



## *Defendant's Witness-Summoning Cost Budgeting by Public Prosecutors*

### **Saksi Tergugat-Penganggaran Biaya Pemanggilan oleh Jaksa Penuntut Umum**

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#### Abstract

*The Indonesian Criminal Procedural Law 2025 fundamentally alters trial dynamics, notably through Article 210, which imposes a new legal mandate on Public Prosecutors to formally summon the defendant's witnesses. This normative legal research examines the implications of this obligation against the backdrop of insufficient financial allocations within the prosecution service. Utilizing statute, conceptual, and comparative approaches, this study identifies a critical budgetary vacuum that impedes prosecutorial duties and fundamentally undermines the principle of a fair trial. Findings indicate that while the burden of proof logically necessitates both parties to secure their respective witnesses, the current statutory framework forces prosecutors to bear this administrative responsibility. To resolve this predicament, the Public Prosecutor's Office must enact specific internal regulations to restructure its financial framework. This restructuring must strictly allocate dedicated funds for summoning defense witnesses, clearly distinguishing between administrative summoning expenditures and actual attendance compensation, thereby ensuring continuous and equitable criminal proceedings.*

#### Abstrak

Kitab Undang-Undang Hukum Acara Pidana 2025 secara mendasar mengubah dinamika persidangan, terutama melalui Pasal 210, yang membebankan mandat hukum baru kepada Jaksa Penuntut Umum untuk secara resmi memanggil para saksi terdakwa. Penelitian hukum normatif ini mengkaji implikasi kewajiban tersebut di tengah latar belakang alokasi keuangan yang tidak memadai di dalam lembaga penuntutan. Dengan menggunakan pendekatan perundang-undangan, konseptual, dan komparatif, studi ini mengidentifikasi kekosongan anggaran kritis yang menghambat tugas penuntutan dan secara mendasar merusak prinsip peradilan yang adil. Temuan menunjukkan bahwa meskipun beban pembuktian secara logis mengharuskan kedua belah pihak untuk menghadirkan saksi masing-masing, kerangka hukum saat ini memaksa jaksa untuk menanggung tanggung jawab administratif ini. Untuk menyelesaikan kesulitan ini, Kejaksaan harus mengesahkan peraturan internal khusus untuk merestrukturisasi kerangka keuangannya. Restrukturisasi ini harus secara ketat mengalokasikan dana khusus untuk memanggil saksi pembela, membedakan secara jelas antara pengeluaran pemanggilan administratif dan kompensasi kehadiran aktual, sehingga memastikan proses pidana yang berkelanjutan dan berkeadilan.



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## **A. INTRODUCTION**

### **1. Background**

Act 8 of 1981 dubbed Indonesian Criminal Procedural Law 1981 had been repealed by new criminal procedural law known as Act 20 of 2025. Act 20 of 2025 which will be mentioned as Criminal Procedural Law 2025 has been enacted since January 2<sup>nd</sup>, 2026.<sup>1</sup> There is a lot of new regulations within Criminal Procedural Law 2025 that changes basic principle of criminal procedural law in Indonesia with the purpose of human right protection of accused or defendant. One of which, Article 210 Sub-Article (5) Criminal Procedural Law 2025 that provides legal basis for accused or defendant themselves or by their advocate to propose witness in which if agreed by the judge, public prosecutor would be ordered to summon said witness. This kind of ruling is regulated to ensure fairness of legal position between public prosecutors and accused or defendant. Yet it begs the question is public prosecutor can be considered as witness summoner?

The legal obligation of summoning witness by public prosecutor had well been stated even before Criminal Procedural Law 2025. Article 152 Sub-Article (2) Criminal Procedural Law 1981 had regulated that it is public prosecutor's obligation to summon and present accused/defendant and witnesses to the trial.<sup>2</sup> However, practices have shown that such obligation had not been supported with proper legal foundation that makes witness-summoning budgeting lacks proper enactment.

Witness-summoning has been pressing challenges for public prosecutors due to the lack of witness-summoning budgeting. Even teleconference trial innovation had not succeeded in enhancing witness-summoning budgeting for public prosecutors due to the lack of facilities preparation for teleconference trial.<sup>3</sup> Severity of witness-summoning is to be taken seriously due to dire consequence of absence of witness would render public prosecutor to be considered as unable to prove, hence judges would decide an acquittal decision as regulated in Article 191 Sub-Article (1) Criminal Procedural Law 1981.<sup>4</sup> In that

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<sup>1</sup> Novritsar Hasintongan Pakpahan and Binsar Pamopo Pakpahan, "A Sentencing Effectiveness Assessment Form as a Normative Instrument for Supervisory-and-Observatory Judges under Indonesia's 2025 Criminal Procedural Law," *Legalis: Journal of Law Review* 4, no. 1 (January 26, 2026): 28–40, <https://doi.org/10.61978/legalis.v4i1.1254>.

