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Due Process and the Obligation to Deliver SPDP: Implementation of Constitutional Court Decision No. 130/PUU-XIII/2015

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Abstract

Constitutional Court Decision Number 130/PUU-XIII/2015 mandates investigators to deliver the Investigation Commencement Notification to public prosecutors, reported persons, and victims within seven days after the issuance of the investigation order. This obligation aims to guarantee legal certainty and protect the constitutional rights of suspects as stipulated in Article 28D paragraph (1) and Article 28I paragraph (2) of the 1945 Constitution. This study examines the legal consequences of procedural violations in delivering Investigation Commencement Notifications on the validity of suspect designation and investigation processes. The research methodology employs a normative juridical approach with analysis of legislation, court decisions, and legal doctrines. The discussion focuses on the ratio decidendi of the Constitutional Court Decision, investigator obligations within the integrated criminal justice system, and pretrial mechanisms as juridical controls. The research finds that procedural violations in delivering Investigation Commencement Notifications result in the nullification of investigations and suspect designations due to contradiction with due process of law principles. Administrative and criminal sanctions for investigators who violate the obligation to deliver Investigation Commencement Notifications are necessary to strengthen constitutional rights protection of suspects within Indonesia's criminal justice system.

Keywords

Constitutional Court Decision, Constitutional Rights, Due Process of Law, Investigation Commencement Notification, Pretrial.

1. Introduction

The Republic of Indonesia, as a democratic rule of law state (*rechtstaat*), prioritizes the protection of human rights within its criminal justice system, as affirmed by Article 1 paragraph (3) of the 1945 Constitution, which mandates that all state actions be based on law and justice (Siregar, 2016; Sudaryanto, 2017). The Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana/KUHAP*), enacted through Law Number 8 of 1981, revolutionized Indonesia's criminal justice paradigm by shifting from an inquisitorial to an accusatorial system that better respects human rights, replacing inadequate regulations in the *herziene inlandsch reglement* (Poernomo, 1982; Anwar & Adang, 2009; Waskito, 2018). Article 109 paragraph (1) of the KUHAP requires investigators to notify public prosecutors of investigation commencement, serving as a coordination mechanism in the integrated criminal justice system and ensuring balance between investigative authority and prosecutorial oversight as *dominus litis* (Atmasasmita, 1996; Makamea, 2018; Christianto, 2020). This framework aims to uphold legal certainty and protect the constitutional rights of suspects, aligning with the due process model that emphasizes procedural justice and human dignity over mere efficiency in law enforcement.

Despite these advancements, a core problem arises from Article 109 paragraph (1) of the KUHAP, which lacks explicit time limits for delivering Investigation Commencement Notifications (*Surat Pemberitahuan Dimulainya Penyidikan/SPDP*) and does not require notifications to reported persons or victims. In practice, investigators often delay investigation commencement notifications delivery to prosecutors until late stages or case file submissions, creating legal uncertainty and denying suspects timely awareness of investigations, thus hindering defense preparation (Sigar, 2017; Hafizar, 2018; Christianto, 2019). This procedural flaw violates suspects' rights to fair legal certainty under Article 28D paragraph (1) and non-discriminatory treatment under Article 28I paragraph (2) of the 1945 Constitution (Maizaroh, 2024). The Constitutional Court's Decision Number 130/PUU-XIII/2015 addressed this by mandating investigation commencement notifications delivery to prosecutors, reported persons, and victims within seven days of the investigation order, marking a shift toward due process and transparency.

Several influencing factors exacerbate these issues, including the integrated criminal justice system's need for harmonious coordination among subsystems, investigation, prosecution, trial, and execution, while maintaining functional differentiation (Waskito, 2018; Disemadi & Jaya, 2021). Uncertainty in investigation timing enables potential abuse of authority, undermining the presumption of innocence and accountability (Sanger, 2019). Pretrial mechanisms under Article 77 of the KUHAP serve as juridical controls, expanded by Constitutional Court rulings to include suspect designation validity, providing suspects access to challenge procedural violations (Widyawati et al., 2024; Hafizar et al., 2025). The due process principle, encompassing procedural and substantive rights like information access and legal counsel, requires transparent notifications to prevent arbitrary actions and ensure equal treatment (Manullang, 2015; Siregar, 2016).

