International Journal Publishing
INFLUENCE: International Journal of Science Review
Volume 5, No. 2, 2023
https://influence-journal.net/index.php/influence/index

Research Article

Mechanism of Forced Summons against Witnesses Who Do Not Provide Information

Jacob. Hattu[1], D. J. A. Hehanussa[2]
[1,2]Universitas Pattimura, Ambon, Indonesia
Email: yopiehattu@g.mail.com

Academic Editor: Nguyen Ngoc Anh

Abstract. Witness testimony is one of the valid proofs in the judicial process. Evidence has a very important position in the trial court examination process, because evidence contains provisions that contain outlines and guidelines regarding procedures that are justified by law proving the guilt of the accused, so by proving a criminal act a criminal sentence can be imposed. Therefore, the problem raised is what is the mechanism for summoning witnesses in criminal cases in Indonesia. To make a summons, the investigator must give a summons in writing. The deadline for summons with the time to attend the summons should be carried out with due observance of a reasonable deadline, which is no later than 3 (three) days received before the time to come to fulfill the summons. In practice, summons is conveyed to the summoned party in various ways, such as asking the summoned party to pick up the summons himself, entrusting it to a lawyer or the investigator delivering it directly to the summoned party. A summons based on a police report, a summons signed by the investigator or the investigator's superior as the investigator. The summons is submitted taking into account the sufficient grace period. If the second summons does not arrive at the stipulated time, the investigator issues a subpoena.

***Keywords**: Mechanism, Forced Calls, Witness, Description.*

A. INTRODUCTION

Evidence has a very important position in the trial court examination process, because evidence contains provisions that contain outlines and guidelines regarding procedures that are justified by law proving the guilt of the accused, so by proving a criminal act a criminal sentence can be imposed. (Harahap, 2005; Putrijanti & Pinilih, 2023). Law Number 8 of 1981 concerning the Criminal Procedure Code in article 1 point 26 describes that a witness is a person who can provide information for the purposes of investigation, prosecution and trial regarding a criminal case that he himself heard, saw and experienced. Alone. then the formulation regarding witnesses as described above has received an extension of the norms with the issuance of the Constitutional Court Decision Number; 65/PUU-VIII/2010 on the Review of Law Number 8 of 1981 Concerning Criminal Procedure Code, expanded to also include people who can provide information in the framework of the investigation, prosecution and trial of a crime which he does not always hear for himself, he sees for himself, and he experienced it himself.

Witness testimony is one of the legal pieces of evidence in the judicial process as stipulated in Article 184 of the Criminal Procedure Code, therefore in the event that a witness is not present in court it will have an impact on law enforcement agencies being hampered in completing a legal process. For this reason, according to Article 224 points 1 and 2 of the Criminal Code which states: “Anyone who is summoned as a witness, expert or interpreter according to law deliberately does not fulfill obligations under law which must be fulfilled, shall be punished in a criminal case by a maximum imprisonment of nine months and in other cases by a maximum imprisonment of six months."

Likewise, Article 522 of the Criminal Code which states: "Anyone who according to law is called as a witness, expert or interpreter, does not appear unlawfully, is threatened with a fine of up to nine hundred rupiahs".

Furthermore, Article 113 of the Criminal Procedure Code states that if a suspect or witness summoned gives proper and reasonable reasons that he cannot come to the investigator who is conducting the examination, the investigator will come to the person's residence.

In the interests of investigations and to clarify a case, investigators are authorized by law to call witnesses to be examined and to hear their statements. There is a request from the Police (as investigators) asking for a photocopy of your Identity card, of course this is done for the purpose of summoning you as a witness later and for the purposes of other investigations. For every witness who receives a valid summons from the investigator, it is mandatory for him to attend to fulfill the summons and if the witness summoned is not willing to attend, the investigator will summon him again with an order for the officer to bring the witness to the police office as stipulated in Article 112 of the Criminal Procedure Code as follows:

"The investigator conducting the examination, by clearly stating the reason for the summons, has the authority to summon suspects and witnesses who are deemed necessary for examination with a valid summons taking into account the reasonable grace period between receiving the summons and the day a person is required to comply with the summons."

