



Application of the Principle of Transparency in the Law Enforcement Process (Analysis of the Vina Cirebon Case)

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Abstract

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In 2016, the murder cases of Vina and Eky in Cirebon occurred, where both were victims of murder and abuse by a group of motorcycle gangs. The case revealed that 11 people were named as suspects, with eight of them receiving prison sentences. However, three other suspects are still on the wanted list. The public questioned the credibility of the police in handling this case. Transparency in law enforcement in Indonesia is essential, which means publicly accessible information about the processes and outcomes of government administration. This transparency also includes criminal investigations by the police who must issue an online notice of progress of investigation (SP2HP). However, there are eight types of information that are exempt from being confidential, including the identity of victims and witnesses. In the handling of Vina's case, the victim's family felt that they did not receive adequate transparency, as it was difficult to obtain information on the progress of the case and access to evidence such as Vina's cell phone. After eight years, the public demanded the arrest of DPOs, but the police announced that only one suspect was at large, leading to doubts and speculation in the community. In conclusion, applying the principle of transparency in law enforcement is crucial to achieving substantive justice. In Vina's case, the lack of transparency made the public doubt the credibility of law enforcement and complicated the resolution of the case. Law enforcers must adhere to established moral values and standard operating procedures (SOPs) to maintain institutional integrity and provide the information needed by the victim's family in accordance with their rights under the law.

Keywords: *Principles of Openness/Transparency, Law, Crime*

Abstrak

Pada tahun 2016, kasus pembunuhan Vina dan Eky di Cirebon terjadi, di mana keduanya menjadi korban pembunuhan dan penganiayaan oleh sekelompok geng motor. Kasus ini mengungkap bahwa 11 orang dijadikan tersangka, dengan delapan di antaranya menerima hukuman penjara. Namun, tiga tersangka lainnya masih dalam daftar pencarian orang (DPO). Masyarakat mempertanyakan kredibilitas kepolisian dalam menangani kasus ini. Transparansi dalam penegakan hukum di Indonesia sangat penting, yang berarti adanya keterbukaan informasi yang dapat diakses publik mengenai proses dan hasil dari administrasi pemerintahan. Transparansi ini juga mencakup penyelidikan kriminal oleh kepolisian yang harus mengeluarkan pemberitahuan online tentang perkembangan hasil penyelidikan (SP2HP). Namun, ada delapan jenis informasi yang pengecualiannya bersifat rahasia, termasuk identitas korban dan saksi. Dalam penanganan kasus Vina, keluarga korban merasa tidak mendapatkan transparansi yang memadai, karena sulitnya mendapatkan informasi perkembangan kasus dan akses terhadap barang bukti seperti ponsel Vina. Setelah delapan tahun, publik menuntut percepatan penangkapan DPO, namun kepolisian mengumumkan hanya satu tersangka yang buron, yang menimbulkan keraguan dan spekulasi di masyarakat. Kesimpulannya, penerapan prinsip transparansi dalam penegakan hukum sangat penting untuk mencapai keadilan substantif. Dalam kasus Vina, kurangnya transparansi membuat masyarakat meragukan kredibilitas penegak hukum dan memperumit penyelesaian kasus. Penegak hukum harus mematuhi nilai moral dan prosedur operasional standar (SOP) yang telah ditetapkan untuk menjaga integritas institusi dan memberikan informasi yang dibutuhkan oleh keluarga korban sesuai dengan hak mereka berdasarkan undang-undang.

Kata Kunci: *Asas Keterbukaan/Transparansi, Hukum, Pidana*

I. Introduction

In 2016 there was a murder case that claimed the lives of a beautiful girl named Vina and her boyfriend Eky, the beginning of this case was when Vina and Eky were found lying on a flyover or overpass in Kepongpongan Village, Talun District, Cirebon Regency. Initially the police thought that this case was a single accident case but after investigating there were several

irregularities so it was determined that this was a murder case not a traffic accident. After Vina's death, Linda, a close relative of Vina, became possessed. Vina's spirit told her what really happened, a couple was crossing the road when suddenly they were attacked by a group of motorcycle gangs that separated them. This is where the two were tortured and Vina also stated that she had been raped by the perpetrators. This incident left the couple dead, to eliminate the traces the perpetrators cleverly engineered the incident as if it was a traffic accident, the victim was placed on the flyover road. After the police investigated this case, 8 perpetrators were arrested, but the police had not managed to find the other 3 perpetrators. Eight years after this case, in 2024 this case was again discussed by the public again because the unresolved Vina case was made into a movie by a director named Anggy Umbara. He said that the purpose of making this movie was to remind how cruel the perpetrators were to the victims and he also hoped that there would be no more Vina Vina. The movie has also been approved by the victim's family¹.

