

Research Horizon

ISSN: 2808-0696 (p), 2807-9531 (e)

Research Horizon

Volume: 05

Issue: 04

Year: 2025

Page: 1235–1244

Citation:

Junaedi, N., Siradjz, D. A., & Prayuti, Y. (2025). Legal certainty and the suspension of criminal investigations due to civil disputes in Indonesian criminal law practice. *Research Horizon*, 5(4), 1235–1244.

Article History:

Received: June 29, 2025

Revised: July 12, 2025

Accepted: July 25, 2025

Online since: August 30, 2025

Legal Certainty and the Suspension of Criminal Investigations Due to Civil Disputes in Indonesian Criminal Law Practice

Nurhadi Junaedi¹, Derex Anoraga Siradjz¹, Yuyut Prayuti¹

¹ Universitas Islam Nusantara, Bandung, Indonesia

* Corresponding author: Nurhadi Junaedi (nurhadijunaedi@uninus.ac.id)

Abstract

Criminal and civil law often intersect in land ownership disputes, particularly when land grabbing cases are delayed due to ongoing civil litigation. This creates challenges in law enforcement, especially regarding legal certainty, justice, and utility. This study aims to examine how legal protection is provided to complainants in criminal cases involving sufficient evidence under Article 184 of the Criminal Procedure Code, when the investigation is suspended due to civil disputes. It also investigates whether the suspension practice based on the Chief of Police's Telegram Letter, referring to Supreme Court Regulation (Perma) Number 1 of 1956, aligns with the principles of legal certainty and justice. The study adopts a normative juridical approach, using statutory, theoretical, and case-based analysis. It focuses on in-concreto legal evaluation, especially on whether criminal investigations should proceed or be postponed pending civil decisions. Findings show that although Perma Number 11956 provides procedural guidance for prejudicial disputes, its application often leads to legal uncertainty and risks case expiration. This creates dualism in judicial practice. Law enforcement authorities must carefully assess the status of civil claims before halting criminal investigations. Future research should address the need for more integrated regulations to avoid conflicting practices between civil and criminal proceedings.

Keywords: Criminal Investigation, Civil Dispute, Land Grabbing, Legal Certainty, Prejudicial Dispute.

1. Introduction

As legal science has advanced, public legal awareness has also grown, enabling people to more actively voice their expectations for justice and demand effective law enforcement. This awareness includes increasing recognition of equality before the law and the protection of human rights (*Hak Asasi Manusia/HAM*) as fundamental legal principles (Natsif, 2019). In line with Article 27(1) of the 1945 Constitution, every citizen is guaranteed the same legal protection without discrimination, affirming the principle of equality before the law (Saribu, 2018). The legal process, including investigation and adjudication, must not differentiate based on race, religion, or background, thereby ensuring citizens' equal dignity and responsibility within society. However, in practice, violations of legal norms frequently occur and disrupt public order. Such violations generate unrest and demand strict sanctions, as criminal law functions to restore social peace (Hadji et al., 2024).

Criminal law serves as a key component of a country's legal system that outlines which behaviors are prohibited and stipulates sanctions for violations. It also defines the conditions under which individuals can be held accountable and punished (Haryanto et al., 2013). Its normative and procedural provisions aim to prevent violations and maintain public order (Suartha, 2022). The criminal justice process consists of several stages, including investigation, prosecution, trial, and execution. These are undertaken by law enforcement and judicial institutions to discover the material truth (Waluyo, 2022). According to Article 1 point 2 of the Criminal Procedure Code (*Kitab Undang-Undang Hukum Pidana/KUHAP*), investigation refers to a series of actions to collect evidence, clarify criminal incidents, and identify suspects (Chandra, 2022; Sobarnapraja, 2020).