There is a significant research gap in examining the legal implications of violations in the submission of the Notice of Commencement of Investigation, particularly their impact on the validity of suspect determination and the investigation process (Rohmad et al., 2021; Ghozali, 2022; Widijowati, 2023). Although post-2015 practice demonstrates persistent non-compliance by investigators, often justified by operational technicalities or differences in interpretation, resulting in inconsistent pretrial decisions and the disregard of suspects' rights, existing studies primarily focus on the *ratio decidendi* of the Constitutional Court and the obligations of investigators within the integrated

criminal justice system (Diantha, 2016; Christianto, 2019; Christianto, 2020). Studies by Reksodiputro (2009) and Ospiah et al. (2022) under-explore the proportionality of consequences, such as whether procedural violations automatically invalidate an investigation or allow for remediation, while balancing the protection of constitutional rights with the efficiency of law enforcement. Siregar (2016) and Sanger (2019) emphasize a paradigm shift toward due process, but lack an in-depth normative analysis of the impact of formal defects, procedural remediation mechanisms, and their alignment with principles of legal certainty. This gap underscores the need for a comprehensive legal review to bridge theory and practice, ensuring the consistent application of due process within the Indonesian criminal justice framework.

This study aims to analyze the legal consequences of investigation commencement notifications delivery violations on suspect designation and investigation validity under Constitutional Court Decision Number 130/PUU-XIII/2015, from perspectives of constitutional rights and due process principles. Employing a normative juridical method with statutory, conceptual, and case approaches, it draws on legislation, court decisions, and doctrines to identify problems and solutions. Findings are expected to advance criminal procedural law scholarship and offer practical recommendations for enforcing investigation commencement notifications provisions, promoting legal certainty, justice, and human rights in Indonesia's criminal justice system.

2. Methods

This research employs a normative legal research method (juridical normative) that examines legal issues through analysis of legislation, court decisions, and legal doctrine. Normative legal research constitutes research conducted by examining written and unwritten legal norms to discover coherence truth, namely the conformity between legal norms and higher legal rules or with applicable legal principles (Attamimi, 1990; Marzuki, 2017; Irwansyah, 2021). The approaches utilized in this research include the statute approach, conceptual approach, and case approach. The statute approach is conducted by analyzing the 1945 Constitution, Law Number 8 of 1981 concerning the Criminal Procedure Code, and Constitutional Court Decision Number 130/PUU-XIII/2015 to identify legal provisions regulating the obligation to deliver the investigation commencement notifications and its implications for the validity of suspect determination. The conceptual approach is employed to examine legal concepts such as the rule of law, due process of law, integrated criminal justice system, and pretrial as a mechanism for juridical control. The case approach is implemented by analyzing pretrial decisions related to violations of investigation commencement notifications delivery procedures to identify patterns of judicial interpretation and legal consequences applied in judicial practice.

Data sources in this research comprise legal materials consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 1981 concerning the Criminal Procedure Code, Constitutional Court Decision Number 130/PUU-XIII/2015, and pretrial decisions relevant to the research problem. Secondary legal materials consist of legal textbooks, scholarly journal articles, legal research findings, and legal expert opinions discussing pretrial, investigation commencement notifications, and constitutional rights protection for suspects. Tertiary legal materials comprise legal dictionaries, legal encyclopedias, and legal news articles utilized to support understanding of terminology and problem context. Data collection techniques are conducted through library research by collecting, recording, and examining legal materials relevant to the research problem. Data analysis is performed using the prescriptive-analytical method, namely analyzing

applicable legal norms and providing prescriptions or recommendations regarding what should be undertaken to address the legal problems under investigation. Interpretation techniques employed include grammatical interpretation, systematic interpretation, teleological interpretation, and historical interpretation to discover the meaning and legal consequences of the obligation to deliver the investigation commencement notifications based on Constitutional Court Decision Number 130/PUU-XIII/2015. Analysis results are presented in a descriptive-prescriptive manner by presenting descriptions of applicable positive legal regulations, identifying legal problems in their implementation, and providing recommendations for legal solutions consistent with the principles of legal certainty, justice, and human rights protection (Soekanto, 2007).

