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Criminal Justice Administration in Uganda: Comparative Insights from Indonesia on Law Enforcement and Courts

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Abstract

The administration of criminal justice plays a crucial role in maintaining the rule of law and ensuring the protection of individual rights within a democratic society. Effective criminal justice systems rely on the coordinated functioning of key institutions, including law enforcement agencies, prosecutorial authorities, and the judiciary. This article examines criminal justice administration in Uganda through a comparative analysis with Indonesia, focusing on the institutional roles of law enforcement, prosecution, and judicial processes. The study adopts a normative and comparative legal research approach based on the analysis of constitutional provisions, statutory legislation, criminal procedure laws, and relevant scholarly literature from both jurisdictions. The research evaluates how legal frameworks and institutional arrangements influence the functioning of criminal justice systems. The findings indicate that although both Uganda and Indonesia have established legal structures intended to support due process and judicial accountability, challenges such as case backlog, limited institutional capacity, and coordination between criminal justice institutions continue to affect the efficiency of criminal justice administration. The study highlights the importance of institutional reforms aimed at strengthening coordination, transparency, and procedural effectiveness within criminal justice systems.

Keywords: Criminal Justice Administration; Law Enforcement; Prosecution; Comparative Criminal Justice; Uganda; Indonesia.

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INTRODUCTION

The administration of criminal justice represents one of the most important functions of the modern state. A well-functioning criminal justice system ensures the enforcement of criminal law, maintains public order, and protects the fundamental rights of individuals within society. Criminal justice administration generally involves the coordinated operation of three primary institutions: law enforcement agencies responsible for investigating crime, prosecutorial authorities responsible for initiating criminal proceedings, and judicial bodies responsible for adjudicating criminal cases. The effectiveness of these institutions determines the ability of a state to ensure fairness, accountability, and legal certainty within the criminal justice process (Budianto, 2019; Novelino & Budianto, 2025).

In Uganda, the criminal justice system is founded upon the Constitution of the Republic of Uganda (1995), which establishes the legal framework for the protection of fundamental rights, judicial independence, and the administration of justice. Article 28 of the Constitution guarantees the right to a fair hearing, while Article 120 establishes the office of the Director of Public Prosecutions (DPP) with the authority to institute criminal proceedings on behalf of the state (Riziq, 2025; Rochaeti dkk., 2023). The constitutional framework is further supported by several statutory instruments governing criminal justice institutions, including the Police Act, the Criminal Procedure Code Act, and the Trial on Indictments Act, which regulate criminal investigations, prosecutions, and judicial proceedings within the Ugandan legal system (Rahayuningsih & Pujiyono, 2023).

Several scholars have examined the relationship between criminal justice institutions and the effective administration of law within modern legal systems. Studies by Andrew Ashworth and Mike Redmayne emphasize that criminal justice systems operate through the interaction of investigative authorities, prosecutorial institutions, and judicial bodies, each performing distinct functions within the legal process. Comparative research on Southeast Asian legal systems by Simon Butt further highlights how institutional design and procedural regulation influence the effectiveness of criminal justice administration (M. dkk., 2023; Simanjuntak & Sibarani, 2024). Despite these contributions, relatively limited scholarship has examined criminal justice administration in Uganda through a comparative perspective with Indonesia, particularly with respect to the coordination between law enforcement, prosecution, and judicial processes.

In Uganda, reports have indicated persistent challenges related to delays in criminal trials, congestion in correctional facilities, and limited investigative resources within law enforcement

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agencies (Firmansyah dkk., 2025). Indonesia has also experienced challenges in criminal justice administration, including bureaucratic inefficiencies, institutional overlap between investigative and prosecutorial authorities, and concerns regarding corruption and accountability within law enforcement institutions. Comparative legal analysis provides a useful framework for understanding how different criminal justice systems respond to institutional and procedural challenges (Kosasih dkk., 2026). Through the examination of multiple jurisdictions, researchers can explore variations in institutional structures, assess the effectiveness of legal regulations, and identify practices that may contribute to improving justice administration (Purbowo dkk., 2025). Although Uganda and Indonesia developed within distinct legal and historical contexts, both countries experience similar challenges in the functioning of criminal justice institutions, particularly in relation to institutional coordination, procedural efficiency, and the strengthening of rule-of-law principles.

The criminal justice system in Uganda, involves several key institutions, including the Uganda Police Force, the Office of the Director of Public Prosecutions, and the Judiciary. The Uganda Police Force conducts criminal investigations under the authority of the Police Act, while the Director of Public Prosecutions exercises constitutional authority to institute criminal proceedings on behalf of the state. The judiciary, operating under constitutional and statutory provisions, is responsible for adjudicating criminal cases and ensuring that proceedings comply with principles of fair trial and due process. Additionally, comparable institutional structure exists in Indonesia, where criminal investigations are conducted by the Indonesian National Police, prosecutions are handled by the Prosecutor's Office (Kejaksaan), and criminal cases are adjudicated by the courts under the authority of the Supreme Court (Kurniawan dkk., 2024; Usada & Saputra, 2025). The procedural framework governing criminal proceedings is primarily regulated through the Indonesian Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana – KUHAP), which outlines the procedures for investigation, prosecution, and trial.

Examining these institutional arrangements from a comparative perspective offers valuable insights into how different legal systems structure and manage criminal justice administration. Accordingly, this article analyzes the organization and functioning of law enforcement, prosecutorial, and judicial processes in Uganda, drawing comparative lessons from Indonesia to highlight institutional strengths, weaknesses, and areas for potential reform.