A relevant example is a land-grabbing case involving Mr. Ujang, who found a permanent foundation built by Mr. Heri on his land. Although a remeasurement by BPN confirmed the encroachment, Mr. Heri responded by filing a civil lawsuit to dispute ownership. Based on Police Regulation Number 9 of 2019, the police suspended the criminal investigation pending the civil court's final ruling, referring to Supreme Court Regulation (*Peraturan Mahkamah Agung/Perma*) Number 1 of 1956. This conflict has increasingly emerged in practice due to the rising number of land ownership disputes with overlapping civil and criminal dimensions, coupled with the lack of updated technical guidelines for law enforcement coordination (Wenas, 2020; Nasir et al., 2023). As a result, investigators often hesitate to proceed with criminal charges when civil litigation is still pending. This situation raises the problem of how legal protection is ensured for complainants in criminal cases where sufficient evidence exists under Article 184 of the Criminal Procedure Code. The issue also questions whether the Chief of Police's Telegram Letter Number ST/2540/XII/RES.7.5/2023, which refers to Supreme Court Regulation Number 1 of 1956, aligns with the principles of legal certainty, justice, and utility particularly when criminal investigations are suspended or terminated without following procedures under Article 109 of the Criminal Procedure Code.

This case shows how civil litigation can delay criminal investigations and risk case expiration (*daluwarsa*) under Indonesian law, weakening justice and legal certainty (Hakiki, 2022; Nurillah et al., 2023). Investigators must consider both the criminal aspects and related civil disputes, such as property claims, when handling cases. Although Supreme Court Regulation Number 1 of 1956 and police Telegram Letters aim to manage prejudicial disputes, their alignment with modern legal principles remains underexplored. A key issue is whether their application truly upholds justice and victims' rights. Tension also exists between Article 3 of Supreme Court Regulation Number 1 of 1956 which states criminal courts aren't bound by civil rulings and the common practice of delaying criminal cases pending civil outcomes. Therefore, this study aims to conduct a normative analysis of legal protection for complainants in criminal cases suspended due to civil disputes. It also seeks to evaluate whether the suspension practices, especially those based on the Chief of Police's STR and Supreme Court Regulation Number 1 of 1956, are in accordance with the principles of legal certainty, legal justice, and utility in the Indonesian criminal justice system.

2. Literature Review

Investigation involves a series of actions by investigators to collect evidence clarifying a criminal offense and identifying the suspect (Salfutra, 2018). Article 184 of Law Number 8 of 1981 recognizes valid evidence as witness statements, expert opinions, documents, clues, and defendant testimony (Nasution, 2016; Safitria et al., 2024). Criminal law also recognizes "criminal expiry" (*verjaring*) which refers to the expiration of the right to prosecute or enforce punishment after a certain period

(Hamzah, 2015; Meutia, 2019). This legal expiration removes the public prosecutor's authority to continue legal action once the statute of limitations has passed.

The authority to terminate an investigation lies with the investigator, as stipulated in Article 109 paragraph (2) of the Criminal Procedure Code (Amiruddin et al., 2021). The issuance of an Investigation Termination Warrant (*Surat Perintah Penghentian Penyidikan/SP3*) by the police serves as an official notification from the investigator to the public prosecutor that the case in question has been discontinued. The SP3 follows a standardized format as outlined in the Decree of the Attorney General Number 518/A/J. A/11/2001, dated November 1st 2001, which amends the previous Decree Number 132/JA/11/1994 regarding the administration of criminal cases in Indonesia.

An Investigation Termination Warrant is issued after someone is named a suspect. Under Article 109(2) of the Criminal Procedure Code, investigators may halt an investigation due to lack of evidence, the act not being a crime, or legal reasons requiring termination, and must notify the prosecutor and the suspect or their family. According to Herman (2022), police may terminate a criminal investigation for three main reasons: lack of at least two valid pieces of evidence, the case not constituting a criminal offense but falling under civil or administrative law (as per Article 109(2) of the Criminal Procedure Code), or legal grounds such as the case being previously adjudicated, the suspect's death, or expiration of the statute of limitations. These limitation periods vary by offense severity, from one year for minor crimes to eighteen years for those punishable by death or life imprisonment (Fadhli, 2014).