<sup>2</sup> Yuni Priskila Ginting et al., "Implementasi Saksi Mahkota Dalam Pembuktian Hukum Acara Pidana," *Jurnal Pengabdian West Science* 2, no. 10 (October 27, 2023): 826–39, <https://doi.org/10.58812/jpws.v2i10.683>.

<sup>3</sup> Novritsar Hasintongan Pakpahan et al., "Trial Proving in Electronic Criminal Case Trial Based On the Dignified Justice Perspective," *Ius Poenale* 3, no. 1 (June 29, 2022): 1–12, <https://doi.org/10.25041/ip.v3i1.2452>.

<sup>4</sup> Pakpahan et al.

sense, consequence of not being able to summon witness is so severe yet how come such issue is not taken seriously by improper budgeting?

This ignorance is due to the misconception of 'the wealthfare of public prosecutor through salary must be used to complement the lack of facilities in the office'. This misconception was strengthened by findings of Finance Audit Board that shows there has been budgeting misallocation in Public Prosecutor Office.<sup>5</sup>

Seriousness of consequence of failing to summon witness is even multiplied with latest update on criminal procedural law. Article 210 Sub-Article (5) Criminal Procedural Law 2025 added another witness-summoning obligation to public prosecutor, which is to summon accused/defendant's witness that has been agreed by judge.<sup>6</sup> Question remains on whose cost the summoning would be lied upon.

The problem persists with the fact that Public Prosecutor Office operational budgeting has been minimized with low state economy that cause public prosecutors lacking salary and proper infrastructure for trial needs<sup>7</sup>. Some data even showed that witness-summoning cost for public prosecutor only covers up to IDR150.000,00 for any kind of witness regardless of location including abroad or secluded places<sup>8</sup>.

The new obligation of defendant's witness summoning by public prosecutor needs proper support through budgeting in order to ensure fairness in criminal justice system. Hence, this research is important because it analyses what kind of challenge that withholds such fruition of that need and how to solve this problem.<sup>9</sup>

This research would be conducted as normative research that deploys statute approach, conceptual approach, and comparative approach with literature study of primary legal sources such as Criminal Procedural Law 2025 and secondary legal sources such as Public Prosecutor Office's Budget Report and legal journals.

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<sup>5</sup> Forum Indonesia untuk Transparansi Anggaran (Seknas FITRA) & Indonesia Judicial Research Society, *Laporan Penelitian Meningkatkan Kualitas Penanganan Perkara Melalui Penganggaran Berbasis Kinerja (BPK) Di Kejaksaan RI* (Jakarta, 2025).

<sup>6</sup> Pakpahan and Pakpahan, "A Sentencing Effectiveness Assessment Form as a Normative Instrument for Supervisory-and-Observatory Judges under Indonesia's 2025 Criminal Procedural Law."

<sup>7</sup> Tim Sosialisasi dan Penyusunan Profil Kejaksaan RI 2025, *Reformasi Birokrasi Kejaksaan Republik Indonesia* (Jakarta, 2025).

<sup>8</sup> Kejaksaan Tinggi Bali, "Rincian Kertas Kerja Satker T.A. 2025," in *Kementerian Keuangan Republik Indonesia*, preprint, Kementerian Keuangan Republik Indonesia, 2025.

<sup>9</sup> Kurdi Kurdi and Ibnu Mazjah, "Kesesuaian Sistem Hukum Asli Dengan Reformasi Pidana: Studi Kasus Penerapan Undang-Undang Nomor 1 Tahun 2023 Tentang KUHP," *UNES Law Review* 7, no. 2 (2024): 721–31, <https://doi.org/10.31933/unesrev.v7i2.2355>.