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RESEARCH METHODOLOGY

This study employs a normative legal research approach combined with a comparative legal analysis in order to examine the administration of criminal justice in Uganda and to assess institutional practices through comparison with Indonesia (Zaenudin dkk., 2025). Normative legal research focuses on the analysis of legal norms, statutory provisions, and doctrinal principles governing criminal justice institutions. Through this approach, the study evaluates how the legal framework regulates the roles and responsibilities of law enforcement agencies, prosecutorial authorities, and judicial bodies within the criminal justice system. Normative analysis is particularly appropriate in legal scholarship because it allows researchers to interpret legislation (Purwani, 2019), judicial decisions, and constitutional provisions that shape the functioning of legal institutions.

In addition to normative analysis, this research adopts a comparative legal method to identify similarities and differences between the criminal justice systems of Uganda and Indonesia. Comparative legal analysis enables the systematic examination of how different jurisdictions structure their institutions, regulate criminal procedure, and address challenges relating to institutional coordination and procedural efficiency (Purwani, 2019; Yahman, 2024). By comparing these two jurisdictions, the study aims to identify institutional practices and regulatory approaches that may contribute to improving the effectiveness of criminal justice administration.

The research relies on three categories of legal materials. Primary legal materials consist of constitutional provisions, statutory legislation, and judicial decisions that regulate criminal justice institutions. In the Ugandan context, these materials include the Constitution of the Republic of Uganda 1995, the Criminal Procedure Code Act, the Police Act, and the Judicature Act, which collectively establish the legal framework governing criminal investigations, prosecutions, and judicial proceedings. In the Indonesian context, primary sources include the Constitution of the Republic of Indonesia 1945, Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), Law No. 2 of 2002 concerning the Indonesian National Police, and Law No. 16 of 2004 concerning the Prosecutor's Office (Rofiq dkk., 2019).

Secondary legal materials consist of scholarly sources such as academic journal articles, legal textbooks, and analytical commentaries discussing criminal justice administration, institutional governance, and comparative criminal justice systems. These materials provide theoretical perspectives and critical analyses that support the interpretation of legal norms and

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institutional practices. Relevant works by scholars including Andrew Ashworth and Simon Butt are used to contextualize the functioning of criminal justice institutions within broader discussions of criminal procedure and rule-of-law governance (Pakpahan, 2025).

Finally, tertiary legal materials, including legal dictionaries, institutional reports, and official publications from justice sector institutions, are used to clarify legal terminology and provide supplementary contextual information. Through the systematic analysis of these legal materials, the study evaluates the institutional structure and regulatory framework governing criminal justice administration in Uganda and Indonesia in order to identify key challenges, institutional differences, and potential avenues for improving the effectiveness of criminal justice systems in both jurisdictions.

DISCUSSION

Structure of Criminal Justice Administration in Uganda

The administration of criminal justice in Uganda is founded upon a constitutional and statutory framework that regulates the functioning of key institutions responsible for maintaining law and order. The Constitution of the Republic of Uganda (1995) establishes the fundamental legal basis for the criminal justice system by guaranteeing the right to a fair hearing and providing for the independence of the judiciary. Article 28 of the Constitution affirms the right to a fair trial, while Article 120 establishes the Office of the Director of Public Prosecutions with authority to institute criminal proceedings on behalf of the state. These constitutional provisions are supported by several statutory instruments that define the operational responsibilities of law enforcement agencies, prosecutorial authorities, and the courts. The significance of this framework lies in its role as a safeguard against abuse of power and arbitrariness, ensuring that citizens' fundamental rights are respected while maintaining law and order (Manurung dkk., 2025).

Law enforcement functions in Uganda are primarily exercised by the Uganda Police Force, which operates under the Police Act (Cap. 303). The police are responsible for crime prevention, investigation of criminal offences, and the maintenance of public order. Investigative procedures and the conduct of criminal proceedings are further regulated by the Criminal Procedure Code Act (Cap. 116), which provides the procedural framework governing arrest, investigation, and prosecution of criminal offences. In addition, the Trial on Indictments Act regulates the trial of serious criminal offences before the High Court, particularly offences such as murder, treason,

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and other indictable crimes (Baskoro dkk., 2018). The operational clarity provided by these statutes is significant because it enhances consistency in law enforcement and protects against procedural irregularities that could undermine public trust in the justice system (Haryono dkk., 2023).

The prosecutorial function within Uganda's criminal justice system is exercised by the Office of the Director of Public Prosecutions (DPP), an independent constitutional office mandated to institute, take over, or discontinue criminal proceedings. The constitutional authority of the DPP plays a crucial role in ensuring that criminal prosecutions are conducted in accordance with legal standards and principles of fairness. Scholars have noted that the independence of prosecutorial authorities is an essential element in safeguarding the integrity of criminal justice systems and preventing political interference in criminal proceedings. Such independence is crucial as it strengthens the integrity of the justice system, assuring the public that prosecutions are conducted fairly, impartially, and without political interference (Haryono dkk., 2023).

The judiciary forms the final institutional pillar of the criminal justice system. The judicial structure in Uganda is regulated by the Judicature Act (Cap. 13), which establishes the hierarchy of courts including Magistrates' Courts, the High Court, the Court of Appeal, and the Supreme Court (Kirunda dkk., 2024). These courts exercise judicial authority in criminal matters and ensure that criminal trials comply with constitutional safeguards and procedural fairness.