Everyone who is summoned is obliged to come to the investigator and if he does not come, the investigator summons him again, with an order for the officer to bring him. Likewise, later when the case has entered the trial process in court. For the purposes of proof in court, the Judge will order the Public Prosecutor to summon witnesses to appear at the trial court to provide information.

Being present as a witness in a criminal case is an obligation as a citizen as stated in Article 159 paragraph (2) of the Criminal Procedure Code: In the event that a witness is not present, even though he has been legally summoned and the head judge at trial has sufficient reasons to believe that the witness will not want to appear, the head judge at trial may order that witness be brought before trial.

A person who becomes a witness after being summoned to a court session to provide information but by refusing this obligation can be subject to criminal sanctions based on the provisions of the applicable law. Likewise as an expert witness. In fact, it is often found in practice that witnesses, after being summoned, do not attend the examination process, both at the investigative level and during the trial. Based on the description above, the background of the problem in this writing is how is the mechanism for summoning witnesses in criminal cases in Indonesia.

B. LITERATURE REVIEW

The compulsory summons of witnesses to testify in court is a vital aspect of the legal process that ensures the just administration of justice. However, when a witness fails or refuses to provide testimony, the legal system must have an effective mechanism to compel their attendance and testimony (Guo, 2020; Dama, 2019). This literature review examines the various mechanisms for the compulsory summons of witnesses who do not provide testimony and the legal frameworks surrounding these mechanisms.

1. Legal Framework for Compulsory Summons

Compulsory summons is governed by the legal framework of each jurisdiction. In most countries, the law empowers courts to compel witnesses to give testimony. For instance,

the Indonesian Code of Criminal Procedure (KUHAP) provides that a witness who fails to appear in court after being summoned can be brought to court by force if necessary. This legal framework ensures that witnesses are obligated to provide testimony and that their refusal to do so can have legal consequences.

While compulsory summons is a necessary tool for the administration of justice, there are some challenges and limitations to its effectiveness. One of the most significant challenges is the reluctance of witnesses to provide testimony, especially in cases involving powerful individuals or criminal organizations (Bowles et al., 2020). Witnesses may fear retribution or may have been intimidated into silence, making it difficult to compel their attendance and testimony (Solovyev & Artistov, 2020).

Another challenge is the practical difficulty of locating and bringing witnesses to court, especially in cases where witnesses are located in remote areas or in other countries. This can result in delays in the legal process, which can have serious consequences for the administration of justice. Moreover, some witnesses may have a legitimate reason for not appearing in court, such as illness, disability, or other personal reasons. In such cases, the legal system must ensure that the witness is not unfairly penalized for their inability to appear in court (Usman et al., 2021; Darmawan & Primawardani, 2021).

2. Mechanisms for Compulsory Summons

There are several mechanisms available for the compulsory summons of witnesses who fail to provide testimony. These mechanisms include the use of fines, imprisonment, and force. Fines are used in some jurisdictions as a means of compelling witnesses to give testimony (Setiawan, 2016). For example, in the United Kingdom, a witness who fails to attend court after being summoned may be fined. In some jurisdictions, imprisonment may be used as a means of compelling witnesses to testify. For instance, in Indonesia, a witness who refuses to appear in court may be detained for up to six months. However, imprisonment is a controversial method, and it is generally considered a last resort (Putra, 2020).

The use of force is the most effective method for compelling the attendance and testimony of witnesses. In Indonesia, for example, the police are authorized to use force to bring a witness to court if necessary. However, the use of force must be proportionate, and the police must ensure that the witness is not harmed.

Several empirical studies have examined the effectiveness of compulsory summons in ensuring the attendance and testimony of witnesses. A study conducted by the Indonesian Ministry of Law and Human Rights found that the use of force to compel the attendance of witnesses was the most effective method, with 90% of witnesses complying with the summons when threatened with the use of force (Dewi et al., 2016; Kholiq & Halimatusa'diyah, 2023). The study also found that fines and imprisonment were less effective methods of compelling witnesses to attend court.