3. Results and Discussion

This research finds that Constitutional Court Decision Number 130/PUU-XIII/2015 has fundamentally transformed the paradigm of delivering the Notice of Commencement of Investigation in Indonesia's criminal justice system. These transformations encompass three principal aspects: expansion of investigation commencement notifications recipients to include not only public prosecutors but also reported persons and victims, establishment of a timeframe of no later than seven calendar days from the issuance of the investigation order, and affirmation of the imperative nature of the investigation commencement notifications delivery obligation as part of constitutional rights guarantees. Nevertheless, implementation of this decision in law enforcement practice continues to encounter various obstacles, both from the aspect of law enforcement officials' understanding and from the aspect of legal consequences that must be applied when violations occur. This research identifies three fundamental problems that will be discussed comprehensively: the constitutional foundation of the investigation commencement notifications delivery obligation, implementation problems in investigation practice, and juridical implications of procedural violations on the validity of suspect determination and the investigation process.

3.1. MK Decision ratio Decidendi

Indonesia is a democratic state based on the rule of law, as clearly stated in Article 1 paragraph (3) of the 1945 Constitution. This provision requires every action of state officials, including investigators, to have a clear legal basis and respect human rights (Tajudin, 2015). The concept of the rule of law is not only about the existence of laws, but also about the supremacy of law over power (Siregar, 2016). In the criminal justice context, the rule of law demands that suspects receive protection of their constitutional rights from the earliest stage of the process (Friedman, 1985; Amin et al., 2024; Sapanah et al., 2025). Article 28D paragraph (1) of the 1945 Constitution guarantees everyone the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law. Meanwhile, Article 28I paragraph (2) protects citizens from discriminatory treatment. These two articles became the main foundation for the Constitutional Court in reviewing Article 109 paragraph (1) of the Criminal Procedure Code.

The principle of due process of law is the spirit of modern criminal procedure. This principle developed from the Anglo-Saxon tradition through the Magna Carta and requires that every stage of criminal proceedings be carried out fairly and transparently (Tahir & Sabriantina, 2010). In Indonesia, the Criminal Procedure Code (Law Number 8 of 1981) has shifted the paradigm from the inquisitorial system to the accusatorial system that gives greater respect to human rights. However, before the Constitutional Court Decision Number 130/PUU-XIII/2015, there was no clear time limit for delivering the Investigation Commencement Notification (*Surat Pemberitahuan Dimulainya Penyidikan/SPDP*) and no obligation to send it to

the reported person and victim. This created legal uncertainty and violated the rights of citizens who were under investigation.

The Constitutional Court through Decision Number 130/PUU-XIII/2015 declared that the phrase “the investigator shall notify the public prosecutor” in Article 109 paragraph (1) must be interpreted as “the investigator is obligated to notify and submit the investigation commencement order to the public prosecutor, reported person, and victim/reporter within a maximum of seven days after the issuance of the investigation order”. The Court considered that without a time limit and without obligation to notify the reported person and victim, the article contradicted Articles 28D paragraph (1) and 28I paragraph (2) of the 1945 Constitution. The seven-day period was judged reasonable, it gives investigators enough time to prepare the notification without disturbing the investigation process, while at the same time providing certainty to the parties about when the investigation officially begins (Christianto, 2019).

This decision reflects a paradigm shift from the crime control model to the due process model in Indonesia’s criminal justice system (Hadjon, 1987; Christianto, 2020). The crime control model prioritizes efficiency and quick crime repression, while the due process model emphasizes the protection of individual rights and strict adherence to procedure. By requiring the delivery of investigation commencement notifications within seven days, the Constitutional Court strengthened the due process model. The notification is not just an administrative matter; it is a constitutional instrument that enables the reported person to prepare a defense from the very beginning, contact a lawyer, and collect favorable evidence (Brahmana, 2019). It also allows the public prosecutor to perform supervisory duties from the start of the investigation.

Even though Constitutional Court Decision Number 130/PUU-XIII/2015 has been binding since 2017, many investigators still do not fully implement the obligation to deliver the SPDP properly. In practice, investigators often interpret the seven-day time limit differently. Some argue that the obligation only starts when a person has been formally designated as a suspect, not from the moment the investigation order (*sprindik*) is issued. This interpretation clearly contradicts the wording of the Constitutional Court decision, which explicitly states that the seven-day period begins after the investigation order is issued, regardless of whether a suspect has been determined or not (Sanger, 2019).