Judicial interpretation has also played an important role in shaping criminal justice administration in Uganda. For example, in Uganda v. Col (Rtd) Dr. Kizza Besigye (High Court Criminal Case No. 955 of 2005), the court addressed issues relating to the application of treason charges and the procedural conduct of criminal proceedings. The case attracted significant legal attention because it raised questions concerning prosecutorial discretion, fair trial guarantees, and the relationship between criminal prosecution and political processes. Similarly, in Attorney General v. Susan Kigula & 417 Others (Constitutional Appeal No. 3 of 2006), the Supreme Court examined the constitutionality of mandatory death sentences, holding that mandatory capital punishment violated constitutional principles relating to fair trial and human dignity.[9] This landmark decision significantly influenced criminal sentencing practices and strengthened constitutional protections within Uganda's criminal justice system. These judicial rulings are significant because they shape the law, strengthen human rights safeguards, and establish precedents that inform future legal and policy developments in Uganda (Oppenheimer, 2005).

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Law Enforcement Institutions in Criminal Justice Administration: Uganda and Indonesia

Law enforcement institutions constitute the first operational stage of the criminal justice process, as they are responsible for the investigation of criminal offences and the preservation of public order. In Uganda, this responsibility is primarily exercised by the Uganda Police Force, whose mandate is established under the Police Act (Cap. 303) (Kirunda dkk., 2024). The Act assigns the police duties such as crime prevention, investigation of offences, and enforcement of the law. These investigative powers must be exercised within the procedural framework established by the Criminal Procedure Code Act (Cap. 116) and the constitutional protections provided under Articles 23 and 28 of the Constitution of the Republic of Uganda (1995), which guarantee personal liberty and the right to a fair hearing.

Despite this legal framework, the practical operation of law enforcement institutions in Uganda has frequently been subject to criticism, particularly in relation to unlawful detention, excessive use of force, and failures in investigative procedures. One notable example is Uganda v. Robert Ssekabira & 10 Others (High Court Criminal Case No. 32 of 2009), where the court found that suspects had been subjected to prolonged detention without trial, raising concerns regarding violations of constitutional safeguards relating to personal liberty. The case highlighted systemic weaknesses in investigative processes and the failure of law enforcement authorities to comply with procedural standards required under criminal procedure law (Faisal dkk., 2024).

Comparable challenges have also been observed within Indonesia's criminal justice system. The Indonesian National Police, whose authority is regulated under Law No. 2 of 2002 on the Indonesian National Police, are responsible for criminal investigations and law enforcement activities. Investigative procedures are governed by Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), which establishes procedural safeguards relating to arrest, detention, and the rights of suspects during criminal investigations. Nevertheless, the Indonesian criminal justice system has also faced criticism regarding investigative practices and the protection of due process rights. A widely discussed example is the case of Basuki Tjahaja Purnama (Ahok) (North Jakarta District Court Decision No. 1537/Pid.B/2016/PN.Jkt.Utr, 2017) (Sikumbang & Sara, 2025). The former Governor of Jakarta was convicted of blasphemy following a police investigation that drew significant international scrutiny. Critics argued that the investigative and prosecutorial processes were influenced by strong public and political pressures, raising concerns about the neutrality of

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law enforcement authorities and the protection of minority rights within the criminal justice system (Sari dkk., 2024).

These cases from Uganda and Indonesia demonstrate that the existence of formal legal frameworks alone does not guarantee effective or impartial law enforcement practices. Although both countries maintain statutory provisions regulating investigative authority and procedural safeguards, practical challenges such as political influence, institutional capacity limitations, and procedural irregularities continue to affect the credibility and effectiveness of law enforcement institutions. Strengthening investigative accountability, improving institutional independence, and ensuring adherence to constitutional safeguards therefore remain essential for enhancing the administration of criminal justice in both jurisdictions.

Prosecutorial Authority in Criminal Justice Administration: Uganda and Indonesia

Prosecutorial institutions occupy a central position within the criminal justice system because they determine whether criminal investigations initiated by law enforcement agencies proceed to formal prosecution before the courts. In Uganda, prosecutorial authority is constitutionally vested in the Office of the Director of Public Prosecutions (DPP) under Article 120 of the Constitution of the Republic of Uganda (1995). The DPP is empowered to institute criminal proceedings on behalf of the state, take over proceedings initiated by other authorities, and discontinue criminal prosecutions through the exercise of prosecutorial discretion. This constitutional mandate is further supported by procedural legislation such as the Criminal Procedure Code Act (Cap. 116) and the Trial on Indictments Act, which regulate the conduct of criminal prosecutions before Ugandan courts (Pangaribuan, 2025).

The independence of the prosecutorial authority is considered essential for ensuring fairness within the criminal justice system. However, scholars have argued that the exercise of prosecutorial discretion in Uganda has occasionally raised concerns regarding delays in prosecution, selective enforcement, and the influence of political considerations in high-profile cases. One example that attracted criticism in relation to prosecutorial conduct is Uganda v. Amon Mwesigwa & Others (2013), where delays in the prosecution process resulted in extended pre-trial detention for several defendants (Ghoni & Setiyono, 2024). Legal observers noted that prolonged delays in initiating or concluding prosecutions can undermine the constitutional right to a fair and timely trial, particularly when suspects remain in detention for extended periods

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before their cases are heard. Such situations illustrate the importance of prosecutorial efficiency in maintaining public confidence in the justice system (Haryadi & Husna, 2021).