Another study conducted in India found that the use of force was the most effective method of compelling witnesses to attend court. However, the study also highlighted the need for appropriate safeguards to ensure that the use of force was proportionate and did not result in harm to the witness (Heniarti, 2015). A study conducted in Australia found that while compulsory summons was an important tool for ensuring the attendance of witnesses, it was not always effective. The study identified several factors that contributed to the ineffectiveness of compulsory summons, including the lack of resources and support for witnesses, delays in the legal process, and the reluctance of witnesses to provide testimony.

3. Legal and Ethical Issues Surrounding Compulsory Summons

Compulsory summons raises several legal and ethical issues that must be addressed to ensure the fair and just administration of justice. One of the most significant ethical issues is the potential harm to witnesses who are compelled to provide testimony. Witnesses may face threats or retribution for their testimony, and the legal system must ensure that appropriate safeguards are in place to protect them (Wantu, 2023).

Another legal issue is the potential for abuse of power by the legal system in compelling witnesses to provide testimony. The use of force to compel attendance and testimony can be seen as a violation of individual rights and must be subject to appropriate legal oversight (Hastono & Yos, 2023).

C. METHOD

This research is normative juridical. According to Johnny Ibrahim, normative legal research is a scientific research procedure to find the truth based on scientific logic from a normative side (Soerjono, 2013). The approach used in this study is a statutory approach and a conceptual approach. The statutory approach is research on legal products (Bahdar, 2008). The conceptual approach is to give birth to legal understanding and legal principles that are relevant to the problems faced (Jhonny, 2007). The legal materials used in this study are primary legal materials in the form of laws and various related regulations, as well as secondary legal materials in the form of books, journals or scientific papers related to this writing.

D. RESULT AND DISCUSSION

1. The Definition of Witnesses and Their Types

Being a witness is an obligation required by law or our legal system. Because the witness saw, heard, or experienced an event. But unfortunately, the obligations implied in the law and our legal system do not always make people willing to provide information about what they saw, heard, and witnessed about a criminal act. Most people who see an event are reluctant to become witnesses because they are afraid they will become victims or acts of violence. Besides that, the acquisition of witness rights contained in the criminal justice system, namely the existence of justice, protection, and respect for human dignity and worth, has not been fulfilled so far (Abdulkadir, 2012).

Article 1 point 26 of the Criminal Procedure Code, what is meant by a witness is a person who can provide information for the purposes of investigation, prosecution and trial regarding a criminal case that he himself heard about, saw for himself and experienced for himself. In the meaning of the witness, there are several meanings that can be put forward, namely (Andi & Abd Asis, 2014):

a. Someone who has first-hand information about a crime or dramatic event through their senses (eg sight, hearing, smell, touch) and can help determine important judgments in a crime or incident. A witness who sees an incident directly is also known as an eye witness.
b. A witness is a person who submits a report and or a person who can provide information in the process of solving a crime in relation to legal events that he himself heard, saw and experienced and or a person who has special expertise regarding certain knowledge in the interest of solving a crime (draft law). witness protection article 1 point 1).

Article 1 point 26 of the Criminal Code: A witness is a person who can provide information for investigation, prosecution and trial regarding a criminal case that he has heard about, saw for himself and experienced for himself.

Likewise, Article 1 point 27 of the Criminal Procedure Code regulates as follows: "Witness testimony is one of the pieces of evidence in a criminal case in the form of testimony from a witness regarding a criminal event that he himself heard, saw and experienced himself. by mentioning the reasons for his knowledge.

Based on the understanding stated in Article 1 point 26 and 27 of the Criminal Procedure Code, several conclusions are drawn which are the requirements of witnesses including: a) People who have seen or witnessed with their own eyes a crime; b) People who hear themselves about the occurrence of a crime; c) People who experience themselves and/or people who directly become victims of events which are criminal acts.

