

## Reconstructing Legal Accountability through Body-Worn Cameras: A Normative Study of Criminal Justice Reform in Indonesia

Siti Naidah<sup>1\*</sup>, Zico Junius Fernando<sup>2</sup>

<sup>1,2</sup> Universitas Bengkulu, Indonesia

\*Email: [siti.naidah@unib.ac.id](mailto:siti.naidah@unib.ac.id)

### Abstract

*Efforts to modernize Indonesia's criminal justice system demand legal mechanisms that ensure accountability, fairness, and human rights protection at every procedural stage. While global studies on Body-Worn Cameras (BWCs) have focused on operational and policing impacts, few have examined their normative legitimacy and evidentiary validity within Indonesia's legal context. Anchored in the principles of the rule of law, due process, and evidentiary integrity, this study analyzes the legal status of BWCs, explores comparative practices in other jurisdictions, and formulates an ideal regulatory model for Indonesia. This research employs a normative legal method using conceptual and comparative approaches, analyzing statutory materials, public policies, and international practices from the United States, the United Kingdom, Germany, and Australia. The findings reveal that Indonesia lacks a comprehensive legal framework governing operational standards, data management, and the evidentiary use of BWC recordings, resulting in uncertainty and fragmented practices. Comparative experiences show that BWCs become effective when legal systems ensure chain-of-custody integrity, privacy protection, and independent oversight. This study formulates a conceptual legal model integrating accountability, evidentiary reliability, and data protection through explicit activation rules, retention schedules, and dual accountability mechanisms involving internal and external oversight. Accordingly, BWCs are positioned not merely as technological devices but as instruments of legal reform that align Indonesia's criminal justice system with global standards of transparency, proportionality, and rights-based governance.*

**Keywords:** *Body-Worn Cameras (BWCs); Law Enforcement; Criminal Justice; Technology.*

### Introduction

The transformation of the criminal justice system in Indonesia is an increasingly urgent agenda that faces public demands for justice, transparency,



and respect for human rights.<sup>1</sup> In recent decades, the public has frequently witnessed various cases that place law enforcement officers, including police, prosecutors, and correctional officers, as parties violating the principles of impartiality and integrity. Throughout 2024, the National Commission on Human Rights (Komnas HAM) noted that law enforcement officers, particularly the police, were the most frequently reported parties in cases of alleged human rights violations. Of the 2,305 cases received, 663 complaints were filed against the National Police (Polri). This figure places the police as the institution with the highest complaint rate compared to other parties such as local governments and ministries (433 complaints) and corporations (321 complaints). Complaints submitted to Komnas HAM were received through various channels, including post, mail, in-person visits, online, email, and proactive mechanisms and audiences.<sup>2</sup>

Furthermore, the Commission for Missing Persons and Victims of Violence (KontraS) has again highlighted the increasing trend of violence perpetrated by police officers. In a Policy Paper titled “*Looming Violence Amidst Unequal Law Enforcement*,” launched ahead of the 79th anniversary of Bhayangkara, KontraS noted that between June 2024 and June 2025, there had been at least 602 incidents of violence involving police officers. Of these, shootings accounted for the largest share, with 411 incidents, demonstrating that the pattern of armed force by officers still dominates law enforcement practices.<sup>3</sup>

In a global context, various developed countries have taken strategic steps to address similar problems by introducing Body-Worn Cameras (BWCs) technology as a digital-based surveillance instrument.<sup>4</sup> A BWC is a small camera device mounted on the uniform or body of a law enforcement officer to record all interactions between officers and the public in real time.<sup>5</sup>

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<sup>1</sup> Eny Suastuti et al., “Transformation and Effects of Human Rights Protection on Determining Corruption Suspects as a Pretrial Object under the Indonesian Criminal Justice System,” *Lex Scientia Law Review* 8, no. 2 (November 30, 2024): 817–58, <https://doi.org/10.15294/lslr.v8i2.14667>.

<sup>2</sup> National Commission on Human Rights, “End of Year 2024 Notes on Human Rights in Indonesia,” 2024.

<sup>3</sup> Robertus Belarminus Shela Octavia, “Kontras Catat 602 Kasus Kekerasan Dalam Setahun Oleh Oknum Polisi,” *nasional.kompas.com*, 2025, <https://nasional.kompas.com/read/2025/06/30/20575411/kontras-catat-602-kasus-kekerasan-dalam-setahun-oleh-oknum-polisi?page=all>.

<sup>4</sup> Cynthia Lum et al., “PROTOCOL: Body-Worn Cameras’ Effects on Police Officers and Citizen Behavior: A Systematic Review,” *Campbell Systematic Reviews* 15, no. 3 (September 2019): 1–8, <https://doi.org/10.1002/CL2.1043>.

<sup>5</sup> Nicholas P. Camp and Rob Voigt, “Body Camera Footage as Data: Using Natural Language Processing to Monitor Policing at Scale & in Depth,” *Behavioral Science & Policy* 10, no. 2 (October 8, 2024): 16–25, <https://doi.org/10.1177/23794607241308636>.