Legally, a case may be discontinued if it no longer meets the legal requirements to proceed such as when it has already been adjudicated or the suspect has died. Regarding expiration, there are four categories: one year for printing offenses; six years for crimes punishable by fines or imprisonment of up to three years; twelve years for crimes with penalties over three years; and eighteen years for offenses punishable by death or life imprisonment. Investigators must evaluate both the quality and quantity of evidence (Tampoli, 2016). While at least two valid pieces are legally required, collecting more helps prevent case termination (SP3) due to insufficient evidence. According to Article 109 paragraph (2) of the Criminal Procedure Code, if an investigation is stopped, the investigator must formally notify the public prosecutor, the suspect or their family, and relevant authorities. SP3 is issued after someone is named a suspect, with its legal basis outlined in Article 109 of Law Number 8 of 1981.

3. Methods

This study employs a normative juridical legal research method, which focuses on examining written legal norms from various angles. These include theoretical, philosophical, comparative, and structural perspectives, as well as the internal consistency of laws, their general and article-specific explanations, their formal characteristics, and their binding legal force. In normative juridical studies, the analysis uses the formal language of law and relies on legal materials such as statutes, regulations, court decisions, and legal doctrines. More specifically, this research adopts a type of normative legal study intended for *in concreto* cases, where the primary objective is to assess the applicability of certain normative provisions to a specific factual situation. In this context, the focus is on whether the regulations governing the investigation stage as found in the Criminal Procedure Code and related laws can be properly applied in real criminal cases that have legal intersections with civil disputes particularly regarding land ownership conflicts that often trigger both criminal and civil litigation.

To strengthen this analysis, a theoretical approach is used in conjunction with the case approach and the statutory (legislative) approach. Through the theoretical

approach, the normative structure of investigative procedures is evaluated in light of legal protection principles namely, how the application or suspension of a criminal investigation aligns with the broader goals of justice, legal certainty, and utility. The results are then presented prescriptively, offering normative arguments to assess what should be done based on the facts uncovered, within the framework of Indonesia's legal system.

A central object of analysis in this study is the Supreme Court Regulation Number 1 of 1956, which regulates judicial discretion in suspending criminal proceedings pending the resolution of related civil disputes (*prejudicieel geschil*). This regulation is selected due to its enduring influence on legal practice, despite being a product of an earlier legal era. Though enacted in the mid-20th century, Perma Number 1 of 1956 continues to guide law enforcement and judicial actors in determining the boundaries between civil and criminal jurisdictions, particularly in land disputes.

Furthermore, Supreme Court Regulation Number 1 of 1956 serves as the normative foundation referenced in recent policies such as the Chief of Police's Telegram Letter Number ST/2540/XII/RES.7.5/2023, which instructs investigators to suspend criminal proceedings when a civil case is concurrently filed. However, this creates potential conflict with the principles of modern criminal procedural law, especially regarding the expiration of prosecution authority (*daluwarsa*) and the victim's right to legal protection when sufficient evidence has already been established under Article 184 of KUHAP. Therefore, analyzing Supreme Court Regulation Number 1 of 1956 is essential not only to assess its compatibility with today's legal norms but also to evaluate its continued relevance and potential need for reinterpretation or reform, especially when juxtaposed with the modern demands of legal certainty and procedural fairness in criminal justice.

4. Results

4.1. Protection for Land Grabbing Complainants with Fulfilled Evidence

Immanuel Kant emphasized the role of law as a safeguard for human rights and individual freedoms. According to his perspective, humans are rational beings endowed with free will. The rights and freedoms of individuals as citizens must be protected and upheld by the government (Arifin & Lestari, 2023). Satjipto Rahardjo argues that legal protection serves to safeguard human rights that have been violated by others, ensuring that society can fully enjoy the rights granted by law (Susanto, 2019). Fitzgerald's said interpretation of Salmond's views in "Jurisprudence". The primary objective of law is to protect societal interests by harmonizing and balancing the various interests that exist within a community. In the dynamic flow of social interests, safeguarding one interest often requires limiting others (Sinaulan, 2018). Salmond's view underscores that law is inherently tied to the concept of interests. In line with this, Roscoe Pound's theory of interests also supports the notion that law functions to manage and prioritize competing societal interests, highlighting the interconnection between legal structures and the interests they are designed to regulate (Pound, 2017).

