

The Limits of Police Investigators Discretion in Determining Suspects A Due Process of Law Perspective in the New Criminal Code

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Abstract

The determination of suspects as part of a forced effort in Law Number 20 of 2025 demands stricter restrictions on the scope of investigators' assessments, especially after the expansion of the type of evidence and the absence of judicial control before the determination is made. This study aims to analyze the limits of police investigators' discretion in determining suspects, the implications of expanding evidence, and the adequacy of pretrial as a protection mechanism based on the principle of due process of law. The research uses normative legal methods that are descriptive-analytical and prescriptive, with legislative and conceptual approaches. Legal materials are collected through literature studies and document studies, then analyzed qualitatively. The results of the study show that the requirement of a minimum of two pieces of evidence is not enough to be assessed based on the number, but must include the validity of the acquisition, authenticity, reliability, relevance, suitability between evidence, and the relationship of evidence with the crime and the person determined. The discretion of the investigator is not a free authority, but is limited by legality, purpose of investigation, procedure, presumption of innocence, proportionality, reasonable, and effective supervision. Pretrial remains important as judicial control after the determination of the suspect, but the examination needs to include the validity and relevance of the evidence without entering into a misdemeanor.

Keywords: Investigator Discretion, Suspect Determination, *Due Process of Law*, Pretrial.

A. Introduction

The state of law is not measured by the amount of power possessed by the state, but by the willingness of that power to be subject to limits. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms Indonesia as a state of law, and the affirmation does not stand alone, it is directly connected to the guarantee of equality of standing before the law in Article 27 paragraph (1) and the right to fair legal certainty in Article 28D paragraph (1). From this series of constitutional norms is born a non-negotiable consequence, the actions of the state against its citizens are not sufficiently based on formal authority, but must be accountable through legitimate legal procedures. The Constitution basically regulates state organs, power functions, and the relationship between the state

and citizens, so that the limitation of public power is precisely the core of the constitutional order itself.¹²

In the realm of criminal law, the limitation of state power takes its most concrete form through the criminal procedure law. As a formal criminal law, it regulates the way the state uses its coercive authority when alleged criminal offenses arise while keeping the search for the truth from turning into arbitrary justification. It is at this point that criminal procedure law stands on a delicate balance between the public's interest in law enforcement and the individual's interest not to be treated arbitrarily. This balance is directed at the search for material truth through the right process, while protecting the dignity, dignity, and rights of suspects and defendants. It is at the stage of investigation and investigation that the direction of a case begins to be formed, and there the Investigator of the National Police of the Republic of Indonesia occupies a central position. Article 6 paragraph (2) of Law Number 20 of 2025 concerning the Criminal Procedure Code affirms the authority of Police Investigators to conduct investigations into all criminal acts, in line with the duties of the Police in Article 14 paragraph (1) letter g of Law Number 2 of 2002 jo. Law Number 5 of 2026. Precisely because of its decisive position, investigators should not work solely based on experience, assumptions, or intuition, but must be based on legal concepts, rules, and doctrines so that every investigative action remains measurable within the framework of legality.³⁴⁵⁶

The authority of investigators peaks when dealing with the determination of suspects. Article 1 number 28 of Law Number 20 of 2025 defines a suspect as a person who, due to his acts or circumstances, should be suspected of being the perpetrator of a criminal act based on a minimum of two pieces of evidence, while Article 1 number 31 places the determination of a suspect as a process that can only be taken after the investigator obtains clarity on the occurrence of a criminal act on the basis of the evidence. Suspect status is not a neutral administrative label. It has real consequences for a person's reputation, freedom, social standing, and rights, and can even cause restrictions on rights and social stigma long before there is a court decision that has permanent legal force. Therefore, even if he has the status of a suspect, a person is still a subject of the law who should not be treated as a guilty party until the court declares it so.⁷⁸

This is where Law Number 20 of 2025 brings a shift that at first glance, seems to be progress. Through Article 1 number 14 in conjunction with Article 89 letter a, the

¹ Indonesia, "The Constitution of the Republic of Indonesia in 1945" (1945).