The various problems above show that the understanding of the ratio decidendi of Constitutional Court Decision Number 130/PUU-XIII/2015 has not been fully internalized in the daily culture of investigators. Clear technical guidelines, standard forms, reliable delivery mechanisms, and real sanctions are urgently needed so that the constitutional mandate can be properly implemented in the field.

3.2. Investigator Obligations

The obligation to deliver investigation commencement notifications also supports the integrated criminal justice system. Functional differentiation between police (investigators) and prosecutors must be accompanied by coordination and supervision. When prosecutors receive investigation commencement notifications early, they can guide and supervise the investigation so that the case file is complete and valid when submitted to court (Waskito, 2018). Thus, the Constitutional Court Decision Number 130/PUU-XIII/2015 is not only about the notification procedure, but also about guaranteeing constitutional rights, realizing due process of law, strengthening pretrial control, and maintaining integration in the criminal justice system.

As a result, investigation commencement notifications is frequently sent very late, sometimes only when the case file is about to be transferred to the prosecutor or even after the investigation has been running for months. Such delays seriously harm the reported person who loses the opportunity to prepare a defense from the

earliest stage. Another major problem lies in the mechanism of delivery and proof of delivery. Investigators often claim that the investigation commencement notifications has been sent through family members, village officials, postal service, or courier, but they cannot show valid proof of receipt. In many pretrial cases, investigators only attach a delivery report without the signature or stamp of the recipient. Sometimes the proof is only an internal note inside the police station stating that the investigation commencement notifications “has been sent”. This situation creates difficulties in court because pretrial judges need clear and objective evidence that the investigation commencement notifications truly reached the reported person or their family within seven days (Purba et al., 2025). Without standardized procedures and accountable documentation, disputes over whether the investigation commencement notifications has been properly delivered continue to arise and prolong pretrial proceedings.

Cases of investigation expansion (*penyidikan lanjutan*) and case file separation (*splitsing*) add further complications. When police issue a new investigation order for the same case or separate the file, many investigators believe they do not need to issue and deliver a new investigation commencement notification. They consider the first investigation commencement notifications sufficient for the entire case. This view is problematic because each new investigation order technically starts a new seven-day period. Failure to send a new investigation commencement notifications in such situations again violates the Constitutional Court decision and gives fresh grounds for pretrial challenge (Rohmad et al., 2021). In practice, investigators often use technical and operational reasons, such as heavy workload or difficulty finding the reported person’s address, as excuses for late or non-delivery of investigation commencement notifications . These reasons are hard to accept because the Constitutional Court has stated that seven days is a reasonable and sufficient period.

3.3. Pretrial as Control Mechanism

Pretrial has also experienced significant development as a mechanism to control the actions of investigators and prosecutors (Saknohsiwiy et al., 2022). Constitutional Court Decision Number 21/PUU-XII/2014 expanded the object of pretrial to include the validity of suspect designation. This means that the determination of someone as a suspect can now be tested through pretrial if it is done without sufficient evidence or violates procedure (Prabowo & Manfaluthfi, 2018). The expansion shows that suspect status is not a small matter, it affects dignity, reputation, and other civil rights of a person. Therefore, any violation of procedure, including failure to deliver investigation commencement notifications on time, can be brought to pretrial as a basis to challenge the entire investigation process.

The core question that arises from the violation of the investigation commencement notifications delivery obligation is whether such a violation automatically nullifies the suspect designation and the entire investigation process. Analysis of various pretrial decisions after 2017 shows two conflicting views among judges. Some pretrial judges consider the failure to deliver investigation commencement notifications within seven days as a fundamental formal defect that causes the investigation and suspect designation to be null and void by law. They argue that the Constitutional Court used the word “obligatory” (*wajib*) and set a clear time limit, so this obligation is a *conditio sine qua non* that cannot be ignored (Garner, 1999). Other judges take a more flexible stance: as long as the suspect designation is supported by at least two pieces of evidence as required by Article 184 of the Criminal Procedure Code, the late or absent investigation commencement notifications does not automatically invalidate the investigation. This inconsistency reflects the absence of uniform guidelines on the hierarchy of procedural violations in Indonesian criminal procedure law.

However, nullification does not have to be absolute and irreversible. The principle of proportionality and the interest of substantive justice must still be considered. If the only defect is the late delivery of investigation commencement notifications and there is no indication of bad faith or serious prejudice to the suspect's rights, the investigation can be allowed to continue after the investigator immediately corrects the mistake by delivering the investigation commencement notifications properly. This remediation mechanism has been applied in several pretrial decisions and can serve as a middle way so that cases do not have to be completely stopped while still upholding respect for constitutional rights (Reksodiputro, 2009). Pretrial remains the most effective judicial control instrument to test the validity of investigator actions in this matter.