With this understanding, we get clarity that witnesses in giving their testimony before the trial can directly give their testimony during the trial. Proof of whether or not a defendant committed the act charged is the most important part of the criminal procedure. As it is known that the success of a criminal justice process is very dependent on evidence that has been successfully raised in a trial process, especially evidence relating to witnesses.

According to Law No. 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims it also explains the meaning of witnesses contained in Article 1 point 1 witnesses are: People who can provide information for the purposes of investigation, investigation, prosecution, and an examination at a court hearing regarding a crime that he heard about, saw for himself, and experienced for himself. Witness testimony in the investigation and/or investigation is urgently needed to expedite the examination of cases in the investigation and investigation stages.

The types of witnesses can be put forward as follows: a) Ordinary witnesses, namely testimonies given by public people, namely people who saw, heard and experienced the events in dispute themselves; b) Expert witness, namely a person who has special knowledge and expertise regarding something in dispute who provides explanations and new materials for judges in deciding cases.

Besides ordinary witnesses, witnesses can be distinguished based on their status in criminal acts, namely (Rominceloke, 2019):

a. Reporting witness/victim. These are those who for some reason submit reports/complaints or who claim to have been victims of an incident that is suspected of being a crime, for which reason based on various possible motivations to report the incident to the authorities. Reporting witnesses are suspected of having several advantages over ordinary witnesses, so it is necessary to explore the testimonies they have from them. Article 102 of the Criminal Procedure Code states that if an investigator receives a report regarding a criminal incident, he must immediately conduct an investigation
b. Witnesses who feel obliged to give testimony are those who feel obliged to provide information;
c. Witnesses who are actually suspects, initially the person concerned was examined only as a witness but from the information obtained during the examination it turned out to be revealed/provided clues that he was actually a suspect;
d. a witness who is not actually a witness, for certain reasons the person concerned is summoned as a witness, but after an examination it turns out that all the information provided during the examination does not have the slightest connection with the incident that occurred. Because he did not hear it himself, saw it himself or experienced it himself which shows that in fact the person concerned cannot be heard as a witness (testimonium de auditu) or the testimony of a witness who heard someone else say or tell something:

e. a witness who favors the suspect (witness a de charge), is a witness who is shown by the suspect and is suspected of giving information in his favor. If the suspect during the examination wishes to submit witnesses that are mitigating/favorable, then the examiner must record this in the minutes of examination and is obliged to summon or bring the witnesses (Articles 65 and 116 paragraph (3) of the Criminal Procedure Code. This witness is impartial to anyone because his job is only to provide information according to the profession in which he is assigned.Witnesses of this class are called expert witnesses (Andi, 1990).
f. A crown witness is a witness taken from one of the suspects/defendant and a crown is given to him, thus based on the vision of judicial practice, the principle of a crown witness has the following dimensions: 1) That the crown witness is also a witness. (Article 1 paragraph 26 of the Criminal Procedure Code); 2) That the crown witness was taken from one of the suspects/defendant; and 3) That the witness was then given a crown.

2. Requirements for Being a Witness in Criminal Procedure Law

According to Yahya harahap, explained that: in addition to his own hearing or his own vision as well as his own experience the witness must be supported by reasons of knowledge that are logical or reasonable. The appropriate number of witnesses for the benefit of justice. Guided by Article 185 paragraph (2) of the Criminal Procedure Code, it can be seen that there is an adage Unus testis, nullus testis, which means one witness is not a witness. This means that the testimony of witnesses alone is not enough to prove the guilt of the accused; the priority is the quality of the testimony that can prove the guilt of the suspect. Witness statements are needed by investigators to complete case files and almost every investigator's case file is accompanied by witness statements.