The use of BWCs was first widely introduced in the United States in the early 2000s in response to rising cases of police brutality and public demands for accountability. A 2019 study by the Police Executive Research Forum (PERF) showed that implementing BWCs in more than 60 central US city police departments reduced the number of public complaints against officers by 40% and excessive use of force by 25%.<sup>6</sup> Not only in the United States, but also in the United Kingdom, is a pioneering country in implementing BWCs through a program initiated by the London Metropolitan Police Service. According to a 2020 Home Office Report, the use of BWCs in the UK has been shown to improve the quality of evidence in court, particularly in cases of domestic violence, by providing authentic and difficult-to-falsify visual recordings.<sup>7</sup> Germany and Australia also implement similar policies with strict regulatory frameworks, including protection of personal data, standards for recording storage, and procedures for using recordings as legal evidence in court. From various international practices, BWC has been proven to function as a supervisory instrument and as a protection mechanism for the officers themselves from false accusations or manipulation of facts in the field.<sup>8</sup>

Indonesia has begun to look at the use of BWCs in recent years. The Republic of Indonesia Police (POLRI) has conducted limited trials in several areas, such as Polda Metro Jaya, Polda West Java, and Polda East Java. BWCs have been tested in traffic operations, demonstration security, and crime patrols. However, this implementation remains sporadic and lacks a clear national legal framework. To date, there are no comprehensive laws and regulations governing the operational aspects of BWCs, from technical standards and usage procedures to storage mechanisms, to the status of recordings as evidence in court. Consequently, the potential for BWCs to support criminal justice accountability in Indonesia has yet to be fully realized. The absence of clear regulations creates serious problems in legal practice. For example, the fundamental question of whether BWC recordings can be used as valid evidence under Article 184 of the Criminal Procedure Code (KUHAP)

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<sup>6</sup> Seth W. Stoughton, "Police Body-Worn Cameras," *SSRN Electronic Journal*, December 2017, 1–62, <https://doi.org/10.2139/SSRN.3094334>.

<sup>7</sup> Xavier L'Hoiry, Simone Santorso, and Karen Harrison, "Body-Worn Cameras and Unintended Consequences: A Case Study of a British Police Force," *The Police Journal* 97, no. 4 (December 2024): 658–75, <https://doi.org/10.1177/0032258X231211177>.

<sup>8</sup> Emmeline Taylor and Murray Lee, "Off the Record? Arrestee Concerns about the Manipulation, Modification, and Misrepresentation of Police Body-Worn Camera Footage," *Surveillance & Society* 17, no. 3/4 (September 7, 2019): 473–83, <https://doi.org/10.24908/ss.v17i3/4.6550>; Murray Lee, Emmeline Taylor, and Matthew Willis, "Being Held to Account: Detainees' Perceptions of Police Body-Worn Cameras," *Australian & New Zealand Journal of Criminology* 52, no. 2 (June 16, 2019): 174–92, <https://doi.org/10.1177/0004865818781913>.

is raised.<sup>9</sup> Digital recordings such as BWC results are not explicitly mentioned, sparking academic and practical debate. The Supreme Court, through several decisions, has recognized the validity of electronic evidence under the Electronic Information and Transactions Law (UU ITE). However, the context of the BWC as an instrument for monitoring officers has never been seriously tested in judicial practice. This regulatory vacuum can potentially hinder the integration of BWC into the Indonesian criminal justice system.

Using BWCs also raises crucial issues regarding protecting privacy and human rights.<sup>10</sup> The urgency of using BWCs can be analyzed through the perspective of *the rule of law* and *due process of law*. *The rule of law* demands that state power be exercised in a limited, transparent, and accountable manner.<sup>11</sup> Meanwhile, *due process of law* requires that every action taken by officials in the criminal justice process be carried out in accordance with fair legal procedures.<sup>12</sup> BWC recordings can act as a check and balance on officers' actions in the field, reducing the potential for abuse of authority. Equally important, implementing the BWC can also strengthen the position of victims and suspects in the judicial process.<sup>13</sup> BWC recordings can serve as neutral evidence that captures the actual situation, thereby protecting the suspect's rights while strengthening the victim's position in the evidence.<sup>14</sup> Thus, BWC aligns with the principle of human rights protection guaranteed in the Indonesian Constitution, specifically Article 28D paragraph (1) of the 1945 Constitution, which guarantees that everyone has the right to recognition, guarantees, protection, and fair legal certainty.<sup>15</sup>

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<sup>9</sup> Margie Gladies Sopacua, "Submission of Electronic Evidence in General Crimes and Special Crimes," *Scholars International Journal of Law, Crime and Justice* 03, no. 04 (2020): 117–21, <https://doi.org/10.36348/sijlcj.2020.v03i04.006>.

<sup>10</sup> Brigitte Poirier, Étienne Charbonneau, and Rémi Boivin, "Police Body-Worn Cameras and Privacy: Views and Concerns of Officers and Citizens," *International Journal of Police Science & Management* 26, no. 2 (June 21, 2024): 170–81, <https://doi.org/10.1177/14613557231214383>.

<sup>11</sup> Martin Krygier, "The Rule of Law and State Legitimacy," *Legitimacy*, May 2019, 106–36, <https://doi.org/10.1093/OSO/9780198825265.003.0007>.

<sup>12</sup> Lucia Zedner and Carl Friedrich Stuckenberg, "Due Process," in *Core Concepts in Criminal Law and Criminal Justice: Volume 1, Anglo-German Dialogues* (Cambridge University Press, 2020), 304–42, <https://doi.org/10.1017/9781108649742.009>.