On May 8, 2024, this film was released in all theaters in Indonesia. The title of this movie is "Vina: before 7 days" and has a horror genre. The synopsis of this movie is almost similar to the original incident, even the names of the characters are exactly the same as the original². As for the legal impact of this movie, the community together again wants to get clarity on the case. Moreover, it has previously been stated that 3 perpetrators are still DPOs. After this case was again busy, West Java POLDA managed to arrest 1 person named Pegi Setiawan who was suspected of being the perpetrator, together with that West Java POLDA also stated that the DPO which previously consisted of 3 people became 1 person. This is considered odd by some people. Where the community feels less confident that the arrested is really the perpetrator, and confused because the number of DPOs which all consisted of 3 people became 1 person.

Law undoubtedly develops following modernization (development of the times), as the times develop, technology is also growing rapidly. This has direct and indirect implications for the development of crimes that currently occur frequently. The existence of the rapid development of technology on the one hand is aimed at facilitating human life and life, but on the other hand has an impact on increasing the number of crimes using technology as a means by irresponsible people. However, in the process of law enforcement, technology should be an important tool that can help uphold the law materially so as to realize substantive justice³. Transparency in case resolution is often considered a sign of an effective judicial process; a goal that all law enforcement agencies must achieve to increase their legitimacy. Transparency does provide benefits for the legal order, transparency needs to be balanced with another goal, namely achieving justice⁴.

The Vina Cirebon case is now attracting a lot of public attention. The pressure is so great from the community towards the alignment of justice for the victims, namely Vina and Eky. Because of the discussion above, the author intends to look at the application of the principle of transparency in publicizing the ongoing law enforcement process and carried out by law enforcement officials in conducting investigations, to decisions by considering a sense of justice so that the escort of justice for victims becomes a concern for many parties, namely the community considering the high public attention to the case, this has become the public domain, especially the State of Indonesia is a Democratic country so that the public feels entitled to get the development of information about this case.

Participation from the general public is an essential component that must be taken into account during the legislative process. It is essential to the operation of laws in a country and includes

¹ Arfian Suryasuciramadhan Dkk, Framing Analysis of Film Coverage "Vina: Before 7 Days" On Online Media Cnnindonesia.Com And Detikjabar.Com, *Jurnal Ilmiah Multidisiplin*, Vol. 1, No. 5 June (2024): 154-159

² *Ibid*

³ Nessya Monica Larasati Putri dan Tundjung Herning Sitabuana, "Application of the Principle of Transparency in the Law Enforcement Process for the Creation of Equitable Law Enforcement", *Jurnal Sosial Humaniora*, Vol. 1, No. 1, Feb (2023): 3

⁴ Freya Baetens, Transparency Across International Courts and Tribunals, *Nordic Journal of International Law* 91 (2022) 595-636

the participation of society in the legislative process. This is particularly important in terms of the rule of law, the hierarchy of legal norms, and the operation of the law in its entirety⁵.

For the example, in International criminal proceedings are witnessing an increase in the use of digital sources of evidence at trial, and it is expected that digital evidence will shape the outcome of upcoming decisions of international criminal tribunals. Digital footage may arguably enhance the efficiency of international crimes investigations. However, the high expertise required to access, analyse, and assess digital materials may widen the gap between the prosecution and the defence, thus undermining fair trial rights⁶.

The application of the principle of transparency is very important in the law enforcement process because it involves unscrupulous members of the police. Thus, it should be guarded so that in the law enforcement process there is no intervention or pressure from any party on the ongoing legal process.

II. Research Problems

The problem formulations of this research are: (1) How important is the principle of transparency in Indonesian law; (2) How is the Implementation of transparency in the settlement process of the Vina Cirebon case?

III. Research Methods

The research method used in this research is a normative juridical approach. The normative juridical approach is a method based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this research. This approach is also known as a literature approach, namely by studying books, laws and regulations, and other documents related to this research.⁷

IV. Result and Discussion

1. Legal Transparency (Principle of Openness) in Indonesian Law

The murder cases of Vina and Eki in Cirebon occurred in 2016. At that time, both were victims of murder and persecution. A group of motorcycle gangs from Cirebon reportedly raped and killed Vina. They also persecuted Eki. Both victims then died. The bodies of Vina and Eki were found on the side of the road. At first, they were thought to be victims of an accident. However, this case was finally revealed. A total of 11 people were then named suspects. After undergoing trial, eight of them were sentenced by a judge. Seven people are serving life imprisonment. Meanwhile, one other person was sentenced to eight years and is now free. On the other hand, there are three other suspects who are on the wanted list (DPO). They are Pegi alias Perong, Andi, and Dani. With the current position of the case, the public doubts the credibility of the police in handling this case.