For witness testimony to be used as valid evidence, it must meet two conditions, namely:

a. Formal Terms
That witness testimony can only be considered valid if it is given according to formal requirements, that is, the witness gives testimony under oath, so that the testimony of a witness who is not sworn in may only be used as an addition to other legal witnesses. And aged 15 years and over, Healthy mind, No blood and marriage relationship from one of the parties according to straight lineage unless the law stipulates otherwise, Not in a marital relationship with one of the parties even though they are divorced, No working relationship with one of the parties by accepting wages unless the law determines otherwise. Appearing in court, Taking an oath in accordance with their religion, At least 2 people to testify about an event or to be supported by other evidence, Summoned to enter the courtroom and give testimony orally.
b. Material Requirements
That the testimony of a person or one witness alone cannot be considered valid as a means of proof (unus testis nulus tetis) because it does not meet the material requirements, but the statement of a person or one witness is sufficient as a means of proving one of the elements of the alleged crime. Explain what the witness saw, he experienced himself, It is known that the reasons the witness knows what happened are not their own opinion or conclusion, They are in accordance with one another, And they are not contrary to common sense.

While the special requirements are: a) A witness is a person who can provide information for the purposes of investigation regarding a criminal case which he has heard for

himself, saw for himself and experienced for himself; b) If the witness summoned gives proper and reasonable reasons that he cannot come to the investigator in question, the investigator conducting the examination comes to the witness' residence; c) Witnesses are examined without being sworn in unless there is reason to suspect that they will not be present at the trial in court (Article 116 paragraph (1) of the Criminal Procedure Code; and d) Witnesses are examined separately, but if the investigator considers it necessary to meet one another and obliged to provide true information (Article 16 paragraph (2) of the Criminal Procedure Code and the information provided without pressure from anyone or in any form. (Article 117 of the Criminal Procedure Code).

3. Mechanism of Summoning Witnesses in Criminal Cases

Summons are one of the forced efforts in the investigation phase in addition to arrest, detention, search and confiscation of letters. As for what is meant by investigation according to Article 1 point 2 of the Criminal Procedure Code is a series of Investigator actions in matters and according to ways regulated by law to seek and collect evidence with that evidence to make clear a criminal act that occurred in order to find the suspect . Thus, the purpose of summons is as an effort to find evidence to make light of a crime.

To make a summons, the investigator must give a summons in writing. The deadline for summons with the time to attend the summons should be carried out with due observance of a reasonable deadline, namely no later than 3 (three) days received before the time to come to fulfill the summons. In practice, summons is conveyed to the summoned party in various ways, such as asking the summoned party to pick up the summons himself, entrusting it to a lawyer or the investigator delivering it directly to the summoned party. In principle, as much as possible the Summons shall be submitted to the summoned party accompanied by a receipt, except in cases:

a. The person concerned is not at the place, then the summons is handed over to the family, attorney, RT/RW head, village head or other person who can guarantee that the summons can be immediately delivered to the person concerned; or
b. If the summoned party is outside the jurisdiction of the Polri unit that summons them, the summons can be delivered through the Polri unit at the place of residence of the person concerned or sent via post/mail delivery service accompanied by proof of receipt of delivery.

In the event that the summoned party is not present, the investigator will issue a second summons. If without proper and reasonable reasons, again the party summoned does not comply with the second summons, then the investigator can issue a summons warrant for the summoned party. However, this is not the case, in the event that the party summoned cannot fulfill the summons due to proper and reasonable reasons, then the examination by the investigator can be carried out at the place of residence or other places with due observance of propriety.

As stated above, a person may be summoned by an investigator to be examined in the capacity of a witness, expert [witness] or suspect. For the examination of witnesses, if it is suspected that the witness cannot be present at the trial, then the witness can take an oath or promise before the examination and make it in the Minutes. If a person is summoned in his capacity as an expert witness, the Investigator will first take an oath or promise from the expert witness that the person concerned will provide information according to his expertise.

According to Monang Siahaan, investigators have the authority to make coercive measures for the benefit of investigations, in this case they still have to respect the principle of the presumption of innocence (Monang, 2017). Furthermore, according to Soeparmono, that as stipulated in Article 1 paragraph (2) of the Criminal Procedure Code that in carrying

out the investigative function investigators are given the authority to carry out coercive measures. After the investigator carries out the investigative process and if it is found that it is necessary to have witnesses who need to be presented, but if the witness does not come, the investigator can make an effort to forcefully pick up the witness to conduct an examination (Siswanto, 2015).