In Indonesia, the prosecutorial function is carried out by the Prosecutor's Office of the Republic of Indonesia (Kejaksaan Republik Indonesia), whose authority is regulated under Law No. 16 of 2004 on the Prosecutor's Office. The Prosecutor's Office is responsible for conducting criminal prosecutions, executing court decisions, and representing the state in certain legal proceedings. The procedural framework governing criminal prosecution is primarily established by Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), which outlines the legal procedures for prosecution, trial preparation, and the presentation of evidence in criminal cases.[7] Despite these legal provisions, Indonesia has also experienced controversy regarding prosecutorial practices and the fairness of criminal proceedings. A notable example is the Jessica Kumala Wongso cyanide case (Supreme Court Decision No. 498 K/Pid/2017), in which the defendant was convicted of murdering her friend using cyanide-laced coffee (Oppenheimer, 2005).

The case generated widespread debate among legal scholars and forensic experts, with some critics arguing that the prosecution relied heavily on circumstantial evidence and that the evidentiary basis of the conviction was insufficient. Concerns were raised regarding the quality of forensic investigation and the role of expert testimony in the prosecution's case, prompting broader discussions about evidentiary standards within Indonesia's criminal justice system (Safik & Billah, 2025). These examples underscore that the independence, efficiency, and adherence to procedural standards by prosecutorial authorities are crucial for ensuring fair trials, maintaining public confidence, and upholding the overall integrity of the criminal justice system in both Uganda and Indonesia.

Judicial Processes in Criminal Justice Administration: Uganda and Indonesia

The judiciary constitutes a fundamental pillar of the criminal justice system because it is responsible for interpreting the law, adjudicating criminal disputes, and ensuring that justice is administered in accordance with constitutional principles. In Uganda, the judicial system derives its authority from the Constitution of the Republic of Uganda (1995), particularly Articles 126–142, which establish the structure, independence, and functions of the courts. These constitutional provisions are complemented by statutory legislation such as the Judicature Act (Cap. 13) and the Criminal Procedure Code Act (Cap. 116), which regulate criminal trials and

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judicial procedures (Kasiyati, 2020). Under this framework, criminal cases may be heard in several levels of courts, including the Magistrates' Courts, the High Court, the Court of Appeal, and ultimately the Supreme Court.

The criminal adjudication process has occasionally faced criticism relating to procedural delays, judicial discretion, and limitations in safeguarding the rights of accused persons. One frequently cited case in discussions concerning the administration of justice is Uganda v. Thomas Kwoyelo, which involved the prosecution of a former commander of the Lord's Resistance Army (LRA). The proceedings began in 2011 before the International Crimes Division of the High Court. However, the case became highly controversial when the Constitutional Court ruled that the accused was entitled to amnesty under the Amnesty Act (2000), effectively halting the prosecution (Hasuri, 2019; Purwanto dkk., 2025). The decision was later overturned by the Supreme Court, which permitted the trial to proceed. The prolonged litigation process surrounding the issue of amnesty raised concerns among legal scholars regarding the consistency of judicial interpretation and the lengthy delays that can occur in complex criminal proceedings.

In Indonesia, judicial authority is similarly grounded in constitutional provisions. The Constitution of the Republic of Indonesia 1945, particularly Article 24, establishes the independence of the judiciary and mandates that judicial power be exercised by the Supreme Court and subordinate courts, as well as the Constitutional Court. Criminal trials in Indonesia are primarily governed by Law No. 8 of 1981 on the Criminal Procedure Code, which outlines procedural safeguards such as the presumption of innocence, the right to legal representation, and the requirement that criminal convictions be based on sufficient evidence presented before the court (Marzuki, 2023; Nurhadi dkk., 2025). Despite these legal safeguards, Indonesia has also experienced cases that generated significant criticism concerning judicial decision-making and fairness in criminal proceedings.

One prominent example is Baiq Nuril Maknun v. Public Prosecutor, a case involving a school administrator who recorded a conversation in which her superior allegedly made inappropriate remarks, although the recording was initially intended to provide evidence of harassment, Nuril was prosecuted under the Electronic Information and Transactions Law (Law No. 11 of 2008) for distributing electronic content deemed offensive. In 2018, the Supreme Court overturned an earlier acquittal and sentenced her to imprisonment and a fine. The ruling generated widespread criticism from legal scholars and civil society organizations, who argued that the decision demonstrated a problematic application of cyber legislation that failed to

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adequately protect victims of harassment. The controversy ultimately led to the granting of presidential amnesty in 2019.

These cases demonstrate that, although Uganda and Indonesia have established constitutional guarantees of judicial independence and procedural fairness, the practical operation of judicial processes may still encounter significant challenges. Issues such as prolonged litigation, controversial interpretations of criminal statutes, and inconsistencies in judicial outcomes can influence public perceptions of justice and the credibility of the courts. Strengthening judicial accountability, improving procedural efficiency, and ensuring consistent application of legal standards therefore remain essential for enhancing the effectiveness of criminal justice administration in both jurisdictions.

Comparative Analysis of Criminal Justice Administration in Uganda and Indonesia

A comparative analysis of criminal justice administration in Uganda and Indonesia demonstrates that, while both countries maintain formal legal frameworks intended to safeguard due process and institutional accountability, the practical organization of law enforcement, prosecution, and judicial oversight reveals notable differences in institutional design and operational priorities. Examining these differences allows for a clearer understanding of how each jurisdiction addresses challenges within its criminal justice system and where institutional gaps may exist (Lubis, 2025).