Previous researches that become reference for this research are Gunawan and Aspary's research that discusses about cost but limited to expert cost in which they discussed about findings of improper use of budgeting for expert whereas this research discusses reality of insufficient cost to summon witness.<sup>10</sup> Another previous research is Fauzan's research that discusses Deli Serdang Public Prosecutor's Office budgeting as means to plan and control yet the research's finding showed that budgeting revision by Deli Serdang Public Prosecutor's Office had not been conducted properly, whereas this research argued that improper budgeting would hinder public prosecutor's continuity of duty.<sup>11</sup> Compared to previous researches, this research focuses on new regulation of criminal procedural law namely witness-summoning obligation by public prosecutor in Article 210 sub-article (5). This focus is new as of the recent enactment of Criminal Procedural Law 2025 in January 2026. Furthermore, discussion of budgeting has been even more vital since budgeting has been an obstacle for conduct of public prosecutor's task in pursuing justice. The novelty of this research is finding result that there is a legal vacuum of accused/defendant's witness-summoning cost in Public Prosecutor Office budgeting and there needs to be Financial Ministry Regulation and Public Prosecutor's Regulation to instil regulations to estimate accused/defendant's witness-summoning cost budgeting by public prosecutor.

This research, in short, found that there is improper budgeting for accused/defendant's witness-summoning cost by public prosecutor due to the lack of budgeting measure and suggestion for concepting Financial Ministry Regulation and Public Prosecutor's Regulation for accused/defendant's witness-summoning cost by public prosecutor.

## **2. Formulation of Problem**

Based on the introduction of this research, that problem can be formulated into several questions namely:

- a. How are witness-summoning becoming public prosecutor's obligation in relation to existing law and clarity of criminal procedural law?
- b. How urgent is proper legal basis would provide proper witness-summoning

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<sup>10</sup> Indra Gunawan and Muhammad Insan Anshari Al Aspary, "Ideal Standar Biaya Ahli Penanganan Perkara Di Kejaksaan Republik Indonesia," *The Prosecutor Law Review* 2, no. 1 (April 30, 2024): 48–72, <https://doi.org/10.64843/prolev.v2i1.35>.

<sup>11</sup> Muhammad Fauzan, Sri Wahyuni Lubis, and Nurlinda, "Anggaran Sebagai Perencanaan Dan Pengendalian: (Studi Kasus Pada Cabjari Deli Serdang Di Labuhan Deli)," *Jurnal Penelitian Multidisiplin Terpadu* 9, no. 5 (2025): 60–65, <https://oaj.jurnalhst.com/index.php/jpmt/article/view/10159>.

cost budgeting by public prosecutor to prevent legal vacuum?

### **3. Research Method**

This research is categorized as normative research that is focused on solving legal issues as formulated in research problem. This research deployed statute approach, conceptual approach, and comparative approach. Statute approach is used to analyze regulations specifically to Criminal Procedural Law 2025. Criminal Procedural Law 2025 renews regulation regarding procedures in trial including latest obligation of summoning witness by public prosecutor.<sup>12</sup>

Conceptual approach is used to refer to legal theories and legal concepts such as trial-proving theory and budget law theory. Trial-proving theory is used to define obligation of witness-summoning by parties in criminal trial. Budget law theory is used to discuss about laws of budgeting and its relation to budgeting for law enforcement institution specifically public prosecutor. Comparative approach is used to analyze the concept of witness-summoning obligation in Indonesia with comparing to other judicial system which are Australia and America. Comparative approach specifically is used to analyze Australian criminal procedural law and American witness-summoning procedures.<sup>13</sup>

Literary study is used to collect data as legal instrument. Primary legal sources used in this research are Criminal Procedural Law 2025 and Criminal Procedural Law 1981. Secondary legal sources used in this research are legal journals and legal textbooks. Legal sources then would be analyzed through legal interpretation namely systematic legal interpretation, theological legal interpretation, and comparative legal interpretation. Systematic legal interpretation is meant to interpret regulations by understanding of systematic order of the regulation to comprehend concept of law in regulation. Theological legal interpretation is used to analyze legal sources in understanding the objective or the purpose of regulation so that any obscurity is solved through the purpose of the regulation. Comparative legal interpretation is applied to gain insight through other states and find similarities with differences to provide solutions or better understanding of situation.

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<sup>12</sup> Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2, 2023): 1-9, <https://doi.org/10.22219/aclj.v4i1.24855>.

<sup>13</sup> Terry Hutchinson, "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law," ed. Sanne Taekema, *Erasmus Law Review* 8, no. 3 (December 2015): 130-38, <https://doi.org/10.5553/ELR.000055>.