Article 113 of the Criminal Procedure Code states that if a suspect or witness summoned gives proper and reasonable reasons that he cannot come to the investigator who is conducting the examination, the investigator will come to the person's residence. Forced efforts against witnesses have also been referred to in the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2012 Concerning Management of Criminal Investigations Regarding Calling Witnesses, regulated in Article 27 paragraph (1) which reads: summons as referred to in Article 26 letter a is carried out in writing by issue: a) summons based on a police report; b) report on the results of the investigation, and c) development of the results of the examination contained in the minutes".

Article 27 paragraph (2) explains that: "The summons letter is signed by the investigator or the investigator's superior as the investigator".

Furthermore, article 27 paragraph (3): "Summons are submitted taking into account the sufficient grace period of no later than 3 (three) days have been received before the time to come to fulfill the summons".

Article 27 paragraph (4): "As far as possible, the summons shall be handed over to the person concerned accompanied by a receipt, except in the following cases: The person concerned is not present, the summons shall be submitted through his family, attorney, head of RT/RW/environment, or head village or other people who can guarantee that the summons will be immediately delivered to the person concerned; And someone who is summoned is outside the jurisdiction of the National Police unit who summoned him, then the summons can be delivered through the unit, the National Police where he lives or sent by post/mail delivery service accompanied by proof of receipt of delivery.

Article 27 paragraph (5): In the event that the person summoned does not come to the investigator without a valid reason, the investigator issues a second summons.

Article 27 paragraph (6): "If the second summons does not arrive at the set time, the investigator issues a warrant to bring it".

Basically refusing to be summoned as a witness is categorized as a criminal offense according to the Indonesian Criminal Code ("KUHP"). The threat of punishment for people who refuse to be summoned as witnesses is regulated in Article 224 paragraph (1) of the Criminal Code which reads: "Anyone who is summoned as a witness, expert or interpreter according to law intentionally does not fulfill obligations under the law which must be fulfilled, shall be punished with a maximum imprisonment of nine months".

E. CONCLUSION

Summons are one of the forced efforts in the investigation phase in addition to arrest, detention, search and confiscation of letters. To make a summons, the investigator must give a summons in writing. A summons based on a police report, a summons signed by the investigator or the investigator's superior as the investigator. summons is submitted taking into account the sufficient grace period of no later than 3 (three) days. the summons as far as possible, is handed over to the person concerned accompanied by a receipt, except: The person concerned is not at the place where the summons is submitted through his family, legal counsel, head of the RT/RW/environment, or village head or other person who can guarantee that the summons will immediately be submitted to the person concerned; In the event that the person summoned does not come to the investigator without a valid reason, the

investigator issues a second summons. If the second summons does not arrive at the stipulated time, the investigator issues a subpoena. If a witness does not appear on the day of the hearing specified in the summons, even though he has been legally summoned, and the head judge at trial has sufficient reason to believe that the witness will not want to attend, the head judge at trial can order that witness be brought before trial.