Pound (2017) viewed law as a means to protect certain interests that society deems essential for legal safeguarding. However, Pound emphasized that not all interests require legal protection some can be upheld through religion, moral values, aesthetics, or other non-legal mechanisms (Nonet & Selznick, 2019). The core function of law lies in protecting specific types of interests, which include individual interests, public interests, and social interests. The law must protect these three categories in a balanced and equitable manner, as achieving such harmony reflects the true essence of justice. Based on this reasoning, interests can be classified into

three broad categories: personal or individual interests, public interests, and the interests of the state, which acts as a guardian of the broader social good.

The regulation regarding prejudicial disputes, as outlined in Point 5, Part III of SEMA Number 04 of 1980, states that "criminal judges are not bound by the decision of civil judges" (Sabrina, 2023). However, this provision arguably should not exist. The reason is that both criminal and civil cases ultimately aim to protect the same overarching interest public welfare. Although civil law is categorized as private law, its legal structure does not solely concern individual matters in isolation but rather focuses on the relationships between individuals (Santosa, 2019). These relationships are not merely transactional but are viewed holistically as interconnected units. At this level, private civil law also serves the broader interest of society, much like public criminal law. Therefore, the provision in Point 3, Part II of Prejudicieel geschil in Supreme Court Circular Letter (*Surat Edaran Mahkamah Agung/SEMA*) Number 04 of 1980, which requires civil matters to be resolved before criminal proceedings can commence, should not be treated as a recommendation as implied in Point 5. Chaerul Huda (in Irwan, 2022) notes that SEMA Number 04 of 1980 and Perma Number 1 of 1956 were created when the judicial system was still underdeveloped, making them outdated today. Given that civil cases often take time, this can delay related criminal proceedings like land grabbing. Meanwhile, criminal law recognizes case expiration, where prosecution rights can lapse over time.

4.2. Suspension of Land Case: STR, Perma, and Legal Certainty

Under Article 78 of the Indonesian Criminal Code, a prosecutor's authority to file charges expires after specific time limits: one year for minor or printed-media crimes, six years for crimes with up to three years' imprisonment, twelve years for more serious offenses, and eighteen years for crimes punishable by death or life imprisonment. These limits are reduced by one-third if the offender was under 18. The time limits reflect a balance between crime severity and society's memory, as prolonged delays make evidence harder to obtain and may weaken the public's interest in prosecution. From a legal certainty perspective, prosecutions must eventually end, as endless investigations undermine public trust in the law (Moho, 2019). Some argue that the 18 year limit for serious crimes like those punishable by death, as stated in Article 78(1) point 4, may unintentionally encourage suspects to evade justice until the period expires. This view suggests the need to extend the grace period. However, to maintain balance and fairness, a clear end to prosecution efforts must exist. The best solution is to strengthen the performance of investigators and prosecutors so the existing time limits are sufficient to complete their duties effectively.

The Criminal Code includes provisions on the expiration of the right to prosecute a person for committing a criminal act, as outlined in Article 78. This rule was established for two main reasons: to ensure legal certainty and to protect individuals from indefinite legal uncertainty. According to the article, the right to prosecute is considered forfeited once a certain period of time has passed. Specifically, prosecution expires after one year for all minor offenses and crimes committed through printed media. For crimes punishable by fines or imprisonment of up to three years, the statute of limitations is six years. For more serious offenses with penalties exceeding three years of imprisonment, the limitation period extends to twelve years. Lastly, for crimes that carry the threat of death or life imprisonment, the right to prosecute expires after eighteen years.