## **B. DISCUSSION**

The findings of this research would show that there is the existence of witness-summoning obligation in criminal procedural law in Indonesia and that budgeting is important to ensure the steadiness of criminal trial. The discussion would be discussed in two parts as follow.

### **1. Obligation of summoning witness**

Criminal procedural law regulates application of criminal substantive law. Core of criminal procedural law is the process of criminal trial. Criminal trial map out trial scheme as reading indictment letter, objection, interim decision, trial-proving, reading prosecution letter and defence statement, and final decision. One of the main essences of criminal procedural law relies on trial-proving.<sup>14</sup>

Trial proving theory argues that every single claim needs to be proven to ensure the truth of the claim. Public prosecutor's failure to prove claim would render failing the whole process of indictment which would result freeing defendant's charge. Vice versa, defendant's failure to prove objection with proof would render defendant to be proven as guilty and be sentenced. Such obligation prove must heed to the regulation of proof. Article 235 Sub-Article 1 Criminal Procedural Law 2025 put the boundaries of proof into several proof namely witness, expert, letters, defendant, evidence, electronic evidence, judge's observation, and other legal unspecified things in the name of trial-proving.

Core understanding of trial proving theory is strengthening subject's claim by utilizing evidence that may direct or indirectly support the claim. The use of evidence depends on the turn of proving which begins by the claimant (public prosecutor in criminal case) and ends with defendant.

Witness testimony is placed as the strongest proof in criminal trial due to the reason that witness tackles occurrence directly. The construction of witness testimony would assist for judges to conceptualize events and occurrences related to the crime. The consistency and logic of the testimony of witness would divulge the truth in criminal trial process.<sup>15</sup>

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<sup>14</sup> Muhammad Zulfiqri, Budi Bahreisy, and Romi Asmara, "Kekuatan Hukum Pembuktian Terhadap Keterangan Saksi De Auditu Dalam Hukum Acara Pidana," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 8, no. 2 (August 9, 2025): 131–51, <https://doi.org/10.29103/jimfh.v8i2.21767>.

<sup>15</sup> Mihaela Rus, "The Role of the Witness in Criminal Proceedings: Importance, Vulnerabilities, and Psychological Implications," *Proceedings of the International Conference on Social Sciences, Humanities and Arts* 2, no. 1 (September 23, 2025): 1–14, <https://doi.org/10.33422/icsha.v2i1.1290>.

Recognizing the importance of witness testimony as evidence, summoning witness has become so crucial in order to ensure the continuity of trial. However, both Criminal Procedural Law 1981 and Criminal Procedural Law 2025 seems like stressing the obligation of witness-summoning only upon public prosecutor. Discussing witness-summoning obligation, there have been other comparison aside of Indonesia for this research such as Australia and America.<sup>16,17</sup>

Australian criminal justice system put public prosecutor to summon their own witness, whereas defendant through their counsellor summon their own witness. There is no obligation for public prosecutor to conduct summoning or assist summoning of defendant's witness.<sup>18</sup>

American criminal justice system is also similar to Australian criminal justice system where public prosecutor is obligated to summon their own witness and defendant through their counsellor summon their own witness without any help or assistance from public prosecutor.<sup>19</sup>

Both state's example showed that proof of witness must be brought by party who argue. It is the exact realization of legal principle of *actori incumbit onus probandi*. Therefore, Article 210 Sub-Article (5) Criminal Procedural Law 2025 that added defendant's witness-summoning obligation to public prosecutor should be considered as contradictive to practices and *actori incumbit onus probandi* legal principle.

Considering the fact that Indonesia as an archipelagic state and consists of wide range of rural areas, there needs to be further regulation that focuses on stressing witness-summoning obligation to each party solely, but defendant or their advocate may ask for assistance from public prosecutor or police with the cost be burdened towards but defendant or their advocate.<sup>20</sup> This suggestion would also fulfil fair trial principle in which public prosecutor would always be backed by state whileas defendant would always be put at disadvantage without any state funding to back their defense. By regulating defendant's responsibility to summon his/her/its witness with the assistance of public

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<sup>16</sup> Matthew Johnson, "Informal Evidence' in Committee Inquiries: A Case for Its Wider Use," *Australasian Parliamentary Autumn* 40, no. 1 (2025): 34–51.

<sup>17</sup> Andrew Swarts, "Admitting Absent Witness Statements: The Law on Hearsay Evidence," *De Rebus*, 2025, <https://www.derebus.org.za/admitting-absent-witness-statements-the-law-on-hearsay-evidence/>.