In Uganda, the authority to prosecute criminal offences is constitutionally vested in the Director of Public Prosecutions under Article 120 of the Constitution of the Republic of Uganda (1995). The DPP operates independently of other governmental bodies and retains discretion to initiate, continue, or discontinue criminal proceedings. However, the Ugandan prosecutorial system largely relies on the cooperation of police investigators for the preparation of criminal cases, which sometimes creates procedural delays when investigative files are incomplete or insufficiently prepared. In Indonesia, prosecutorial authority is exercised by the Kejaksaan Republik Indonesia, whose functions are regulated under Law No. 16 of 2004 on the Prosecutor's Office (Mansar, 2022). Unlike Uganda, Indonesian prosecutors are more directly involved in supervising investigations during certain stages of criminal proceedings, particularly in cases involving corruption or economic crimes. This procedural arrangement allows prosecutors to influence investigative strategy earlier in the process, which may enhance evidentiary preparation before cases reach the courts.

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Another, major point of divergence concerns the institutional structure of law enforcement and investigative authority. In Uganda, criminal investigations are primarily conducted by the Uganda Police Force under the authority of the Police Act (Cap. 303), with investigative outcomes subsequently reviewed by the Office of the Director of Public Prosecutions before formal charges are filed in court. Although this system provides prosecutorial oversight of police investigations, the investigative process remains largely centralized within the police institution. By contrast, Indonesia has developed a more diversified investigative structure that includes specialized agencies responsible for investigating particular categories of crime. In addition to the Indonesian National Police, the Corruption Eradication Commission (KPK) plays an independent investigative and prosecutorial role in corruption cases. The presence of a specialized anti-corruption institution has significantly strengthened Indonesia's capacity to investigate complex corruption offences, a feature that is less developed within Uganda's criminal justice framework (Utami dkk., 2024).

Judicial administration also presents notable differences between the two jurisdictions. Uganda operates within a judicial structure derived from the common law tradition, where courts rely significantly on judicial precedent in interpreting criminal statutes. The judiciary is organized hierarchically under the Judicature Act (Cap. 13) and the Constitution of the Republic of Uganda (1995), which establish the High Court, Court of Appeal, and Supreme Court as key adjudicative institutions. Indonesia, on the other hand, follows a civil law tradition in which statutory legislation plays a more dominant role in guiding judicial decisions. Judicial authority is constitutionally guaranteed under the Constitution of the Republic of Indonesia 1945, and criminal procedures are regulated by Law No. 8 of 1981 on the Criminal Procedure Code. While both systems aim to preserve judicial independence, Indonesia has introduced specialized courts, such as corruption courts, to address particular categories of criminal offences. Uganda has begun to adopt similar institutional innovations, such as the International Crimes Division of the High Court, but specialized judicial mechanisms remain relatively limited compared with Indonesia's model (Napitupulu & Firmansyah, 2022).

Indonesia's establishment of the Corruption Eradication Commission (KPK) represents one of the most prominent anti-corruption initiatives within Southeast Asia. The commission possesses authority to investigate, prosecute, and monitor corruption cases involving public officials, thereby operating as a specialized institution designed to strengthen accountability in public administration. Uganda has similarly introduced anti-corruption mechanisms, including

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the Inspectorate of Government and the Anti-Corruption Division of the High Court. However, these institutions generally possess more limited investigative autonomy compared with the Indonesian anti-corruption commission. As a result, the institutional capacity to investigate high-level corruption offences differs significantly between the two jurisdictions (Napitupulu & Firmansyah, 2022).

Despite these structural differences, Uganda and Indonesia face comparable systemic challenges, including case backlog, prolonged criminal proceedings, and resource limitations within justice institutions. These issues often affect the efficiency of criminal adjudication and may undermine public confidence in the justice system. Nevertheless, the comparative perspective illustrates that institutional innovations implemented in one jurisdiction may offer useful lessons for reform in the other. In particular, Indonesia's experience with specialized investigative bodies and dedicated anti-corruption courts provides an example of institutional mechanisms that could potentially strengthen accountability and investigative capacity within Uganda's criminal justice framework. Uganda and Indonesia are shaped not only by constitutional and statutory provisions but also by institutional arrangements that influence how criminal investigations, prosecutions, and judicial proceedings are conducted in practice. Understanding these institutional contrasts provides valuable insight into the strengths and limitations of each system and highlights potential pathways for improving the effectiveness and credibility of criminal justice administration in both countries (Sufriadi, 2023).

Institutional Challenges and Reform Prospects in Criminal Justice Administration

Despite the existence of constitutional safeguards and statutory frameworks regulating criminal justice administration, Uganda continues to face several institutional challenges affecting the effective operation of the criminal justice system. These challenges are particularly visible in the areas of prolonged pre-trial detention, investigative inefficiencies, limited judicial capacity, and weak coordination between criminal justice institutions. Although the Constitution of the Republic of Uganda (1995) provides clear protections relating to personal liberty and fair trial rights, the practical enforcement of these guarantees has frequently encountered structural limitations within the justice sector (Saputra dkk., 2023).

One of the most persistent concerns within Uganda's criminal justice system is the continued occurrence of prolonged detention without trial. Article 23 of the Constitution guarantees the right to personal liberty and requires that any person arrested or detained must

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be brought before a competent court within forty-eight hours. Article 28 guarantees the right to a fair, speedy, and public hearing before an independent and impartial court. In practice, however, a significant number of accused persons remain in detention for extended periods before their cases are concluded, largely due to delays in investigations, case backlog in the courts, and resource constraints within prosecutorial institutions (Manery & Mantaiborbir, 2025).