<sup>13</sup> Alana Saulnier and Amanda Couture-Carron, "The Importance of Victim Sensitive Body-Worn Camera Policy," *Applied Police Briefings* 1, no. 1 (June 2024): 15–17, <https://doi.org/10.22215/apb.v1i.4860>.

<sup>14</sup> Mary Iliadis et al., "How Police Body-Worn Cameras Can Facilitate Misidentification in Domestic and Family Violence Responses," *Trends and Issues in Crime and Criminal Justice*, no. 684 (2024): 1–15, <https://doi.org/10.52922/TI77277>.

<sup>15</sup> Muhammad Akbar and Maulana Gustaf, "Legal Aid in Indonesia: Problems and Challenges," *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (June 2021): 163–72, <https://doi.org/10.15294/IJICLE.V3I2.46170>.

This study addresses the unresolved legal status of Body-Worn Cameras (BWCs) within Indonesia's criminal justice system by comparatively analyzing global regulatory practices and proposing an integrated legal framework that ensures accountability and human rights protection—thereby filling a conceptual and normative gap in existing scholarship on the legal governance of law enforcement technology. This study seeks to answer the main questions through a normative legal approach with conceptual and comparative analysis. Firstly, what is the legal status of using Body-Worn Cameras (BWCs) in the Indonesian criminal justice system? Secondly, how can comparative practices and regulations in other countries provide lessons for Indonesia? Thirdly, what is the ideal legal regulatory model for integrating BWCs into the national legal system while ensuring accountability and human rights protection?

## Methodology

This research uses a normative legal method, or doctrinal legal research, which positions law as a norm that lives in texts, principles, and doctrines.<sup>16</sup> The normative method is appropriate because this research focuses on how the law should regulate the use of BWCs in Indonesia. To strengthen the analysis, this study adopts conceptual and comparative approaches. The approaches are used to explain, formulate, and delimit key concepts that form the basis of the analysis, including accountability, transparency, privacy, legality, and electronic evidence.

Research data was collected through a literature review, examining primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution, the Criminal Procedure Code, the Electronic Information and Transactions Law, the Personal Data Protection Law, and regulations related to the police and judicial institutions. Secondary legal materials include academic literature, journal articles, reports from regulatory agencies, and public policies from the reference countries. Meanwhile, tertiary legal materials such as legal dictionaries, encyclopedias, or regulatory indexes are used to strengthen conceptual understanding. The analytical technique used was content analysis of legal documents.<sup>17</sup> This analysis was conducted by identifying norms or provisions related to the BWC and grouping them into analytical categories such as legal basis, usage procedures, data management, recording status as evidence, and oversight mechanisms. Each provision was

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<sup>16</sup> I. Nyoman Nurjaya, Fitria Dewi Navisa, and La Ode Machdani Afala, "The Baduy Tribe's Political Participation in Indonesia's Democratic Framework," *Branwijaya Law Journal* 12, no. 1 (May 2025): 125–54, <https://doi.org/10.21776/UB.BLJ.2025.012.01.07>.

<sup>17</sup> Devi Rahayu, Wartiningsih, and Riesta Yogahastama, "New and Renewable Energy: Ensuring the Hydropower Development Policy Meets the Community and the Environmental Participation Based on the Paris Agreement," *Branwijaya Law Journal* 9, no. 2 (October 2022): 107–25, <https://doi.org/10.21776/UB.BLJ.2022.009.02.01>.

coded, compared, and evaluated based on legality, necessity, and proportionality principles. Furthermore, the analysis results were compared with practices in other countries to determine their suitability and potential adaptation within the Indonesian legal context.

## Discussion

### Legal Status of BWCs in Indonesia's Criminal Justice System

At the factual level, BWCs have been introduced sporadically in several police operations, particularly in the traffic sector, as part of the shift from manual to electronic enforcement.<sup>18</sup> This sporadic nature is evident, for example, in official reports from the Traffic Corps (Korlantas), which link the installation of bodycams to traffic violation monitoring in the context of manual ticketing terminations, rather than as a stand-alone BWC legal regime with comprehensive operational standards and data governance.

The absence of a specific national framework for BWCs needs to be considered within the existing normative landscape. On the one hand, ethical-normative regulations affirm the obligation to respect human rights in all police actions, including the National Police Chief's Regulation on implementing human rights principles and standards within the National Police, which implicitly supports accountability and transparency instruments. However, these regulations do not detail the technical or procedural parameters of BWCs as individual recording-based surveillance tools, leaving a gray area regarding activation, recording limits, notification to citizens, and external oversight of recordings. In other words, a general ethical basis exists, but *the lex specialis* BWC, which establishes the rights and obligations of the parties and provides effective remedies, is not yet available.

Meanwhile, from the evidentiary perspective, the Criminal Procedure Code (KUHAP) still maintains the classic construction of five pieces of evidence: witness testimony, expert testimony, letters, clues, and the defendant's testimony without explicitly mentioning electronic information/recordings as independent evidence. Judicial practice has indeed developed through cross-references to the Electronic Information and Transactions Law (UU ITE), which recognizes "electronic information and/or electronic documents and/or printouts thereof" as valid evidence, but transplanting this doctrine into general criminal cases, especially for BWC recordings, still requires careful argumentative construction.