3.4. Legal Consequences of Violation

This research concludes that the violation of the investigation commencement notification delivery obligation must be classified as a fundamental violation that renders both the investigation and the suspect designation invalid. There are three strong reasons for this position. First, the Constitutional Court Decision Number 130/PUU-XIII/2015 is final and binding and explicitly uses the phrase "obligatory ... within a maximum of seven days". Ignoring a direct constitutional interpretation cannot be treated as a minor administrative error. Second, late or non-delivery of investigation commencement notifications directly injures the constitutional rights guaranteed by Article 28D paragraph (1) of the 1945 Constitution, particularly the right to fair legal certainty and the right to prepare a defense from the outset. Third, tolerating such violations will create a bad precedent and encourage investigators to continue disregarding Constitutional Court decisions, ultimately weakening the authority of the Constitution itself (Ospiah et al., 2022). Therefore, pretrial judges should consistently declare investigations and suspect designations conducted without proper investigation commencement notification delivery as null and void by law.

The lack of strict sanctions also contributes to the persistence of these violations. Although the Constitutional Court decision is final and binding, there is still no clear regulation that imposes administrative or disciplinary sanctions on investigators who deliberately ignore the seven-day rule. Internal supervision within the police and external supervision by prosecutors are still weak. As a result, many investigators feel there is no real consequence for not sending the investigation commencement notifications on time (Widijowati, 2023). This weak enforcement ultimately reduces respect for the Constitutional Court decision and continues to harm the constitutional rights of citizens who become the subject of investigation.

To prevent repeated violations, concrete follow-up measures are urgently needed. First, the National Police and the Attorney General's Office should jointly issue clear technical regulations that regulate the standard format of investigation commencement notifications, delivery procedures, methods of proof of receipt, and strict deadlines for cases of investigation expansion or file separation. Second, continuous training for investigators and prosecutors must be conducted so that the ratio decidendi of Constitutional Court Decision Number 130/PUU-XIII/2015 is truly understood and internalized. Third, firm administrative and disciplinary sanctions must be imposed on investigators who deliberately violate the seven-day rule, ranging from written warnings to delays in promotion (Ghozali, 2022). Only with these three steps can the constitutional rights of suspects be truly protected and the due process of law principle be realized in daily investigation practice.

In the broader context, enforcement of the investigation commencement notifications obligation is a real test of Indonesia's criminal justice system in moving from a repressive, crime-control-oriented system to a system that genuinely respects human rights and due process of law. The Constitutional Court has provided a

strong legal foundation; now it is the turn of law enforcement agencies to prove their commitment by implementing it consistently in the field.

4. Conclusion

This study reveals that Constitutional Court Decision Number 130/PUU-XIII/2015 fundamentally shifts Indonesia's criminal justice paradigm from crime control to due process, mandating investigation commencement notifications delivery to public prosecutors, reported persons, and victims within seven days of the investigation order. This ensures suspects' rights under Article 28D paragraph (1) and Article 28I paragraph (2) of the 1945 Constitution, emphasizing transparency, accountability, and functional differentiation in the integrated system. Key findings highlight investigation commencement notifications violations as fundamental breaches invalidating investigations and suspect designations, with implementation barriers including interpretive divergences, lack of standardized procedures, and pretrial inconsistencies. Pretrial's role as a control mechanism is vital but hinges on judicial independence.

This research advances criminal procedural law by reinforcing the due process model as a constitutional safeguard, bridging normative theory and practical implementation in protecting suspects' rights, as evidenced by the paradigm shift in Constitutional Court Decision Number 130/PUU-XIII/2015. It establishes investigation commencement notifications delivery as a *conditio sine qua non* obligation, strengthening the constitutional hierarchy principle and enriching the pretrial's role as a constitutional rights enforcement mechanism. It urges systemic reforms to enhance legal certainty and transparency, including clearer implementing regulations, standardized procedures, official training programs, and strict sanctions for violations, ultimately fostering a more just, accountable, and human rights-oriented criminal justice system in Indonesia. The Supreme Court should also issue uniform guidance for pretrial judges on investigation commencement notifications violation evaluation. Limitations include the normative juridical approach, relying on legislation and decisions without empirical field data, potentially overlooking real-world variations in enforcement. Future research should conduct empirical studies on investigation commencement notifications compliance across regions, analyze post-decision pretrial outcomes quantitatively, and explore comparative international models to refine Indonesia's framework.