In Uganda Law Society v Attorney General, the Constitutional Court considered allegations that security agencies were detaining individuals in unofficial "safe houses" without formally charging them or granting access to legal counsel. The Court held that such practices violated constitutional guarantees relating to personal liberty and due process, emphasizing that detaining suspects outside legally recognized facilities undermines the rule of law and circumvents established criminal procedure safeguards.

Similar concerns arose in Dr. Stella Nyanzi v Uganda, where academic and activist Stella Nyanzi was arrested and detained on charges of offensive communication under the Computer Misuse Act (2011). The prosecution generated significant debate among legal scholars and civil society organizations regarding the interpretation of cybercrime legislation and the proportionality of criminal sanctions in politically sensitive contexts. Critics argued that the case also raised broader constitutional questions concerning freedom of expression and the potential use of criminal law as a mechanism to restrict dissenting opinions. Indonesia has attempted to introduce procedural safeguards intended to provide earlier judicial oversight of investigative actions. Under Law No. 8 of 1981 on the Criminal Procedure Code, suspects may challenge the legality of arrest or detention through a pre-trial review procedure known as praperadilan. This mechanism allows courts to examine whether law enforcement authorities have complied with procedural requirements during investigations (Saputra dkk., 2023). The mechanism gained national attention in Commissioner General Budi Gunawan v Corruption Eradication Commission, where the South Jakarta District Court reviewed the legality of the suspect designation issued by the Corruption Eradication Commission. Although controversial, the decision demonstrated how judicial review mechanisms can influence investigative practices and strengthen procedural accountability within criminal justice systems.

Political interference remains one of the most significant challenges affecting the effectiveness and independence of criminal justice administration in many developing legal systems. In principle, the administration of criminal justice must operate independently from political influence in order to ensure fairness, impartiality, and adherence to the rule of law. The

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Constitution of the Republic of Uganda (1995) recognizes this principle by guaranteeing judicial independence and requiring courts to administer justice without fear, Favor, or prejudice. Nevertheless, scholars and human rights observers have noted that political dynamics may at times influence investigative processes, prosecutorial decisions, and the enforcement of judicial rulings within the justice system (Zahlan & Fakrulloh, 2024). These tensions between political authority and judicial independence were clearly illustrated in Attorney General v Michael Kabaziguruka, where the legality of prosecuting civilians before military courts was challenged. The Supreme Court held that subjecting civilians to military jurisdiction violated constitutional guarantees of fair trial and due process, emphasizing that criminal proceedings must be conducted before competent and independent courts. The judgment has therefore been widely interpreted as an important reaffirmation of constitutional supremacy and judicial independence, particularly in situations where security-related prosecutions intersect with politically sensitive matters.

Lack of legal certainty; Uncertainty in law constitutes a significant institutional weakness in the administration of criminal justice because it removes the clarity needed for consistent interpretation and application, allowing police, prosecutors and judges to reach different conclusions in comparable cases. This inconsistency weakens the rule of law, which depends on clear and predictable legal standards to endure fairness and equality before the law. When legal provisions are unclear or open to multiple interpretations, decision makers gain broad discretion, which can lead to arbitrary actions, unequal outcomes, and increased opportunities for corrupt practices such as favouritism or bribery. As a result, public trust in the justice system declines, since people begin to doubt whether decisions are based on objective legal reasoning. In addition, unclear legal frameworks tend to slow down judicial processes, as courts must spend more time interpreting laws, leading to delays appeals, and inefficiencies that burden the system. The absence of certainty threatens individual rights particularly those protected by the principal of Legality, because individuals may face punishment under rules that are unclear. therefore, the lack of certainty weakens institutional coordination, reduces accountability and makes the criminal justice system less stable, less effective and more vulnerable to misuse of power (Widyawati dkk., 2022).

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CONCLUSION

The administration of criminal justice in Uganda is supported by a constitutional and statutory framework intended to uphold due process, judicial independence, and individual rights; however, practical challenges such as prolonged pre-trial detention, case backlogs, limited investigative capacity, and occasional political interference continue to affect institutional effectiveness. Comparative analysis with Indonesia highlights both similarities and differences, showing that while both countries maintain formal legal structures, Indonesia's use of specialized investigative agencies, dedicated courts, and early prosecutorial oversight enhances coordination, accountability, and procedural efficiency. These observations suggest that institutional reforms in Uganda such as strengthening the independence and capacity of law enforcement, prosecution, and judicial institutions, and introducing specialized mechanisms for complex cases could improve the efficiency and credibility of the criminal justice system, ultimately reinforcing the protection of human rights and the consistent application of the rule of law.

REFERENCE

Baskoro, B. D., Wirasaputri, Hj. N. M., & Cahyaningtyas, I. (2018). *Efforts to Create Integrated Criminal Justice Systems: Judicial Management Approach*. *175*. https://doi.org/10.1088/1755-1315/175/1/012178

Budianto, A. (2019). A Comparative Study of French, British, Dutch, and Russian External Supervisory Agencies of Investigators and Prosecutors within Integrated Criminal-Justice-System. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*. https://doi.org/10.22304/pjih.v5n3.a7

Faisal, Yanto, A., Rahayu, D., Haryadi, D., Darmawan, A., & Manik, J. (2024). Genuine paradigm of criminal justice: Rethinking penal reform within Indonesia New Criminal Code. *Cogent Social Sciences*, *10*. https://doi.org/10.1080/23311886.2023.2301634