The technical nature of BWCs further complicates authentication issues. Recordings must be protected with hashing, trusted timestamps, and a write-

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<sup>18</sup> Marthinus C. Koen, James J. Willis, and Stephen D. Mastrofski, "The Effects of Body-Worn Cameras on Police Organisation and Practice: A Theory-Based Analysis," *Policing and Society* 29, no. 8 (October 13, 2019): 968–84, <https://doi.org/10.1080/10439463.2018.1467907>.



once policy upon initial upload. Documented digital handover procedures must support them at every stage of the investigation and trial.<sup>19</sup> The Electronic Information and Transactions Law (ITE Law), first enacted in Indonesia through Law No. 11 of 2008 and subsequently amended by Law No. 19 of 2016 and Law No. 1 of 2024, provides general principles regarding the validity of electronic information/documents, but does not outline specific technical protocols for on-office recording sources such as BWCs.<sup>20</sup> Without technical regulations by design, the admissibility of evidence will depend on institutional policies and the discretion of officials that vary across work units, producing fragmentation that can reduce the probative value of recordings when tested in court.

Regarding data governance, Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) provides strong guidelines regarding processing purposes, retention limitations, data minimization principles, data subject access rights, and administrative and criminal sanctions.<sup>21</sup> BWC recordings almost always contain personal data and special categories (e.g., children, victims of violence, or visible health conditions), so the Indonesian National Police (POLRI), as the data controller, must have a clear processing basis, a data protection impact assessment, and a redaction policy before recordings are shared for judicial or public purposes. The problem is that there are no implementing norms that address the practical questions of the default recording retention period if it is not relevant to the case, access log mechanisms and internal access audits, procedures for fulfilling data subject rights that overlap with due process, and de-identification procedures to protect vulnerable parties. This gap places BWC data processing at risk of administrative and criminal lawsuits against PDP, especially in the case of a leak or misuse of access.

The tension between transparency and confidentiality in law enforcement also exacerbates the need for *lex specialis*. On the one hand, Law No. 14 of 2008 concerning Public Information Disclosure guarantees the public's right to obtain information, including information that can strengthen

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<sup>19</sup> Diana Miranda, "Body-Worn Cameras 'on the Move': Exploring The Contextual, Technical and Ethical Challenges in Policing Practice," *Policing and Society* 32, no. 1 (January 2022): 18–34, <https://doi.org/10.1080/10439463.2021.1879074>.

<sup>20</sup> Zainal Arifin, Zico Junius Fernando, and Emi Puasa Handayani, "Implikasi Hukum Perubahan Kedua Undang-Undang Informasi Dan Transaksi Elektronik: Menyeimbangkan Kebebasan Berpendapat Dan Partisipasi Publik Dalam Demokrasi Digital," *LITIGASI* 26, no. 1 (April 30, 2025): 165–200, <https://doi.org/10.23969/litigasi.v26i1.21555>.

<sup>21</sup> Kurdi Kurdi and Joko Cahyono, "Perlindungan Data Pribadi Di Era Digital Berdasarkan Undang-Undang Nomor 27 Tahun 2022," *JUNCTO: Jurnal Ilmiah Hukum* 6, no. 2 (December 2024): 330–39, <https://doi.org/10.31289/JUNCTO.V6I2.5443>.

law enforcement's accountability.<sup>22</sup> Without specific BWC regulations, requests for access to recordings will be subject to case-by-case consequences testing, creating uncertainty for victims, suspects, and the police.<sup>23</sup>

Upon closer inspection, the Indonesian National Police (POLRI) does have internal regulations regarding “multimedia transmission” that regulate networks, devices, confidentiality principles, and the security of audio-visual communications to support operations.<sup>24</sup> However, these regulations focus on infrastructure and the use of communication facilities (VPN, fiber optics, mobile command), mention CCTV as a device, but do not specifically regulate on-officer recording, which is integrated with power-citizen relations during coercive moments such as stops, searches, or arrests. The absence of specific BWC norms in multimedia regulations confirms that the technical-organizational framework has not been translated into procedural rights and obligations that protect citizens and officers in street interactions vulnerable to version disputes.

The absence of the BWC as a *lex specialis* also has implications for external accountability. The oversight mandates of institutions such as the National Police Commission (Kopolnas), the National Human Rights Commission (Komnas HAM), and the Ombudsman allow requests for information and documents. However, there is no explicit normative obligation mandating the provision of BWC recordings with time-bound, tamper-proof, and forensically sound standards. Without mandatory handover of recordings (e.g., within 24 or 48 hours of a reported incident), oversight risks relying on internal availability, which can be delayed or mishandled. In international practice, mature BWC policy models establish retention schedules, activation triggers, mandatory tagging of central incidents (use of force, stop and search, house searches), and audit trails for recording access.<sup>25</sup> The absence of similar standards at the national level makes it difficult for Indonesia to achieve consistency in accountability services across units.

Normative gaps are also evident in the availability of remedies. What are the legal consequences if a BWC recording is “ost” or unavailable even though

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<sup>22</sup> Hisar Siregar et al., “Resolution of Disputes on Disclosure of Public Information: Judicial Approach Through Adjudication and Litigation Based on the Law Number 14 of 2008 Concerning Openness of Public Information,” *Golden Ratio of Law and Social Policy Review* 4, no. 2 (March 2025): 42–47, <https://doi.org/10.52970/GRLSPR.V4I2.928>.

<sup>23</sup> Stoughton, “Police Body-Worn Cameras.”

<sup>24</sup> Yustinus Bowo Dwinugroho, “Transformation Strategy: Indonesian National Police in Coordinating Crime in The Digital Era,” *International Journal of Integrated Science and Technology* 2, no. 5 (May 2024): 374–83, <https://doi.org/10.59890/IJIST.V2I5.1904>.