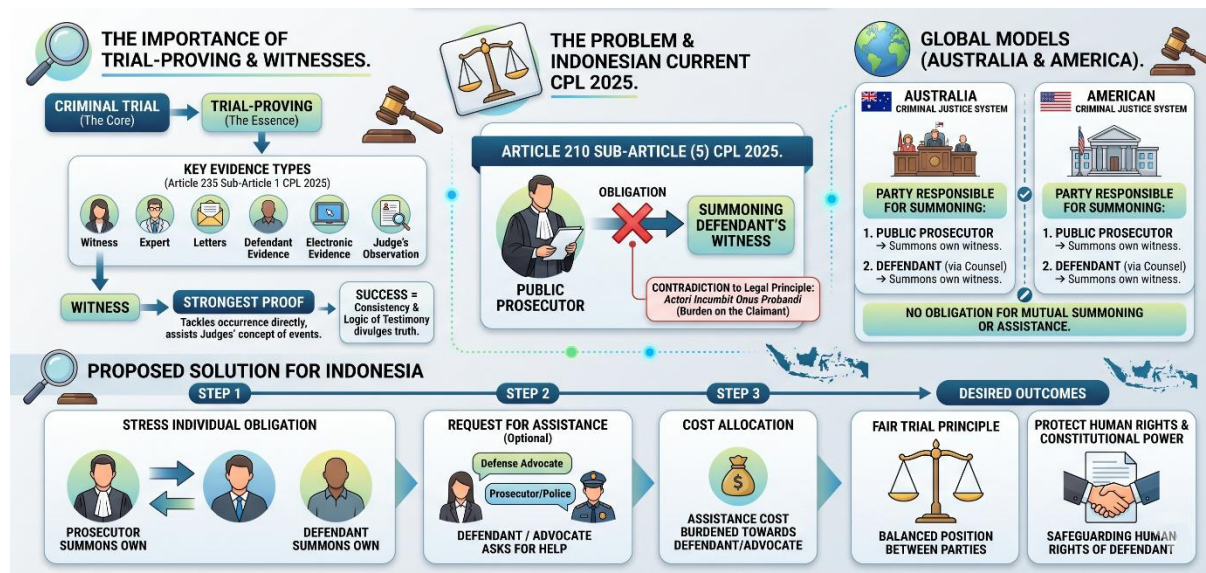
<sup>18</sup> Johnson, "Informal Evidence' in Committee Inquiries: A Case for Its Wider Use."

<sup>19</sup> Swarts, "Admitting Absent Witness Statements: The Law on Hearsay Evidence."

<sup>20</sup> Haris Dwi Saputro and Syamsul Fatoni, "Persidangan Perkara Pidana Secara Elektronik Dalam Sistem Peradilan Pidana Di Indonesia Di Masa Pandemi Covid-19," *INICIO LEGIS* 3, no. 2 (November 6, 2022): 142–61, <https://doi.org/10.21107/il.v3i2.16902>.

prosecutor, the position between public prosecutor and defendant would be balanced and fair trial would be ensured.<sup>21</sup> The realization of fair trial principle would also protect human right of defendant hence proving the binding power of constitution.<sup>22</sup>

**Figure 1. The Obligation of Summoning Witnesses in Criminal Procedure Law**



## 2. Legislating legal basis for proper witness-summoning cost budgeting by public prosecutor post-enactment of criminal procedural law 2025

As of this research is conducted, Article 210 Sub-Article (5) Criminal Procedural Law 2025 is still in effect and obligates public prosecutor to summon defendant's witness. Yet, witness-summoning by public prosecutor itself has been problematic due to the controversy regarding economic state of budgeting.

Historically, the Public Prosecutor's budgeting for witness summoning remained underdeveloped and inadequately planned throughout the enforcement of the Criminal Procedural Law 1981. According to the Public Prosecutor Reform Program, state allocations for the prosecution service were consistently constrained by Indonesia's economic challenges<sup>23</sup>. Despite the recognized importance of witness testimony as a primary form of evidence in criminal proceedings, the associated cost structures remained overly simplistic. For instance, the planned budget was often insufficient, as it

<sup>21</sup> Chaudhary Hamza Riaz, "Legal Technology and Bias: A Threat to Fair Trial Rights?," *International Journal of Science and Research Archive* 16, no. 2 (August 30, 2025): 299-304, <https://doi.org/10.30574/ijstra.2025.16.2.2310>.