According to paragraph 2 of Article 78 of the Criminal Code, for people who were generally not eighteen years old before committing a criminal act, the grace period was reduced to one-third. There is a difference of opinion, whether this measure of three years is only about the usual maximum of a sentence, or after it has been reduced or increased by the existence of mitigating or aggravating punishments. For

example, in probation (*poging*) and assistance (*medeplichtigheid*), the maximum punishment is reduced, while the maximum is increased if the criminal act is committed by a civil servant, thereby violating an obligation of a special position (Article 52 of the Criminal Code). According to Alvat (2019) the deadline for the expiration of the right to prosecute are lawmakers classify crimes into four categories to determine prosecution time limits: one year for minor or printed media offenses, six years for crimes punishable by up to three years, twelve years for those with longer sentences, and eighteen years for crimes punishable by death or life imprisonment. For offenders under 18, these limits are reduced by one-third. Article 81 of the Criminal Code states that prosecution delays due to related civil cases also pause the expiration period. However, it does not clarify which case takes precedence, creating a legal vacuum and judicial dualism.

To address the legal vacuum and provide clearer guidelines on prejudicial disputes, the Supreme Court of the Republic of Indonesia issued Regulation Number 1 of 1956 along with Circular Letter Number 4 of 1980 (Santosa, 2019; Rahim, 2023). These instruments serve as guidance for resolving conflicts that arise between criminal and civil courts. According to the provisions within Perma Number 1 of 1956 and SEMA Number 4 of 1980, when a judge identifies the presence of a prejudicial dispute, the examination of the related criminal case may be temporarily halted until a decision is reached in the corresponding civil matter. The nomenclature used in Article 81 of the Criminal Code, Perma Number 1 of 1956 and SEMA Number 4 of 1980, is a postponement and suspension, and not a termination because stopping the case is the authority of the investigator to stop the investigation and the public prosecutor to stop prosecution.

Article 2 of Perma Number 1 of 1956 also provides that the suspension of a criminal case investigation may be lifted at any time if it is deemed no longer required. This assessment of necessity can be interpreted to mean that suspension is no longer justified when the related civil case is no longer under examination, the civil claim has not been submitted or has been declared inadmissible, or when the civil case has reached a final and binding decision. Under these circumstances, the halted investigation of a criminal case may be resumed. Article 3 of Perma Number 1 of 1956 further reinforces this by explicitly stating that the court, when examining a criminal case, is not obligated to follow the civil court's ruling concerning the existence or absence of civil rights.

If land ownership is clearly valid under the law, any violations such as land grabbing or fraud in land transactions can be criminally prosecuted under Articles 378, 263, and 266 of the Criminal Code. For instance, using forged documents or blank checks in land sales constitutes a crime. In such cases, civil proceedings do not hinder criminal investigations, especially when civil rights or contracts are rooted in criminal acts (Hidayat & Haris, 2023). The criminal court, not the civil court, determines the material truth. In cases like corruption, criminal proceedings take precedence, as stated in Article 25 of Law Number 3 of 1999. While Perma Number 1 of 1956 allows delays in criminal cases pending civil rulings, Article 3 gives judges discretion to decide. The priority depends on whether the civil dispute results from a crime or if the crime can only be proven after resolving a civil matter. According to Article 1 point 5 of the Criminal Procedure Code, the investigation stage is the essential entry point in criminal law enforcement (Husin & Husin, 2022).

5. Discussion

Law is not immediately applicable without interpretation that judges must consider the broader context before enforcing legal provisions. Legal norms are generally abstract stating what is obligatory, prohibited, or allowed and require interpretation to fit specific cases. According to Paul Scholten, the legal system is open, allowing for evolving interpretations to meet modern societal needs (Ali, 2015:

Tampoli, 2016). Normatively, the concept of legal interpretation is implicitly addressed in Article 5 paragraph (1) of Law Number 48 of 2009 on Judicial Power, which states that Constitutional Judges and Judges must explore, adhere to, and comprehend the legal values and sense of justice that prevail within society (Helmi, 2020). This responsibility stems from Article 10 paragraph (1) of the same law, which clearly mandates that courts cannot refuse to hear, adjudicate, or rule on a case on the grounds that the law is absent or ambiguous they are instead obligated to proceed with examination and adjudication. These provisions highlight the pivotal role of the judiciary within the legal system of the Unitary State of the Republic of Indonesia. As noted by Hakiki (2022) serves to complement statutory law by engaging in legal development (*rechtsvorming*) and legal discovery (*rechtsvinding*) (Amiruddin et al., 2021; Satya, 2022). In essence, judges in Indonesia's primarily codified legal system hold the authority to develop and formulate new legal norms effectively participating in the creation of law.