Firmansyah, H., Rahman, S., Husen, L., & Razak, A. (2025). Between Justice and Certainty: Rethinking the Essence of Criminal Election Law Enforcement in South Sulawesi. *Journal of Cultural Analysis and Social Change*. https://doi.org/10.64753/jcasc.v11i1.4087

Ghoni, A., & Setiyono, J. (2024). Indonesian Criminal Justice System and Human Rights Protection. *International Journal of Social Science and Human Research*. https://doi.org/10.47191/ijsshr/v7-i07-116

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Haryadi, S., & Husna, N. (2021, Januari 1). *Judicial Corruption: A Paradox of the Criminal Justice System in the Law Enforcement on Corruption Crime in Indonesia*. Proceedings of the 2nd International Conference on Fundamental Rights, I-COFFEES 2019, 5-6 August 2019, Bandar Lampung, Lampung, Indonesia. https://doi.org/10.4108/eai.5-8-2019.2308666

Haryono, S., Redi, A., & Sara, R. (2023, Januari 1). *Enforcement of The Criminal Justice System in Indonesia*. Proceedings of the 3rd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2023, 6 May 2023, Salatiga, Central Java, Indonesia. https://doi.org/10.4108/eai.6-5-2023.2333482

Hasuri, H. (2019). *Sistem Peradilan Pidana Berkeadilan melalui Pendekatan Kontrol dalam Proses Penegakan Hukum*. *3*, 167–184. https://doi.org/10.30656/ajudikasi.v3i2.1879

Kasiyati, S. (2020). Law Enforcement in Indonesia in Perspective of Transcendental Legal Justice Paradigm. *Journal of Transcendental Law*. https://doi.org/10.23917/jtl.v2i2.11855

Kirunda, I. N., Dorcus, N., Doreen, U., Asaba, E. M., Nani, G. A., & Oyie, B. (2024). Exploring the Effects of Corruption on Administration of Justice in Uganda. *NEWPORT INTERNATIONAL JOURNAL OF CURRENT RESEARCH IN HUMANITIES AND SOCIAL SCIENCES*. https://doi.org/10.59298/nijcrhss/2024/4.3.7579

Kosasih, A., Iskandar, M, Y., Ahmad, M., & Redani, R. P. (2026). Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia. *Journal of Court and Justice*. https://doi.org/10.56943/jcj.v5i2.993

Kurniawan, I., Bakhtiar, H., & Harefa, B. (2024). Connectivity Case a Juridical Review of the Handling Process before and After the Establishment of the Attorney General in the Military Criminal Field. *International Journal of Social Science and Human Research*. https://doi.org/10.47191/ijsshr/v7-i05-57

Lubis, M. A. (2025). The Dynamics of Criminal Law Enforcement in Indonesia: An Analysis of Recent Cases in the Last Two Years and Their Contribution to the Achievement of the SDGs. *Journal of Lifestyle and SDGs Review*. https://doi.org/10.47172/2965-730x.sdgsreview.v5.n01.pe04062

M., D., Frimayanti, S., Rizki, F., Siddik, R. A., & Hulu, L. (2023). Analisis Yuridis terhadap Peranan Kepolisian dalam Sistem Peradilan Pidana di Indonesia. *Journal on Education*. https://doi.org/10.31004/joe.v5i4.2032

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

Manery, N. G., & Mantaiborbir, R. (2025). The Role of the Prosecutor as Dominus Litis in Assertive and Humanistic Law Enforcement. *Law and Justice research journal*. https://doi.org/10.70062/ljrj.v1i2.88

Mansar, A. (2022). The Effectiveness of Criminal Law Jurisdiction on Children in Indonesia. *Randwick International of Social Science Journal*. https://doi.org/10.47175/rissj.v3i4.549

Manurung, C. R., Abidin, Z., & Pakpahan. (2025). Development of the Concept of Criminal Law Based on Restorative Justice in Combating Crime in Indonesia. *International Journal Of Humanities Education and Social Sciences (IJHESS)*. https://doi.org/10.55227/ijhess.v4i5.1635

Marzuki, A. U. (2023). THE CRIMINAL LAW SYSTEM IN INDONESIA FROM THE PERSPECTIVE OF PANCASILA. *Journal of Social Research*. https://doi.org/10.55324/josr.v2i9.1345

Napitupulu, F., & Firmansyah, H. (2022, Januari 1). *The Implementation of Article 77 KUHAP Regarding Status of Suspects in Pre-Trial Criminal Justice System in Indonesia*. Proceedings of the 3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021). https://doi.org/10.2991/assehr.k.220404.136

Novelino, R., & Budianto, A. (2025). A Comparative Study of Restorative Justice in Criminal Law Enforcement in Common Law and Civil Law Countries and Its Implications for Indonesian Legal Reform. *Jurnal Greenation Sosial dan Politik*. https://doi.org/10.38035/jgsp.v3i4.539

Nurhadi, S. S., Laksana, A. W., Lailiyah, K., & Handayani, Y. (2025). Synergy of Administrative Law and Criminal Law in Combating Corruption in Indonesia. *Mendapo: Journal of Administrative Law*. https://doi.org/10.22437/mendapo.v6i2.43016

Oppenheimer, B. (2005). From Arrest to Release: The Inside Story of Uganda's Penal System. *Indiana international and comparative law review*, *16*, 117–144. https://doi.org/10.18060/17855

Pakpahan, H. (2025). Customary Justice System and State Criminal Law: A Model of Reconciliation in Indonesia. *Journal of Criminology and Criminal Law*. https://doi.org/10.47152/rkkp.63.3.5