<sup>22</sup> Auliya Hanidatul Masdiah and Budi Kristanto, "The Influence of the Constitutional Court Ruling No 90/PUU-XXI/2023 on the Authority and Marvel of the Constitutional Court as Guardian of the Constitution," *International Journal of Science and Society* 6, no. 2 (May 17, 2024): 437-45, <https://doi.org/10.54783/ijsoc.v6i2.1161>.

<sup>23</sup> Tim Sosialisasi dan Penyusunan Profil Kejaksaan RI 2025, *Reformasi Birokrasi Kejaksaan Republik Indonesia*.

was required to cover not only the administrative costs of issuing summonses but also the actual transportation expenses for the witnesses<sup>24</sup>.

The budgeting for witness-summoning costs warrants greater emphasis in light of impending regulatory shifts and inflationary pressures. By way of comparison, the Supreme Court of Indonesia establishes its budgetary framework upon the legal foundation of Government Regulation No. 3 of 2012 concerning the Types and Tariffs of Non-Tax State Revenue, and Supreme Court Regulation No. 3 of 2012 regarding Case Management Costs. These regulations implement a radius-based budgetary model, where summoning costs are calibrated according to geographical distance. Under this system, the final rates are determined by the Chief of the District Court based on localized budgetary proposals.<sup>25</sup> Notably, a comparable standardized mechanism for radius-based summoning costs remains absent within the Public Prosecutor's Office.

Referring to budgeting law theory, there must be specific law that regulates budgeting in which would generally regulates five stages of budgeting process namely, budget preparation, budget approval, budget execution, budget implementation control, and external audit of budget.<sup>26</sup> Furthermore, proper budgeting based on budgeting law legal framework is to realize responsible financial management through budgeting and its realization rather than merely political discretion in budget preparation and execution.<sup>27</sup>

Meanwhile, in Indonesia, the law that regulates budgeting is regulated in Act 17 of 2003 regarding State Financing and Financial Ministry Regulation 62 of 2023 regarding Budget Planning, Budget Execution, and Accounting and Financial Reporting. These regulations in general regulate that there must be a process of budgeting as follow:<sup>28</sup>

- a. Government Work Plan
- b. Work Plan and Budget of State Ministries/Institutions
- c. Legislative Discussion and Agreement

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<sup>24</sup> Kejaksaan Tinggi Bali, "Rincian Kertas Kerja Satker T.A. 2025."

<sup>25</sup> Kejaksaan Tinggi Bali, "Rincian Kertas Kerja Satker T.A. 2025."

<sup>26</sup> OECD Publishing, "The Legal Framework for Budget Systems," *OECD Journal on Budgeting* 4, no. 3 (2004).

<sup>27</sup> Group for Legal and Political Studies, "Budget Law or the Law Establishing Rules for the Spending of Public Money?," *Group for Legal and Political Studies*, no. 4 (November 2025). <https://legalpoliticalstudies.org/budget-law-or-the-law-establishing-rules-for-the-spending-of-public-money/>

<sup>28</sup> Andi Agung Mallongi et al., "Kebijakan Efisiensi Dalam Pengelolaan Anggaran Negara Di Indonesia Tahun 2025 Ditinjau Dari Perspektif Siyasaah Maliyyah," *Jurnal El-Thawalib* 6, no. 2 (April 20, 2025): 212-26, <https://doi.org/10.24952/el-thawalib.v6i2.14972>.

- d. Work Plan and Budget of State Ministries/Institutions Budget Allocation
- e. Budget Implementation Checklist Submission