Transparency comes from the word transparant which means clear, real and open. The term transparency can be interpreted as clarity or openness of information. Transparency is a principle that guarantees access or freedom for everyone to obtain information about government administration, namely information about policies, the process of making and implementing them, and the results achieved⁸.

⁵ Dodi Jaya Wardana, Public Participation in the Law-Making Process in Indonesia, *Jurnal Media Hukum*, Vol. 30, No. 1, June 2023 : 66

⁶ María de Arcos, Digital evidence and fair trial rights at the International Criminal Court, Cambridge University Press on behalf of The Foundation of the *Leiden Journal of International Law* in association with the Grotius Centre for International Law, Leiden University, Volume 1 No.1 Mar (2023) : 1

⁷ Indah Rahmawati, "A juridical-normative analysis of the role and actions of telemarketing in digital transactions, *Jurnal Cakrawala Hukum*", Volume 11 No. 1 April (2020) : 61

⁸ Fadjar Trisakti dkk, "Transparency and the Public Interest, in *Dialectika Journal*", *Jurnal Ilmu Sosial*, Vol 19 No. 1 (2021): 32

Transparency or openness means an implementation carried out in a way or mechanism by following the rules or regulations set by an institution. Transparency can also mean that information relating to the institution must be easily and freely available and accessible to those affected by the policies carried out by an institution⁵. Transparency must be built within the framework of free flow of information, easy to access, and the information must be provided in an adequate and understandable manner so that it can be used as a monitoring and evaluation tool⁹.

Transparency is something that is real, clear, open and can be accounted for, the concept of transparency is needed and is required to be carried out in public institutions or institutions that have an interest in many people, this needs to be done as a form of initial supervision of every action that has been or will be taken by each particular institution¹⁰.

Transparency is also often interpreted by another phrase, namely, the principle of openness. The principle of openness itself is raised from the principle of democracy in the implementation of government which shows that the principle of democracy is not only implemented through the people's representatives, but also by every citizen in connection with government actions¹¹.

Transparency is the opposite of secrecy. In running a country, closedness will have an impact on abuse in the form of corruption, collusion and nepotism, or abbreviated as KKN, at all levels of government (executive, legislative and judicial). Two important things to eradicate KKN in Law Enforcement in Indonesia that must be built immediately are strengthening the law enforcement system to provide a deterrent effect and realizing the Indonesian government as an open and transparent government¹².

The substance of law is the rules, norms, laws and regulations that apply in society, and the real patterns of human behavior within the system. The substance of the law does not only concern the laws and regulations contained in the law books (law in books) or in this case, the Criminal Code and Criminal Procedure Code and their implementing regulations such as the National Police Chief Regulation and the Regulation of the Head of the Criminal Investigation Unit of the National Police Headquarters, but also the living law, including the "products" produced by the people in the system, such as the decisions they issue and the rules they formulate¹³.

Criminal investigations and investigations carried out by the Police must uphold transparency. Transparency or disclosure of information on investigations and investigations is by issuing an online Notification of Progress of Investigation Results (SP2HP), so that every reporter/victim can quickly find out where the progress of their case is handled by investigators. In addition, the public can quickly find out the progress of cases reported to the police¹⁴.

However, there is some information. There are eight types of investigation information that are exempt or confidential, including:

1. Information that may hinder the process of investigating and prosecuting criminal offenses;
2. Plans for the investigation and investigation of criminal offenses;
3. Information that may reveal the identity of victims, witnesses, and suspects who have not been caught;
4. Modus operandi of the crime;
5. Networks of criminals that have not yet been revealed;
6. Information that may jeopardize the safety of the investigator and/or his/her family;

⁹ Ridwan HR, *Hukum Administrative Law*, (Jakarta: PT Raja Grafindo Persada, 2011): 45-46

¹⁰ *Ibid*

¹¹ Philipus M. Hadjon dalam Paulus E. Lotulung, (ed). *Set of Papers on General Principles of Good Government*, (Citra Aditya Bakti, Bandung, 1994): 107

¹² *Koalisi Untuk Kebebasan Informasi, Melawan Ketertutupan Informasi*, (USAID dan The Asia Foundation, Jakarta, 2003): 211

¹³ Lawrence M. Friedman, *American Law An Introduction*, (Second Edition), diterjemahkan oleh Wishnu Basuki, *Hukum Amerika Sebuah Pengantar*, (Jakarta : Tata Nusa, 2001): 7

¹⁴ Pasal 5 Peraturan Kepala Kepolisian RI No Coalition for Freedom of Information, *Fighting the Information Blackout*. 21 Tahun 2011 tentang Sistem Informasi Penyidikan

7. Information that may jeopardize the equipment, facilities and/or infrastructure of Polri investigators; and
8. Information that may cause public unrest and concern¹⁵.