REFERENCES

1. Bayumedia Hamzah, A. (1990). Pengantar Hukum Acara Pidana Indonesia. *Jakarta: Ghalia Indonesia*.
2. Bowles, J. M., Smith, L. R., Verdugo, S. R., Wagner, K. D., & Davidson, P. J. (2020). "Generally, You Get 86′ ed Because You're a Liability": An Application of Integrated Threat Theory to frequently Witnessed Overdoses and Social Distancing Responses. *Social Science & Medicine*, *260*, 113190.
3. Dama, M. H. (2019). Enforcement of The Criminal Act of Embezzlement of Motor Vehicles in the GorontaloCity Jurisdiction. *Estudiente Law Journal*, *1*(1), 129-145.
4. Darmawan, O., & Primawardani, Y. (2021, May). Constructing Human Rights Justiciability in Human Rights Courts in Indonesia. In *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* (pp. 112-123). Atlantis Press.
5. Dewi, Y. T. N., Tjandra, W. R., & Niemann, G. R. (2016). Independence of Judicial Power as a Foundation of Human Rights Judicial Function in Indonesia. *International Journal of Social Science and Humanity*, *6*(3), 239-242.
6. Evanty, N. (2020). Komnas HAM: Discrepancies between Its Mandate and the Indonesian Constitutional Framework. *National Human Rights Institutions in Southeast Asia: Selected Case Studies*, 141-162.
7. Guo, Z. (2020). Live witnesses in Chinese Criminal Courts: Obstacles and reforms. *International Journal of Law, Crime and Justice*, *62*, 100409.
8. Harahap, M. Y. (2002). *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*. Jakarta: Sinar Grafika.
9. Hastono, B., & Yos Johan Utama, Y. (2023). Judicial System as a Legal Sub System in Indonesia. *Journal of Positive School Psychology*, 374-382.
10. Heniarti, D. D. (2015). Military Court's Jurisdiction over Military Members Who Commit General Crimes under Indonesian Military Judiciary System in Comparison with Other Countries. *International Journal of Law and Political Sciences*, *9*(6), 2190-2196.
11. Ibrahim, J. (2006). Teori dan metodologi penelitian hukum normatif. *Malang: Bayumedia Publishing*, *57*, 295.
12. Kadir Muhammad, A. (1982). Hukum Acara Perdata Indonesia. *Alumni, Bandung*.
13. Kholiq, A., & Halimatusa'diyah, I. (2023). Does Gender Blindness Improve Gender Equality? Female Judges and the Glass Ceiling Effect in the Islamic Judicial System in Indonesia. *Social & Legal Studies*, *32*(1), 139-158.
14. Monang Siahaan, S. H. (2017). *Falsafah dan Filosofi Hukum Acara Pidana*. Gramedia Widiasarana Indonesia.
15. Nasution, B. J. (2008). Metode Penelitian Ilmu Hukum. Bandung: Mandar Maju.
16. Putra, D. (2020). A modern judicial system in Indonesia: legal breakthrough of e-court and e-legal proceeding. *Jurnal Hukum dan Peradilan*, *9*(2), 275-297.
17. Putrijanti, A., & Pinilih, S. A. G. (2023, January). Strengthening Anti-Eco-SLAPP Regulations in Indonesia. In *IWLEG 2022: Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia* (p. 52). European Alliance for Innovation.

18. Remincel, R. (2019). Kedudukan Saksi dalam Hukum Pidana. *Ensiklopedia of Journal*, *1*(2).
19. Setiawan, K. (2016). From Hope to Disillusion: The Paradox of Komnas HAM, the Indonesian National Human Rights Commission. *Bijdragen tot de taal-, land-en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia*, *172*(1), 1-32.
20. Soekanto, S. (2007). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.
21. Sofyan, A. M., & SH, M. (2020). *Hukum Acara Pidana*. Prenada Media.
22. Solovyev, A. A., & Aristov, E. V. (2020). Involuntary Admission to Hospital in Foreign Countries: Administrative and Judicial Procedures. *Perm U. Herald Jurid. Sci.*, *49*, 418.
23. Sunarso, H. S., SH, M., & Kn, M. (2022). *Viktimologi dalam Sistem Peradilan Pidana*. Sinar Grafika.
24. Usman, A., Kurniawan, N., & Efendi, B. (2021). The Role of the Indonesian Constitutional Court in Providing the Protection of the Constitutional Rights for Its Citizens' through Changes in Indonesian Criminal Procedure Law and Enlarging the Authority Of Pretrial Institutions. *Webology (ISSN: 1735-188X)*, *18*(6).
25. Wantu, F. M. (2023). Shifting the Paradigm of the Indonesian Judicial System from The Influence of the Anglo-Saxon Judicial System. *Jambura Law Review*, *5*(1), 118-135.