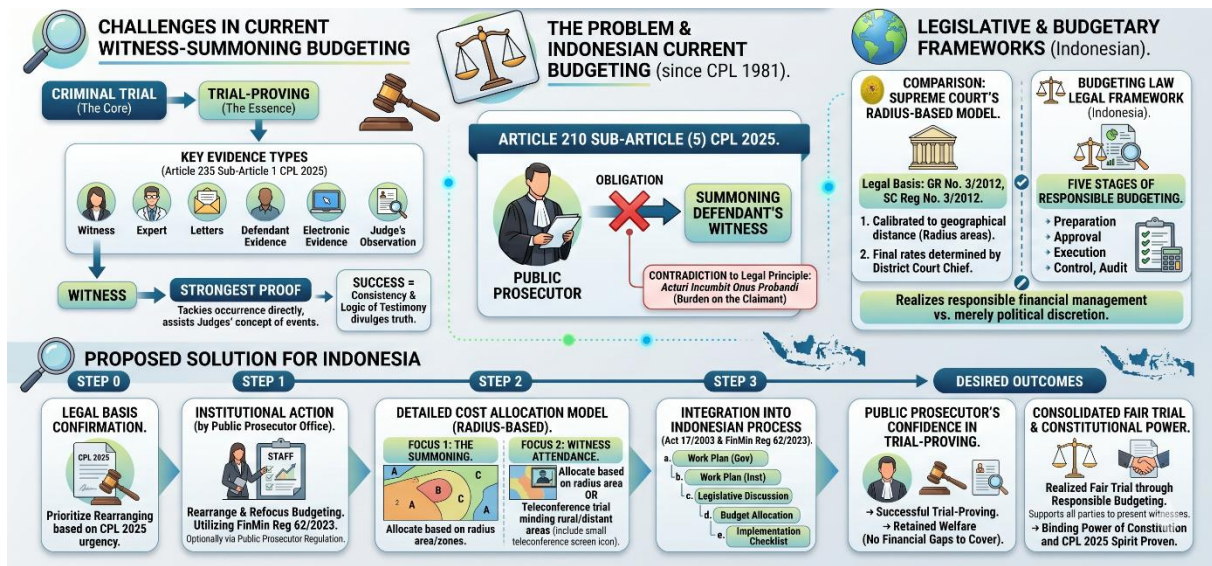
Implication of proper budgeting policy would result in proper budget execution which follows budget's goals, supposedly to enhance institution's objective. In relation to public prosecutor's budgeting for witness-summoning, Public Prosecutor Office should have reviewed and updated proper budget for witness-summoning. To compare, Supreme Court has managed to rearrange and refocus budgeting for teleconference trial during Covid-19 after the enactment of Financial Ministry Regulation Number 43/PMK.05/2020 which then was followed up through Supreme Court Circular Letter 2 of 2020 and Supreme Court Regulation 4 of 2020 to budget for teleconference facilities.

Public Prosecutor Office must rearrange and refocus budgeting for witness-summoning ever since phase 1 government work plan and phase 2 work plan and budget of state ministries/institutions. Considering its urgency, witness-summoning budget can be prioritized for rearrangement and refocus on the grounds of Criminal Procedural Law 2025 enactment. Following the example of Supreme Court, Public Prosecutor Office should also regulate witness-summoning obligation by Public Prosecutor to support witness-summoning cost, optionally through Public Prosecutor Regulation.

Witness-summoning cost budget by public prosecutor should be allocated for two focuses namely the summoning itself and witness-attendance cost. Witness-summoning by public prosecutor must be allocated based on radius areas which can be differed by zones to estimate approximation of cost, whereas witness-attendance cost can also be allocated based on radius area or budget allocation for teleconference trial minding rural or distant areas.

With proper budgeting, Public Prosecutor will have no worries in conducting their duty in trial-proving and embracing the spirit of Criminal Procedural Law 2025. Public Prosecutor will also be able to retain their welfare without having to cover for gap of maximum of witness-summoning cost.

**Figure 2. Focused on Proper Witness-Summoning Cost Budget for Public Prosecutors Post-Enactment of Criminal Prosedural Law**



## C. CONCLUSION

Budgeting for witness-summoning costs has become an urgent issue following the enactment of the Criminal Procedural Law 2025, which places this burden solely on the Public Prosecutor. To address the research objectives, this study argues that the obligation to summon witnesses should be shared by both litigating parties, rather than being the exclusive responsibility of the Public Prosecutor, regardless of the latter's superior access to resources. Consequently, witness-summoning budgets must be restructured and refocused to accommodate the additional mandate of summoning defense witnesses. To support this, it is suggested that the Public Prosecutor's Office issue a specific regulation to reallocate budgetary resources for summoning all witnesses, including those for the defendant as approved by the bench. Contributing in the manner of theory, the burden of defendant's witness-summoning shall be construed as responsibility of defendant following the trial-proving theory. On the other hand, the argument of defendant's witness-summoning cost budgeting by public prosecutor needs to be allocated and planned adequately or otherwise will end up hurting trial-proving for both parties. The novelty of this research is it contributes on the clarity of trial-proving regarding witness-summoning burden and stresses on proper budgeting for witness-summoning by public prosecutor.

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