Public information disclosure plays an important role in efforts to realize guarantees of public access to information, a democratic state system, and good governance. With freedom of information, the public can control every step taken by the Government. To build good governance, open government is one of the foundations. Likewise in the court environment, as one of the public institutions the court also has an obligation to provide access and information to the public openly so that justice seekers, the public and the media can observe and monitor or criticize court processes and decisions. Transparency in the administration of justice is not only a public need but also a need for all members of the judiciary. With judicial transparency, there will be a gradual strengthening of accountability, professionalism and integrity of judicial officers¹⁶.

The police as part of the law enforcement apparatus has the task of ensuring the maintenance of security and order and the upholding of the rule of law. In essence, it is in the hands of the police that the law becomes concrete or experiences its realization in society. Police and society are two elements that need and depend on each other. No matter how simple the form of society always requires the existence of an institution that functions as a security and guardian of order. In modern society, this function is carried out by the National Police. The challenges of Polri's duties today are increasingly complicated because they are marked by the arrival of globalization and liberalization of the world economy. Globalization brings new civilizations and new political conflicts, giving rise to new forms of crime. All of this requires the role of the police not only.

President Jokowi has called for the case to be resolved transparently, "Ask the Chief of Police. I have said that the case should be guarded and transparent, open to all," Jokowi said when giving a statement after inspecting the Lawan Agung Market in South Sumatra on Thursday (30/5/2024) as quoted by an official statement¹⁷.

Head of Public Relations of the West Java Police Commissioner Jules Abraham Abast emphasized that the police will act transparently. "Regarding the opinion that is currently being built, we ask all citizens to refrain. We will work as well as possible, transparently. We will tell you in due time," Jules told Bandung-based journalist Yulia Saputra, who reports for BBC News Indonesia¹⁸. Obtaining information is a human right that constitutionally must be recognized, protected and fulfilled in the Indonesian State of Law, where the responsibility for its fulfillment lies with the Government. This is indeed one of the criminal principles of openness. The principle of openness encourages judicial proceedings to be conducted openly, unless there are clear reasons to maintain confidentiality or legitimate interests. Apart from being a principle in criminal law, the principle of openness must be applied as a consequence of a democratic state.

9. How is the Implementation of transparency in the settlement process of the Vina Cirebon case?

Investigations are carried out to seek and collect evidence which at the first stage must be able to provide confidence, although it is still temporary, to the public prosecutor about what actually happened or about what criminal acts have been committed and who the suspect is. The purpose of the investigation is to show who has committed a crime and provide evidence

¹⁵ *Ibid*

¹⁶ Ashfa Azkia, Penerapan *Reflexive Law* Dalam Efforts to Ensure Information Disclosure in the Court Environment, Jurnal, Lex Renaissance No. 2 Vol. 6 April (2021): 392

¹⁷ This Article has been published in Kompas.com dengan judul "Jokowi Minta Polri Transparan Usut Kasus "Vina Cirebon"", diakses dari (<https://nasional.kompas.com/read/2024/05/30/12471331/jokowi-minta-polri-transparan-usut-kasus-vina-cirebon>), accessed on 17 Juni 2024

¹⁸ BCC News Indonesia, Kasus Vina dan tuduhan kejanggalan di balik penyelidikan polisi - Polisi hapus dua nama DPO usai penangkapan terduga pelaku diakses dari (bbc.com), accessed on 17 Juni 2024

regarding the problem he has committed. To achieve this goal, the investigator will collect information with certain facts or events.¹⁹

Between investigation and investigation are two phases of action that form one. They are interrelated and complementary in order to complete the examination of a criminal event. However, in terms of several aspects, there are differences between the two actions²⁰.

- a) In terms of implementing officials, investigating officials consist of "all members" of the National Police. And basically the rank and authority are under the supervision of the investigator.
- b) His authority is very limited, only covering investigations or searching and finding data on an action suspected of being a criminal offense. Only in the event that an order has been received from the investigating officer, can the investigator take the actions referred to in Article 5 paragraph (1) letter b (arrest, prohibition from leaving the place, search of the place, search, confiscation, and so on).