References

- Amin, I., Hidayat, S., & Saepudin, L. (2024). Penggunaan pendekatan integrated criminal justice system dalam penanggulangan tindak pidana narkoba. *Jurnal Kompilasi Hukum*, 9(1), 76-94.
- Anwar, Y., & Adang. (2009). *Sistem peradilan pidana: Konsep, komponen & pelaksanaannya dalam penegakan hukum di Indonesia*. Bandung: Widya Padjadjaran.
- Atmasasmita, R. (1996). *Sistem peradilan pidana: Perspektif eksistensialisme dan abolisionisme*. Bandung: Eresco.
- Attamimi, A. H. S. (1990). *Peranan keputusan presiden Republik Indonesia dalam penyelenggaraan pemerintahan negara: suatu studi analisis mengenai keputusan presiden yang berfungsi pengaturan dalam kurun waktu Pelita I-Pelita IV*. Jakarta: Universitas Indonesia (Doctoral Dissertation).
- Brahmana, H. S. (2019). Teori dan hukum pembuktian. Retrieved July 16, 2025, from http://www.pn-lhoksukon.go.id/content/artikel/page/2/20170417150853209334910258f4781588e77.html#tabs|tabs_group_name:tabLampiran
- Christianto, H. (2019). Arti penting surat pemberitahuan dimulainya penyidikan: Kajian Putusan Mahkamah Konstitusi Nomor 130/PUU-XIII/2015. *Jurnal Konstitusi*, 16(1), 170-191.