<sup>25</sup> Rémi Boivin, Brigitte Poirier, and Maurizio D’Elia, “Activate Compliance: A Multilevel Study of Factors Associated With Activation of Body-Worn Cameras,” *Criminal Justice Review* 47, no. 1 (March 2022): 103–18, <https://doi.org/10.1177/0734016820988327>.



the mandatory recording trigger is met? In international practice, some jurisdictions implement due process sanctions ranging from jury instructions to draw adverse inferences, counter-evidence exclusion, and disciplinary sanctions.<sup>26</sup> In Indonesia, without a BWC norm, the consequences for failure to record tend to depend on internal disciplinary regimes or case-by-case assessments by judges, potentially encouraging perverse incentives. Establishing clear consequences is about addressing violations and ensuring institutional incentives support consistent recording.

The final aspect that strengthens the emptiness argument is the lack of a nationally binding oversight design. While the National Police Commission (Kompolnas) and the National Human Rights Commission (Komnas HAM) have repeatedly encouraged the use of BWCs to prevent human rights violations, this policy push has not automatically transformed into compelling normative authority, such as mandatory periodic reporting of activation statistics, the number of flagged events, and access audit findings. Without a normatively supported oversight design, BWCs risk shifting from an accountability instrument to merely an institutional branding technology whose benefits cannot be independently tested.

The most crucial issue in adopting Body-Worn Cameras (BWCs) in Indonesian criminal procedure law is the question of the recording's status as valid evidence and the accompanying accountability mechanisms. The Criminal Procedure Code (KUHAP) still adheres to a classical construction, recognizing only five types of evidence: witness testimony, expert testimony, letters, clues, and defendant testimony. Digital recordings, including BWC results, are not explicitly mentioned. Although jurisprudential developments through the Electronic Information and Transactions Law (UU ITE) have recognized the existence of "electronic information and/or electronic documents" as valid evidence, the position of BWC remains in a gray area. This raises a legal dilemma: should BWC recordings be associated with the categories of "letters," "clues," or treated as a stand-alone form of electronic evidence *sui generis*?

The above description shows that the main problem is not the unavailability of BWC devices or a lack of declarative political will, but rather the absence of a legal architecture that unifies police human rights ethics, certainty of proof, personal data governance, the balance between transparency and confidentiality, forensic technical standards, and surveillance design. In this context, reference to international practices with formalized activation triggers, retention schedules, victim identity redaction, access

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<sup>26</sup> Bradley X. Barbour, "Big Budget Productions with Limited Release: Video Retention Issues with Body-Worn Cameras," *Fordham Law Review* 85, no. 4 (February 2017): 1725–55, <https://doi.org/10.2139/SSRN.2913796>.

control, and audit trails is relevant not for pure imitation, but for mapping the minimal elements that must be present in Indonesian national policy. Without binding and uniform regulations, BWCs risk failing to achieve their primary function: producing an objective record of state-citizen coercive interactions that can be tested, relied upon, and accounted for in the criminal justice process.

### Comparative Insights from Global Practices on BWCs

Integrating BWC recordings into the evidence system can be compared with practices in several countries that have already adopted it, such as the United States (US), the United Kingdom (UK), Germany, and Australia. In the United States, integrating BWC footage into the evidentiary system is heavily influenced by the principles of due process of law and the exclusionary rule. BWC footage is often used in cases involving disputes over the legality of arrests, use of force, or claims of torture.<sup>27</sup> Many jurisdictions in the US strictly regulate the chain of custody, from the time the footage is captured, uploaded to a dedicated cloud server, to its presentation in court.<sup>28</sup> Corrupted or deleted footage can have profound implications, including invalidating other evidence or dismissing a case. From an accountability perspective, BWCs also serve as a monitoring tool for police misconduct. According to a report by the Police Executive Research Forum (PERF), cited in the 2014 report, *"Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned,"* several studies have shown that the use of Body-Worn Cameras (BWCs) significantly reduces public complaints. For example, a study in Mesa, Arizona, found that eight months after implementing a BWC program, officers using the cameras experienced 40% fewer total complaints and 75% fewer complaints related to force use than the previous period.<sup>29</sup> According to a 2021 NBER Working Paper, the cost of procuring Body-Worn Cameras (BWCs) in the United States is estimated to range from USD 1,221 to USD 3,219 per camera per year.<sup>30</sup>

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<sup>27</sup> Koen, Willis, and Mastrofski, "The Effects of Body-Worn Cameras on Police Organisation and Practice: A Theory-Based Analysis."

<sup>28</sup> O. Nicholas Robertson et al., "Body Cameras and Adjudication: Views of Prosecutors and Public Defenders," *Criminal Justice Review* 49, no. 1 (March 2024): 15–29, <https://doi.org/10.1177/07340168221124458>.

<sup>29</sup> L. Miller, J. Toliver, and Perf, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* (Community Oriented Policing Services, U.S. Department of Justice, 2014).

<sup>30</sup> Morgan C Williams Jr Nathan Weil Elizabeth A Rasich Jens Ludwig Hye Chang Sophia Egrari et al., "Body-Worn Cameras in Policing: Benefits and Costs," *NBER Working Paper Series*, March 2021, 1–32, <https://doi.org/10.3386/W28622>.