After all the investigation processes are completed, the next stage is the investigation stage. Based on National Police Chief Regulation Number 6 of 2019 concerning Criminal Investigation Article 10 Paragraph (1) Criminal investigation activities consist of:

- a. investigation;
- b. commencement of investigation;
- c. forced effort;
- d. examination;
- e. determination of the suspect;
- f. filing;
- g. submission of case files
- h. submission of suspects and evidence; and
- i. termination of investigation.

The determination of a suspect according to Article 14 paragraph (2) begins when the SPDP is issued which contains the identity of the suspect. Then it is continued with Article 14 paragraph (3) which states that if the Investigator has not been able to determine the suspect, the suspect's identity does not need to be included in the SPDP²¹. The purpose of the investigation is to show who has committed a crime and provide evidence regarding the problem he has committed. To achieve this goal, the investigator will collect information with certain facts or events²².

The investigation process is a very important examination process to clarify a criminal offense. In the context of criminal law enforcement, the investigation efforts carried out by the Police are not only based on the completion of the filing, but are based on scientific values. Which is then applied in the investigation process through a series of processes called scientific investigation. This process is intended not only to be limited to the utilization of various kinds of supporting technologies, but also the application of various kinds of developments in legal theories in searching and finding evidence and legal facts. Law enforcement carried out by investigators can be said to be a model of "progressive investigation". And with the combination of the scientific investigation approach and progressive investigation, it is hoped that it can realize proportional, professional, and intellectual law enforcement²³.

The author in this case tries to analyze the application of the principle of transparency that should be carried out by the police, especially to the victim's family.

Since the investigation of the case (investigation and investigation) until the verdict, according to the statement of alm. Vina's family, alm. Vina's cellphone has not been allowed to be taken on the grounds that it is still needed as evidence. Whereas in this day and age, cellphones

¹⁹ M. Husein harun, *Investigators and Prosecutors in the Criminal Process*. (Jakarta :PT rineka cipta, 1991): 58

²⁰ M. Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP (penyelidikan dan Penuntutan)*, (Jakarta:Sinar Grafika, 2006): 109

²¹ *Ibid*

²² Jony Fauzur Rohmad Dkk, *Problematics of Criminal Investigation in the Issuance of Spdp to Establish a Person as a Suspect*, in the journal *Adil*, Jurnal Hukum Vol.12 No.2 Des (2021): 9

²³ Hartono, *Criminal Investigation and Law Enforcement Through a Progressive Law Approach* (Sinar Grafika, Jakarta,2010): 10

are a tool that can be a detection of things and activities carried out by the owner. But it seems that the family is very difficult to get the cellphone.

For 8 years, the police did not report the progress of the case to the family. As if there were no developments, even though the evidence and testimony of witnesses, as well as the eight other perpetrators who have been convicted before, can be said to be sufficient. So it is very inappropriate if the reason the police have difficulty arresting the 3 DPOs is because there is not enough evidence.

Then after the public intervention, where the public wanted the police to quickly arrest the other DPOs, the West Java Police actually announced that the Vina and Eky murder case only had one fugitive suspect, namely Pegi alias Perong, not three as previously reported. Finally, this problem has become quite complicated. Many public assumptions and even legal experts feel that there are several things that are covered up. Moreover, the police did not provide a blind reason why from 11 to 8, 8 to 9, even though the documents were so clear,"

Thus, of course the public again questions the decision of the West Java Police to remove two of the three fugitive suspects from the DPO list. So in this case, the police as the first line of defense to determine criminal offenses before proceeding to the prosecutor's office and to the court, should be serious in handling each case, so as not to injure the function of expediency and justice which is the principle of legal objectives. It should also be noted that Article 5 of Law Number 13 of 2006 concerning Witness and Victim Protection states the scope of victims' rights, one of which is to obtain information about the progress of the case. Therefore, the police should be able to provide information about the progress of the case to the victim's family.

V. Conclusion

The application of the principle of transparency in the law enforcement process is an important thing, especially in some cases that seize high public attention and receive special attention from the public so that in the process of investigation, prosecution investigation until the judge's decision can achieve substantive justice or true justice. The integrity and morals of law enforcement officers are the representation of an institution. Therefore, it is necessary for law enforcement officers to maintain moral values by implementing the code of ethics and standard operational procedures (SOP) that have been established in carrying out their duties.

In the discussion and research results regarding the application of the principle of openness (Transparency) in the process of solving the Cirebon Vina case, the author concludes that, the process of handling the Cirebon Vina case has not been optimal. As a result of the lack of transparency, this case became complicated, and the public doubted the credibility of law enforcement.

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