Pangaribuan, A. (2025). Indonesia's Criminal Justice System: A Case Study of Inter-Agency Conflict and the Fight for Power. *Asian Journal of Law and Society*. https://doi.org/10.1017/als.2025.10018

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

Purbowo, A. A. S., Purnomo, R. N., & Frans, M. P. (2025). Building a Fair Criminal Justice System: The Urgency of a Single Prosecution System for Prosecutors and Police. *Kertha Patrika*. https://doi.org/10.24843/kp.2025.v47.i03.p07

Purwani, S. (2019). Criminal Law Enforcement Based on Restorative Justice in Indonesia. *Journal of Law, Policy and Globalization*, *92*, 34–37. https://doi.org/10.7176/jlpg/92-04

Purwanto, B., Wahyuningsih, S. E., Gunarto, G., & Hafidz, J. (2025). Submission of Criminal Case Files from Investigators to Prosecutors in Criminal Law Enforcement in Indonesia. *International Journal of Social Science and Human Research*. https://doi.org/10.47191/ijsshr/v8-i7-70

Rahayuningsih, U., & Pujiyono, P. (2023). An Independent and Authoritative Criminal Justice System. *International Journal of Social Science And Human Research*. https://doi.org/10.47191/ijsshr/v6-i4-10

Riziq, Moh. (2025). A Critical Analysis of Restorative Justice in Indonesia's Criminal Justice System: From Punishment to Restoration. *International Journal of Law Dynamics Review*. https://doi.org/10.62039/ijldr.v3i1.82

Rochaeti, N., Prasetyo, M., Rozah, U., & Park, J. (2023). A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples' Practices. *Sriwijaya Law Review*. https://doi.org/10.28946/slrev.vol7.iss1.1919.pp87-104

Rofiq, A., Disemadi, H., & Jaya, N. S. P. (2019). Criminal Objectives Integrality in the Indonesian Criminal Justice System. *Al-Risalah*. https://doi.org/10.30631/al-risalah.v19i2.458

Safik, M., & Billah, M. (2025). Justice Beyond Legal Formalism: A Maslahah-Oriented Reading of Criminal Law Enforcement in Indonesia through Rawls and Hamka. *Rule of Law Studies Journal*. https://doi.org/10.64780/rolsj.v1i4.167

Saputra, R., Setiodjati, J. P., & Barkhuizen, J. (2023). Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States). *Journal of Indonesian Legal Studies*. https://doi.org/10.15294/jils.v8i1.67632

Sari, N. W., Ekawati, D., Prayitno, I. H., Munalar, S. S., & Purgito, P. (2024). Impartial Law Enforcement By The Indonesian Criminal Justice System In The Civil Law System. *Nagari Law Review*. https://doi.org/10.25077/nalrev.v.7.i.3.p.544-554.2024

Sikumbang, A., & Sara, R. (2025). Harmonization of Restorative Justice Regulations within the Indonesian Criminal Justice System. *Greenation International Journal of Law and Social Sciences*. https://doi.org/10.38035/gijlss.v3i2.426

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

Simanjuntak, R., & Sibarani, A. (2024). Analisis dan Implikasi terhadap Penegakan Hukum di Indonesia. *Amandemen: Jurnal Ilmu pertahanan, Politik dan Hukum Indonesia*. https://doi.org/10.62383/amandemen.v2i1.721

Sufriadi, Y. (2023). The progress of Indonesian law enforcement reform after 25 years of the reform movement. *Asian Affairs: An American Review*, *51*, 28–54. https://doi.org/10.1080/00927678.2023.2268491

Usada, A., & Saputra, R. (2025). Criminal Justice vs Administrative Justice in Corruption Cases: The Urgency of Criminal Justice Reform in Indonesia. *Indonesian Journal of Crime and Criminal Justice*. https://doi.org/10.62264/ijccj.v1i3.203

Utami, N. A. T., Oktobrian, D., Cahyani, E. D., Turnip, G. E., & Safitri, F. R. (2024). The Effectiveness of Legal Aid Standards for Suspects in the Indonesian Criminal Justice System in Achieving Access to Justice. *Fiat Justisia: Jurnal Ilmu Hukum*. https://doi.org/10.25041/fiatjustisia.v18no2.3249

Widyawati, A., Pujiyono, P., Rochaeti, N., Ompoy, G., & Zaki, N. N. B. M. (2022). Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions. *Lex Scientia Law Review*. https://doi.org/10.15294/lesrev.v6i2.58131

Yahman, Y. (2024). CRIMINAL LAW ENFORCEMENT THROUGH THE PERSPECTIVE OF COMMUNITY JUSTICE: THEORETICAL ANALYSIS AND PRACTICAL IMPLEMENTATION. *Journal Of Social Sciences And Humanities*. https://doi.org/10.56943/jssh.v3i1.469

Zaenudin, A. M., Kristiawanto, K., & Maryano, M. (2025). Criminal Law Enforcement Against Perpetrators of Environmental Pollution in The Criminal Justice System in Indonesia. *POLICY LAW NOTARY AND REGULATORY ISSUES (POLRI)*. https://doi.org/10.55047/polri.v4i2.1675

Zahlan, M., & Fakrulloh, Z. A. (2024). Update on the Functionalization of Sentencing Guidelines in the Criminal Law System in Indonesia. *Asian Journal of Social and Humanities*. https://doi.org/10.59888/ajosh.v2i9.333

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