The UK was one of the pioneers in using BWCs, particularly by the London Metropolitan Police.<sup>31</sup> BWCs are associated with reduced police misconduct, including fewer civilian complaints and use-of-force incidents.<sup>32</sup> In the context of evidence, BWC recordings are essential for domestic violence cases, because many victims are reluctant to testify in court. Visual recordings of the first interaction between officers and victims are considered authentic and substantial evidence. This integration is reinforced by specific regulations establishing technical standards, activation obligations in certain situations, and data storage procedures. From an accountability perspective, recordings can also be accessed by police oversight bodies and used in internal investigations. What is interesting about the UK is its policy of redaction or blurring identities in recordings before publication to maintain privacy. Hence, accountability goes hand in hand with protecting human rights. About, security of privacy, the UK stipulates that BWC recordings can only be accessed by authorized authorities and must be deleted within a specific timeframe if they are no longer relevant to legal proceedings.<sup>33</sup>

Germany applies BWCs primarily to control public demonstrations and handle riots. The presence of BWCs decreased cooperation from individuals during police interactions.<sup>34</sup> Highly protective privacy laws strictly regulate the integration of recordings into evidence. If the process complies with legality and proportionality principles, BWC recordings may only be used as evidence.<sup>35</sup> German courts thoroughly examine whether the recording is necessary and other, less privacy-invasive methods exist. This demonstrates that BWC integration in Germany is not merely a matter of technical authentication, but also constitutional legitimacy. Within the accountability framework, recordings are used as a form of protection for both officers and citizens, because the legality of every coercive action by officers can be tested.

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<sup>31</sup> Darren Henstock and Barak Ariel, "Testing the Effects of Police Body-Worn Cameras on Use of Force during Arrests: A Randomised Controlled Trial in a Large British Police Force," *European Journal of Criminology* 14, no. 6 (November 16, 2017): 720–50, <https://doi.org/10.1177/1477370816686120>.

<sup>32</sup> Zachary A. Powell, "Body-Worn Cameras and Settlements," *Justice Evaluation Journal* 7, no. 2 (July 2, 2024): 161–75, <https://doi.org/10.1080/24751979.2023.2267651>.

<sup>33</sup> Maria S. Cross and Andrea Cavallaro, "Privacy as a Feature for Body-Worn Cameras [In the Spotlight]," *IEEE Signal Processing Magazine* 37, no. 4 (July 2020): 145–46, <https://doi.org/10.1109/MSP.2020.2989686>.

<sup>34</sup> Ulrike Kruse et al., "The De-Escalating Potential of Body-Worn Cameras: Results from Six German Police Departments," *Journal of Criminal Justice* 88 (September 2023): 102113, <https://doi.org/10.1016/j.jcrimjus.2023.102113>.

<sup>35</sup> Peter Swire and Jesse Woo, "Privacy and Cybersecurity Lessons at the Intersection of the Internet of Things and Police Body-Worn Cameras," *SSRN Electronic Journal*, April 2018, 1–45, <https://doi.org/10.2139/SSRN.3168089>.

Australia is integrating BWC recordings into its criminal procedure code, emphasizing national standardization. Recordings are considered valid evidence as long as they are taken per established technical and ethical protocols.<sup>36</sup> Australia emphasizes the training aspect of officers to understand the use of BWCs not only as an instrument of evidence, but also as a means of building public trust. All Australian police agencies have deployed BWCs, including in frontline responses to domestic and family violence (DFV).<sup>37</sup> BWCs are used in various contexts, including general policing operations and specific incidents like DFV.<sup>38</sup>

Compared to the United States, the United Kingdom, and Germany, Indonesia's position in integrating Body-Worn Cameras (BWC) footage into its criminal evidence system lags in several fundamental respects. First, regarding the legal framework, Indonesia lacks regulations explicitly governing the validity of BWC footage as evidence. This creates uncertainty in its application in court, as the Criminal Procedure Code (KUHP) still limits the types of conventional evidence. In contrast, the provisions regarding electronic evidence in the ITE Law do not specifically address the context of BWC. Conversely, in countries such as the US, UK, Germany, and Australia, BWC recordings have been legally recognized through regulations governing their use, including restrictions on image capture, protection of privacy rights, and strict provisions regarding storage and access. With a clear legal basis, BWC recordings in these countries can be utilized optimally for investigative purposes and as evidence in court.

Second, Indonesia also faces a regulatory vacuum regarding the chain of custody. More developed countries have established standard procedures to govern how records should be transferred, stored, duplicated, and accessed, with a fully documented audit trail. For example, in the United States, technical guidelines ensure every record has a digital fingerprint so that any changes or access can be detected. The UK and Germany emphasize the need for digital forensic standards to ensure that the authenticity of electronic evidence cannot be disputed in court. Australia even provides its system with specialized training for officers handling recordings, ensuring a uniform chain of custody process across jurisdictions. The absence of such standards in Indonesia opens

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<sup>36</sup> Callum Christodoulou, Helen Paterson, and Richard Kemp, "Body-Worn Cameras: Evidence-Base and Implications," *Current Issues in Criminal Justice* 31, no. 4 (October 2, 2019): 513–24, <https://doi.org/10.1080/10345329.2019.1639590>.

<sup>37</sup> Iliadis et al., "How Police Body-Worn Cameras Can Facilitate Misidentification in Domestic and Family Violence Responses."