Interpretation can guide investigators in ensuring a criminal case doesn't conflict with related civil matters. They must assess whether the parties and issues overlap, which may indicate a close link requiring careful handling. This step safeguards civil rights during the investigation. Ideally, criminal law should balance legal certainty, justice, and usefulness though in practice, these values often conflict particularly justice and certainty (Moho, 2019).

Legal certainty refers to the ability of a legal system to guarantee citizens' rights and obligations through consistent enforcement. According to Sudikno Mertokusumo, it means laws are applied as written, ensuring predictability. Oliver Wendell Holmes described it as anticipating how courts will act. Before labeling a case with civil elements as a preliminary issue, investigators must assess whether it qualifies as a criminal offense (Hamzah, 2017). This legal review determines if the case can proceed or involves unresolved civil matters. However, under criminal procedure law, investigations cannot be suspended due to civil disputes—only terminated with clear legal justification.

During the investigation phase, although a prejudicial case is not explicitly listed as a reason for terminating an investigation under Article 109 paragraph (2) of the Criminal Procedure Code, the author argues that halting an investigation on the basis of a prejudicial matter is effectively equivalent to ending it due to insufficient evidence (Supena, 2023). The investigation stage is the right stage to determine a criminal case, because a legal event that is the basis for a report or complaint is in the neutral zone, meaning that it is still in a neutral status, which means that at this stage it is being determined whether the reported event is a criminal event or not or there is a procedural dispute that requires the assistance of the civil court, so that the scope of its authority cannot carry out coercive efforts that cause significant legal consequences for certain parties, especially for the reported party, means that it is still in the orientation period of identification of legal events. This judicial overlap becomes the juridical basis for legal reasoning, arising from Indonesia's distributive and decentralized judicial power as stated in Article 24(2) of the 1945 Constitution. It creates authority conflicts between civil and criminal courts over cases involving the same subject and object.

6. Conclusion

This study concludes that suspending criminal investigations due to ongoing civil cases particularly when based on the National Police Chief's STR referring to Perma Number 1 of 1956 raises serious legal concerns. While Perma Number 1 of 1956 was intended to address prejudicial disputes, its use in practice may delay or even nullify criminal proceedings, especially in cases like land grabbing, where victims rely on timely justice. Such delays risk undermining the principles of legal certainty, justice, and utility. Notably, the suspension of investigations contradicts

Article 109 of the Criminal Procedure Code, which does not provide for such actions at the investigation stage. These findings suggest that law enforcement institutions should reevaluate the application of Perma Number 1 of 1956, aligning it with current legal standards and ensuring that victims' rights are not compromised. Regulatory revisions may be needed to clarify how overlapping civil and criminal matters should be handled without obstructing justice. This research is limited by its normative approach and lack of empirical data or multiple case comparisons. Therefore, future studies should include cross-jurisdictional analysis and investigate the real-world impact of prejudicial dispute resolution on criminal proceedings, particularly in cases where civil and criminal aspects are deeply intertwined.

