Ms. Gabriella Citroni, Chair of the Working Group on Enforced or Involuntary Disappearances

Ms. Gina Paola Romero Rodríguez, Special Rapporteur on the rights to freedom of peaceful assembly and of association;

Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders

Ms. Ana Brian Nougères, Special Rapporteur on the right to privacy

The Permanent Mission of the Republic of Indonesia to the United Nations, the World Trade Organization, and Other International Organizations in Geneva, avails itself of this opportunity to renew to the Special Rapporteurs, the assurances of its highest consideration.

Geneva, March 2026



**Response of the Government of Indonesia
to the Joint Communication of the Special Procedures Mandate Holders
Ref.: OL IDN 9/2025 of 18 November 2025**

The Government of Indonesia wishes to clarify the analysis of 2025 Draft Criminal Procedure Code. While we take note of the recommendations, **we regret that the analysis appears to be based on an early legislative draft from March 2025 and therefore does not reflect the updated text of the Code as adopted.**

Since March 2025, the draft underwent extensive revision after more than 130 consultations with experts, civil society, and other stakeholders, resulting in numerous substantive changes.

Following this intensive legislative process, the draft was adopted on 17 December 2025 as Law Number 20 of 2025 on the Criminal Procedure Code (KUHAP/“the Code”). The Code has been in force since 2 January 2026.

The enacted KUHAP represents a landmark shift toward a more transparent and human-centric legal system. The Code explicitly embeds human rights principles at every stage of the legal process. Its formulation reflects a concerted effort to harmonize domestic legislation with Indonesia’s human rights obligations, notably in relation to eight of the nine core international human rights instruments ratified by Indonesia.

This framework is not just a legal document but a practical one. It balances international obligations with the unique characteristics of Indonesia - considering our archipelagic geography, our cultural diversity, and the operational capacities of our law enforcement and capacity budget.

1. Judicial oversight

The Code adopts a refined model of judicial scrutiny that strengthen existing oversight mechanisms over introduction of a new system. This approach reflects the need to preserve operational efficiency and prevent overlapping institutional authority, particularly in light of Indonesia’s specific geographic landscape and administrative complexities.

Rather than establishing new judicial bodies, the Code significantly reinforces the pretrial hearing (*pra peradilan*) framework - a domestic embodiment of the principle of habeas corpus.

Under the new Code, judicial oversight now extends to a wider range of coercive measures exercised by law enforcement, codifying important decision of the Constitutional Court to encompasses all coercive measures such as arrest, detention, suspect designation, searches, seizures, and interception. Additionally, the Code also empowers victims and complainants of a criminal case to challenge the termination of criminal proceedings through *pra peradilan*, ensuring accountability for investigative outcomes.

To safeguard legal certainty, the examination of a case’s merits is strictly suspended while *pra peradilan* motion are adjudicated. This pause ensures full

compliance with procedural law and prevents any premature consideration of substantive issues. By doing so, it reinforces due process and guarantees the protection of individuals' rights at the initial phase of the proceedings.

2. Safeguards in Arrest, Detention and Investigation

The Code establishes a robust safeguard governing law enforcement power, ensuring that all actions are grounded in objective, and statutory standards.

Unlike the observation made in the Joint Communication, the adopted Code mandates a maximum arrest period of 24 hours with no provision for extension, unless stipulated otherwise in other legislation. Suspect designation also requires the provision of a minimum of two valid evidences, mitigating the risk of arbitrary prosecution.

In alignment with Constitutional Court jurisprudence, searches, including digital forensics, and interceptions require prior authorization from the Head of the District Court. Urgent exceptions are strictly regulated and remain subject to subsequent judicial oversight to prevent the abuse of power.

3. The role of advocates and legal aid

The role of advocates is comprehensively addressed in a dedicated chapter of the Code. Advocates are formally recognized as law enforcement officers and are granted statutory protection from prosecution for actions performed in good faith during their professional duties.

Furthermore, previous restrictions on an advocate's right to express opinions outside the courtroom have been abolished. As stipulated in Article 150 of the Code, advocates are guaranteed the freedom to express opinions or make statements at any stage of court examination. This provision strengthens the transparency of the defence process and affirms the advocate's essential role in safeguarding fair trial rights.

The Code also imposes an affirmative obligation on state officials to inform all parties, such as suspects, defendants, victims and witnesses, of their right to legal representation at every procedural stage. Through these provisions, the Code ensures access to effective legal representation throughout the criminal justice process.

With regard to concerns about legal representation for crimes punishable by death penalty, Article 155 of the Code expressly provides that any suspect or defendant facing the death penalty, life imprisonment, or a sentence of 15 years or more must be assisted by an advocate at every stage of the proceedings. Where the suspect or defendant is unable to afford legal counsel, the State is obligated to appoint and provide one to ensure effective legal representation.

4. Public accountability and reporting mechanisms

To enhance public trust, the Code establishes dual mechanisms, namely internal and judicial mechanisms for addressing grievances related to investigative inaction or procedural irregularities.

Complainants may seek internal recourse by filing grievances with the superiors of investigating officers, a process linked to the sanctioning framework of the Criminal Code (KUHP).

In parallel, the *praperadilan* mechanism remains available to address delays or failures in case handling, thereby strengthening legal certainty for complainants and victims. Through the regulation of these two complementary mechanisms, legal certainty for victims and reporters is further strengthened.

5. Equal access to justice for person with disabilities

In line with the Convention on the Rights of Persons with Disabilities (CRPD), the Code transitions toward rights-based, non-discriminatory terminology, specifically adopting the terms 'mental disability and 'intellectual disability'.

The Code also introduces a dedicated chapter for procedural accommodations, ensuring that persons with disabilities can engage meaningfully in the legal process. This represents a proactive step by the Government of Indonesia to remove systemic barriers to justice.

Conclusion

The enactment of Law Number 20 of 2025 signals a profound paradigm shift in Indonesia's criminal justice system - transitioning toward a comprehensive due process and rights-based ~~mode~~ legislation. This reform underscores Indonesia's unwavering commitment to the international human rights instruments it has ratified.

The Government of Indonesia reaffirms its commitment and remain open to dialogue and continued cooperation in the shared mission of promoting and protecting human rights.

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