<sup>38</sup> Mary Iliadis et al., "Police Body-Worn Cameras in Response to Domestic and Family Violence: A Study of Police Perceptions and Experiences," in *The Palgrave Handbook of Gendered Violence and Technology* (Cham: Springer International Publishing, 2021), 417–39, [https://doi.org/10.1007/978-3-030-83734-1\\_21](https://doi.org/10.1007/978-3-030-83734-1_21).

up significant opportunities for certain parties to challenge the authenticity of recordings, ultimately weakening their evidentiary value.

Third, external accountability is also a significant weakness in Indonesia. External oversight bodies such as the National Commission on Human Rights (Komnas HAM) and the Ombudsman lack a clear regulatory basis for requesting or accessing BWC recordings. This situation differs from that in the UK, where the Independent Office for Police Conduct (IOPC) has full authority to access and assess BWC recordings in handling cases of alleged police misconduct. Similarly, external oversight bodies in Australia can conduct recording reviews as part of police conduct control mechanisms. This guaranteed external access gives the public confidence that the recordings are not only controlled by the police but can also be monitored by an independent institution. The absence of a similar mechanism in Indonesia puts the BWC at risk of becoming merely an internal instrument without significant impact on the transparency and accountability of the authorities.

The need to integrate BWC recordings into Indonesia's criminal evidence system cannot be viewed simply as a procedural issue of law, but also relates to institutional design and accountability patterns of law enforcement officers. From the United States, Indonesia can adopt strict *chain of custody regulations* that guarantee the authenticity of recordings. From the United Kingdom, their experience implementing *redaction policies* can serve as a reference for protecting privacy rights without compromising evidentiary value. From Germany, the principle of proportionality can serve as a basis for balancing the interests of law enforcement with the protection of human rights. From Australia, Indonesia can learn about technical and institutional standardization that encompasses aspects of storage, access procedures, and officer training. Suppose these principles are adapted, considering the national social, political, and legal context. In that case, BWCs can function as valid evidence in the criminal justice system and as an instrument of public accountability that increases transparency and strengthens public trust in law enforcement institutions. Integrating BWCs into Indonesia's legal framework will address current weaknesses and create a fairer, more equitable, and more accountable evidentiary governance system.

### **Constructing a Legal Framework for Integrating Body-Worn Cameras into Indonesia's Criminal Justice Reform**

Integrating BWCs into the evidentiary system cannot be separated from the issue of officer accountability. BWC recordings serve a dual purpose: as evidence in court and as an instrument for external and internal oversight. In this oversight function, recordings can be used by independent institutions such as the National Commission on Human Rights or the Ombudsman to assess whether officers violated procedures or used excessive force. Internally,

recordings serve as a disciplinary tool that enforces operational standards within the police force. Thus, the presence of BWCs strengthens the integrity of evidence in court and fosters a culture of accountability among officers in the field.

When Body-Worn Cameras (BWCs) are used in law enforcement, there is the potential for a fundamental conflict between the interests of officer accountability and the state's obligation to protect citizens' privacy and human rights.<sup>39</sup> However, the technology's always-on nature, or its active presence during coercive moments, makes it unavoidable to record private conversations, emotional expressions, household conditions, and even sensitive data, which, according to the Personal Data Protection Law (PDP Law), falls into a special data category. This situation demands normative regulations that can place accountability interests on a par with privacy protection as guaranteed by Article 28G of the 1945 Constitution concerning the protection of oneself and one's family and Article 28D concerning the right to legal certainty, to prevent the subordination of human rights to technological reasons.

Privacy issues are increasingly relevant because BWC recordings capture not only the actions of the perpetrator or suspect, but also third parties who happen to be present, including children, victims of violence, or ordinary members of the public. The risk of violations increases when recordings are used beyond their original purpose, such as being disseminated through social media, exploited for political purposes, or used as an instrument of social control outside the context of criminal justice. Within the human rights framework, this contradicts the principles of necessity and proportionality, which are prerequisites for the validity of rights restrictions under the International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified through Law No. 12 of 2005.<sup>40</sup> The principle of necessity demands that recording be carried out only if necessary for a legitimate purpose. At the same time, proportionality asserts that recording must not exceed the necessary limits to reduce the public's privacy space. Another issue is the lack of operational guidelines regarding access to records. If internal officials can access records without external oversight, the risk of data misuse is exceptionally high. From the perspective of due process of law theory, access to recordings should be guaranteed to interested parties, such as suspects who

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<sup>39</sup> Alexandra Mateescu, Alex Rosenblat, and Danah Boyd, "Dreams of Accountability, Guaranteed Surveillance: The Promises and Costs of Body-Worn Cameras," *Surveillance & Society* 14, no. 1 (May 2016): 122–27, <https://doi.org/10.24908/ss.v14i1.6282>.

<sup>40</sup> Arif Havas Oegroseno, "Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 Tentang Pengesahan International Covenant on Civil and Political Rights/ICCPR," *Indonesian Journal of International Law* 4, no. 1 (August 2021): 169–76, <https://doi.org/10.17304/ijil.vol4.1.136>.



wish to dispute allegations of torture or victims who require objective evidence of interactions with authorities. Without regulations affirming this right, unequal positions arise in the criminal justice process, violating the principle of equality of arms in procedural justice theory.