References

- Ali, M. M. (2015). Konstitusionalitas dan legalitas norma dalam pengujian Undang-Undang terhadap Undang-Undang Dasar 1945. *Jurnal Konstitusi*, 12(1), 172-195.
- Alvat, A. P. (2019). Politics of law human rights protection in Indonesia. *Jurnal Daulat Hukum*, 2(4), 513-520.
- Amiruddin, A., Pancanigrum, R. K., & Purnomo, C. E. (2021). Konsep prejudicial geschil dalam pemeriksaan perkara pidana dan perkara perdata. *Jurnal Kompilasi Hukum*, 6(1), 57-65.
- Arifin, R., & Lestari, L. E. (2019). Penegakan dan perlindungan hak asasi manusia di indonesia dalam konteks implementasi sila kemanusiaan yang adil dan beradab. *Jurnal Komunikasi Hukum (JKH)*, 5(2), 12-25.
- Supena, Cahaya. (2023). Tinjauan tentang konsep negara hukum indonesia pada masa sebelum dan sesudah amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. *Moderat: Jurnal Ilmiah Ilmu Pemerintahan*, 9(2), 372-388.
- Chandra, T. (2022). legal certainty of sale and purchase binding agreements as the basis for the transfer of certified land rights. *Research Horizon*, 2(6), 615-625.
- Fadhli, Y. Z. (2014). Kedudukan kelompok minoritas dalam perspektif HAM dan perlindungan hukumnya di Indonesia. *Jurnal Konstitusi*, 11(2), 352-370.
- Hadji, K., Angelica, D., Nisfah, E. L., Maharani, E. S., Nayla, H. A., & Oktaviana, C. (2024). Perlindungan hukum terhadap hak asasi manusia dalam hukum tata negara. *Aladalah: Jurnal Politik, Sosial, Hukum dan Humaniora*, 2(3), 25-33.
- Hakiki, A. (2022). Surat Perintah Penghentian Penyidikan (SP3) Yang diterbitkan berdasarkan perdamaian antara tersangka dan pelapor dalam delik biasa. *Wacana Paramarta Jurnal Ilmu Hukum*, 21(1), 25-34.
- Hamzah, A. (2015). *Delik-delik tertentu (Speciale Delicten) di dalam KUHP*. Jakarta: Sinar Grafika.
- Hamzah, A. (2017). *Hukum Pidana Indonesia*. Jakarta: Sinar Grafika.
- Haryanto, T., Suhardjana, J., Komari, A. K. A., Fauzan, M., & Wardaya, M. K. (2013). Pengaturan tentang hak asasi manusia berdasarkan Undang-Undang Dasar 1945 sebelum dan setelah amandemen. *Jurnal Dinamika Hukum*, 8(2), 136-144.
- Helmi, M. (2020). Penemuan hukum oleh hakim berdasarkan paradigma konstruktivisme. *Kanun Jurnal Ilmu Hukum*, 22(1), 111-132.
- Herman, H., Handrawan, H., Hidayat, S., Haris, O. K., & Jabalnur, J. (2022). Penolakan putusan praperadilan oleh penuntut umum. *Halu Oleo Legal Research*, 4(2), 202-218.
- Hidayat, S., & Haris, O. K. (2023). Penangguhan putusan perkara pidana melalui putusan sela oleh hakim dengan alasan menunggu putusan perkara perdata (studi putusan sela pengadilan nomor 143/Pid. B/2021/PN. Kdi). *Halu Oleo Legal Research*, 5(1), 90-104.
- Husin, K., & Husin, B. R. (2016). *Sistem peradilan pidana di Indonesia*. Jakarta: Sinar Grafika.
- Irwan, I. R. (2022). Proses peradilan pidana terhadap proses peradilan pidana terhadap kasus perselisihan prayudisial: proses peradilan pidana terhadap kasus perselisihan prayudisial. *Hangoluan Law Review*, 1(1), 138-167.
- Meutia, P. (2019). Pembatasan peninjauan kembali perkara perdata kajian putusan Mahkamah Konstitusi Nomor 108/PUU-XIV/2016. *Jurnal Legislasi Indonesia*, 16(2), 225-236.
- Moho, H. (2019). Penegakan hukum di Indonesia menurut aspek kepastian hukum, keadilan dan kemanfaatan. *Warta Dharmawangsa*, 13(1), 3747-3754.