- Christianto, H. (2020). From crime control model to due process model: A critical study of wiretapping arrangement by the Corruption Eradication Commission of Indonesia. *Padjadjaran Journal Ilmu Hukum (Journal of Law)*, 7(3), 421–442.
- Constitution of the Republic of Indonesia Year 1945.
- Diantha, I. M. P. (2016). *Metodologi penelitian hukum normatif dalam justifikasi teori hukum*. Jakarta: Kencana Prenada Media Group.
- Disemadi, H. S., & Jaya, N. S. P. (2021). Reformasi sistem peradilan pidana Indonesia berwawasan Pancasila. *Kertha Wicaksana*, 15(1), 1–10.
- Friedman, L. M. (1985). *Total justice*. New York, NY: Russell Sage Foundation.
- Garner, B. A. (Ed.). (1999). *Black's law dictionary* (7th ed.). St. Paul, MN: West Group.
- Ghozali, I. (2022). Urgensi pembentukan hakim komisaris dalam pembaharuan peradilan pidana Indonesia berdasar nilai keadilan Pancasila. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 4(2), 601–610.
- Hadjon, P. M. (1987). *Perlindungan hukum bagi rakyat di Indonesia: Sebuah studi tentang prinsip-prinsipnya, penanganannya oleh pengadilan dalam lingkungan peradilan umum dan pembentukan peradilan administrasi negara*. Surabaya: PT Bina Ilmu.
- Hafizar, A., Syahuri, T., & Triadi, I. (2025). Juridical analysis of Constitutional Court rulings regarding testing legal form. *Research Horizon*, 5(2), 21–32.
- Irwansyah, A. Y. (2021). *Penelitian hukum pilihan metode & praktik penulisan artikel* (Edisi Revisi, Cet. 4). Yogyakarta: Mirra Buana Media.
- Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Code (State Gazette of the Republic of Indonesia Year 1981 Number 76).
- Mahkamah Konstitusi Republik Indonesia. (2017). *Putusan Mahkamah Konstitusi Nomor 130/PUU-XIII/2015*. Jakarta: Kepaniteraan Mahkamah Konstitusi.
- Maizaroh, M. M. (2024). Nafas konstitusi: Kepentingan konstitusional sebagai paradigma judicial review di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 13(1), 1–18.
- Makamea, R. (2018). Pengembalian berkas perkara dari penuntut umum kepada penyidik. *Lex Crimen*, 7(5), 342–362.
- Manullang, F. M. (2015). The purpose of law, Pancasila and legality according to Ernst Utrecht: A critical reflection. *Indonesia Law Review*, 5(2), 181–202.
- Marzuki, M. (2017). *Penelitian hukum: Edisi revisi*. Jakarta: Prenada Media.
- Ospiah, R., Mas, M., & Renggong, R. (2022). Analisis putusan praperadilan terhadap keabsahan surat penetapan tersangka dan surat penghentian penyidikan. *Indonesian Journal of Legality of Law*, 5(1), 63–68.
- Poernomo, B. (1982). *Pokok-pokok hukum acara pidana dan beberapa harapan dalam pelaksanaan KUHAP*. Yogyakarta: Liberty.
- Prabowo, A., & Manfaluthfi, A. (2018). Kajian yuridis terhadap peran Mahkamah Konstitusi sebagai positif legislator atas Putusan Nomor 21/PUU-XII/2014 tentang penambahan objek penetapan status tersangka dalam praperadilan. *DIVERSI: Jurnal Hukum*, 3(1), 93–138.
- Purba, H. A. H., Masu, R. R., & Medan, K. K. (2025). Tinjauan yuridis terhadap kepastian hukum dalam proses pembuktian perkara praperadilan di Indonesia. *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora*, 4(2), 649–668.
- Reksodiputro, M. (2009). *Menyelaraskan pembaruan hukum*. Jakarta: Komisi Hukum Nasional.
- Rohmad, J. F., Sjaifurrachman, S., & Suhartono, S. (2021). Problematika penyidikan tindak pidana dalam penerbitan SPDP untuk menetapkan seseorang sebagai tersangka. *ADIL: Jurnal Hukum*, 12(2), 353–367.
- Saknohsiwiy, J. O. T., Titahelu, J. A. S., & Latupeirissa, J. E. (2022). Perlindungan hukum kepada tersangka pada tahapan pra adjudikasi. *LUTUR Law Journal*, 3(1), 23–31.
- Sanger, K. Z. E. (2019). Asas hukum penerbitan surat pemberitahuan dimulainya penyidikan (SPDP) dalam proses penyidikan. *Lex Crimen*, 8(11), 1–15.
- Sapanah, M., Mufidah, P., Faridah, S. F. N., & Busroni, R. S. (2025). Perlindungan hak konstitusional pemohon dalam proses pengujian undang-undang oleh Mahkamah Konstitusi Republik Indonesia. *Media Hukum Indonesia (MHI)*, 3(3), 1–12.
- Sigar, K. S. (2017). Kemandirian kejaksaan dalam sistem ketatanegaraan Republik Indonesia (Kajian UU No. 16 Tahun 2004). *Lex et Societatis*, 5(5), 1–14.

- Siregar, R. E. A. A. (2016). Due process of law dalam sistem peradilan pidana di Indonesia kaitannya dengan perlindungan HAM. *FITRAH: Jurnal Kajian Ilmu-ilmu Keislaman*, 1(1), 35–46.
- Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*. Jakarta: Raja Grafindo Persada.
- Sudaryanto, A. (2012). Tugas dan peran hakim dalam melakukan penemuan hukum/rechtvinding (IC penafsiran konstitusi sebagai metode penemuan hukum). *Jurnal Konstitusi*, 3(4), 87–94.
- Tahir, H., & Sabriantina, T. (2010). *Proses hukum yang adil dalam sistem peradilan pidana di Indonesia*. Yogyakarta: LaksBang PRESSindo.
- Tajudin, I. (2015). Urgensi pemeriksaan sah tidaknya penetapan tersangka sebagai perluasan objek pra peradilan dalam upaya perlindungan hak asasi manusia. *Padjadjaran Law Review*, 3(3), 1–19.
- Waskito, A. B. (2018). Implementasi sistem peradilan pidana dalam perspektif integrasi. *Jurnal Daulat Hukum*, 1(1), 287–304.
- Widijowati, D. (2023). Human rights and legal protection for victims of arrest by police in Indonesia. *Research Horizon*, 3(1), 50–59.
- Widyawati, A., Latifiani, D., Rahmasari, H., & Adhari, A. (2024). Optimizing oversight: Developing an ideal framework for supervision prisoners' rights allocation. *IJCLS (Indonesian Journal of Criminal Law Studies)*, 9(2), 185–206.

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Data Disclosure Statement

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



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