The massive volume of BWC recordings poses a data breach risk if stored indefinitely. If recordings irrelevant to the case are retained, the right to privacy, including the right to be forgotten, as stipulated in the PDP Law, is at risk of being violated.<sup>41</sup> Conversely, prematurely deleting potentially relevant records can undermine the right to substantive justice. From a Rawlsian theory of justice perspective, this situation illustrates an imbalance in the distribution of the burden of risk between individuals and institutions: citizens bear the risk of privacy violations, while institutions lack clear retention obligations. Therefore, balanced retention arrangements are crucial, namely, the prompt deletion of irrelevant data and the long-term retention of records related to alleged human rights violations or significant criminal cases.

The potential for privacy violations becomes even more apparent in the context of recording in private spaces. When officers conduct home searches or intervene in domestic violence cases, BWCs will record private spaces and sensitive family conversations. The most obvious conflict arises here: the need for officer accountability meets constitutional protections for domestic privacy. The reasonable expectation of privacy theory, developed in Anglo-Saxon law, asserts that private spaces receive the highest protection from state surveillance instruments.<sup>42</sup> BWC recordings could violate human rights by excessively exposing citizens' private lives without a redaction mechanism or a discretionary pause procedure. Practice in the UK, for example, mandates that officers mute or pause recordings in certain situations to protect privacy.

The theory of right to privacy put forward by Samuel Warren and Louis Brandeis emphasizes the importance of “the right to be let alone” or the right not to be disturbed, which in the digital era must be translated as restrictions on the publication of sensitive recordings.<sup>43</sup> The Freedom of Information Law (BWC) does provide the public with the right to information, but it also recognizes exceptions for personal information. Without specific BWC regulations, authorities face a dilemma: refusing to publish information would

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<sup>41</sup> Meg Leta Jones et al., “The Right to Be Forgotten,” *Proceedings of the Association for Information Science and Technology* 52, no. 1 (January 2015): 1–3, <https://doi.org/10.1002/PRA2.2015.145052010010>.

<sup>42</sup> Lilian Edwards and Lachlan Urquhart, “Privacy in Public Spaces: What Expectations of Privacy Do We Have in Social Media Intelligence?,” *SSRN Electronic Journal*, December 2015, 1–29, <https://doi.org/10.2139/SSRN.2702426>.

<sup>43</sup> Lars Cyril Norgaard, “Past Privacy,” *Early Modern Privacy*, December 2021, 1–11, [https://doi.org/10.1163/9789004153073\\_002](https://doi.org/10.1163/9789004153073_002).

sacrifice accountability, while allowing unrestricted access would sacrifice privacy.

In addition, privacy protection in the context of BWC must be linked to the principles of data minimization and purpose limitation in data protection legal theory. The principle of data minimization requires that data be collected only to the extent necessary, while purpose limitation limits the use of data to specified legitimate purposes. Suppose BWC recordings are used for secondary purposes such as intelligence analysis, risk profiling, or commercial purposes. In that case, it means a serious violation of the data processing principle of legality. In the context of the rule of law theory, use that exceeds the original purpose indicates abuse of state authority that is not in accordance with the principle of legitimate aim.

The issue of privacy in using BWCs cannot be reduced to a mere data management issue; rather, it concerns constitutional dimensions and universal legal principles regarding the protection of human dignity. Human rights, due process of law, rule of law, and personal data protection demonstrate that accountability of officers through BWCs is only legitimate if accompanied by guarantees that recordings do not become instruments of repression or new violations. Within this framework, national regulations on BWCs must inherently integrate human rights principles. Hence, this technology functions as a tool of justice that balances transparency with protecting citizens' fundamental rights.

## Conclusion

The legal status of Body-Worn Cameras (BWCs) in Indonesia remains unclear due to the absence of specific legislation regulating their use. The Criminal Procedure Code (KUHP) still recognizes only traditional forms of evidence, while the ITE Law lacks explicit provisions on BWCs. As a result, the admissibility of recordings depends on inconsistent judicial interpretations and internal police discretion. The absence of standardized chain-of-custody procedures further weakens evidentiary reliability. This regulatory vacuum also leaves unresolved privacy, accountability, and data governance issues. Without *lex specialis* regulation, citizens and officers lack legal certainty regarding rights and remedies. Thus, Indonesia urgently needs a unified legal framework to legitimize and operationalize BWCs within its criminal justice system.

Comparative experiences from the United States, the United Kingdom, Germany, and Australia show that BWCs are effective only when governed by clear legal standards. The US emphasizes strict due process and chain-of-custody rules to preserve evidentiary integrity. The UK integrates victim-sensitive redaction policies and independent oversight through the IOPC. Germany prioritizes legality and proportionality to protect constitutional privacy rights. Australia adopts national technical and procedural standards to

unify practices across jurisdictions. These frameworks collectively balance accountability with privacy protection. Indonesia can adapt these principles to strengthen legitimacy and coherence in its regulatory approach.

The ideal regulatory model for BWCs in Indonesia should integrate legal, procedural, and technological safeguards within a single framework. It must define activation triggers, retention periods, and redaction procedures to ensure proportional data use. Digital authentication, hashing, and audit trails should guarantee evidentiary integrity. A dual accountability mechanism combining internal police discipline and external oversight must be institutionalized. Privacy and human rights protection must guide all operational stages under the rule of law and due process principles. Sanctions for non-recording or misuse are necessary to deter selective enforcement. Through such a design, BWCs can become a pillar of transparent and rights-based criminal justice reform.

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