- Nasir, M., Khoiriyah, E., Pamungkas, B. P., Hardianti, I., & Zildjianda, R. (2023). Kedudukan hukum dalam mewujudkan keadilan dan kesejahteraan di Indonesia. *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam*, 5(1), 241-254.
- Nasution, A. R. (2016). Urgensi pendidikan kewarganegaraan sebagai pendidikan karakter bangsa Indonesia melalui demokrasi, HAM dan masyarakat madani. *Jurnal Pendidikan Ilmu-Ilmu Sosial*, 8(2), 347-357.
- Natsif, F. A. (2019). Perlindungan hak asasi manusia dalam perspektif negara hukum Indonesia (Human rights protection in perspective Indonesian state law). *Al-Risalah*, 19(1), 148-158.
- Nonet, P., & Selznick, P. (2019). *Hukum responsif*. Purworejo: Jakarta: Nusamedia.
- Nurillah, E., Dewi, A. A. S. L., & Widyantara, I. M. M. (2023). Penjatuhan sanksi pidana bagi pelaku yang menghalangi penyidikan (obstruction of justice). *Jurnal Analogi Hukum*, 5(1), 93-99.
- Pound, R. (2017). *Social control through law*. Oxfordshire: Routledge.
- Rahim, M. I. F. (2023). Asas-asas hukum penuntutan the prosecutor law review, 1(1), 1-36.
- Safitria, A. N., Afifah, Z., Nandani, D. M., Rahmaleni, W., Salsabilla, A. T. W., & Hadji, K. (2024). Implementasi konstitusi terhadap perlindungan hak asasi manusia dalam perspektif hukum tata negara. *Aladalah: Jurnal Politik, Sosial, Hukum dan Humaniora*, 2(3), 233-247.
- Salfutra, R. D. (2018). Hak asasi manusia dalam perspektif filsafat hukum. *Progresif: Jurnal Hukum*, 12(2), 2146-2158.
- Santosa, A. G. D. (2019). Perbedaan badan hukum publik dan badan hukum privat. *Jurnal Komunikasi Hukum (JKH)*, 5(2), 152-166.
- Saribu, Y. (2018). Tinjauan konstitusional Pasal 27 Ayat (1) UUD 1945 tentang persamaan kedudukan di depan hukum pada proses penangkapan bagi seseorang yang diduga melakukan tindak pidana. *Lex Administratum*, 6(1), 22-34.
- Satya, Bhakti Teguh. (2017). *Pembangunan hukum administrasi negara melalui pemberdayaan yurisprudensi peradilan tata usaha negara*. (Doctoral dissertation, Diponegoro University).
- Sinaulan, J. H. (2018). Perlindungan hukum terhadap warga masyarakat. *Ideas: Jurnal Pendidikan, Sosial, dan Budaya*, 4(1), 347-368.
- Sobarnapraja, A. (2020). Penegakan hukum pelanggaran hak asasi manusia di Indonesia. *Jurnal Ilmu Kepolisian*, 14(1), 13-13.
- Suartha, I. D. M. (2015). Pergeseran asas legalitas formal ke formal dan material dalam pembaharuan hukum pidana nasional. *Yustisia*, 4(1), 235-244.
- Susanto, A. F. (2019). *Filsafat dan teori hukum dinamika tafsir pemikiran hukum di Indonesia*. Jakarta: Prenada Media.
- Tampoli, D. C. M. (2016). penghentian penuntutan perkara pidana oleh jaksa berdasarkan hukum acara pidana. *Lex Privatum*, 4(2), 1-12
- Waluyo, B. (2022). *Vitikmologi: Perlindungan Korban dan Saksi*. Jakarta: Sinar Grafika.
- Wenas, N. R. (2020). Gugurnya kewenangan menuntut pidana karena daluwarsa berdasarkan Pasal 78 Kitab Undang-Undang Hukum Pidana. *Lex Et Societatis*, 8(4), 1-15.

Acknowledgment

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Funding Information

This research did not receive any funding.

Conflict of Interest Statement

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



Copyright: © 2025 by the authors.

This work is licensed under the terms and conditions of the Creative Commons Attribution-ShareAlike 4.0 International License (<https://creativecommons.org/licenses/by-sa/4.0/>).