² Jimly Asshiddiqie, *Introduction to Constitutional Law* (Jakarta: Sekretariat General and Clerk of the Constitutional Court of the Republic of Indonesia, 2006), 120, www.mahkamahkonstitusi.go.id.

³ H Suyanto, *Criminal Procedure Law* (Zifatama Jawara, 2018), 13-15.

⁴ Mom. Budiman, *Indonesian Criminal Justice System: Concepts and Efforts to Counter Crime* (Malang: Setara Press, 2021), 8-9.

⁵ Indonesia, "Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia" (2002); Indonesia, "Law Number 5 of 2026 concerning the Third Amendment to Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia" (2026).

⁶ Budiman, *Indonesian Criminal Justice System: Crime Prevention Concepts and Efforts*, 27-28.

⁷ Erdianto Effendi, "The Relevance of the Examination of Prospective Suspects Before the Determination of Suspects," *Law: Legal Journal* 3, no. 2 (December 1, 2020): 280, doi:10.22437/ujh.3.2.267-288.

⁸ Budiman, *Indonesian Criminal Justice System: Concepts and Efforts to Combat Crime*, 54-55.

determination of the suspect was raised as part of a coercive effort. This construction is supposed to strengthen protection, the determination of suspects is no longer understood simply as an administrative result of an investigation, but as a criminal procedural legal action that demands conditions, limits, and testing mechanisms. The law also complements it with stricter requirements, the obligation of at least two pieces of evidence in Article 90 paragraph (1), the issuance of a letter of determination of suspects in Article 90 paragraph (2) and paragraph (3), the prohibition of giving rise to a presumption of guilt (Article 91), and the rights of suspects in Article 142. But at the same time, the same law opens the door in the opposite direction. Article 235 paragraph (1) expands the types of evidence from five types in Article 184 paragraph (1) of Law Number 8 of 1981 to a much looser arrangement. Removing clueal evidence, adding evidence as independent evidence and electronic evidence, to leaving an open clause in the letter h which is consequently paradoxical. The threshold of at least two pieces of evidence has not changed quantitatively, but has weakened qualitatively. Because the variety of evidence that can fulfill it is much wider, while the law does not distinguish between evidence that is suitable for use at the stage of determining a suspect from evidence that is just born in trial. Strengthening status on the one hand is accompanied by easing of evidentiary standards on the other.⁹

That tension is not just an academic construct. It has been brought to the Constitutional Court through Case Number 111/PUU-XXIV/2026, when the Petitioners postulated that the placement of evidence as independent evidence in Article 235 paragraph (1) letter e allows the investigator to meet the requirements of two pieces of evidence through the combination of evidence with one other piece of evidence, even though the evidence is structurally unable to prove the subjective element of the crime, causal relationship, as well as the identity of the perpetrator. However, through a decision pronounced on May 12, 2026, the Court stated that the application was inadmissible because the Applicants were considered to have no legal standing, so the subject matter of the application was not considered at all. The consequence actually emphasizes the urgency of this study, the constitutionality of the norm has never been substantively tested, while the norms remain valid and continue to form the assessment space of investigators in determining suspects.¹⁰

The study of investigator discretion is actually not new, but the direction of discussion so far has not touched on the issues raised here. Situmeang understands discretion as the authority to make decisions based on the considerations and beliefs of investigators that must still be limited so as not to turn into arbitrariness, while warning that discretion that depends on the assessment of officials has the potential to give birth to abuse of authority if there are no normative boundaries and strong supervision. However, the discussion took place in an administrative framework and was generally based on the regime of Law Number 8 of 1981. Setiyono highlighted the limitations of pretrial which only tests the adequacy of evidence quantitatively and formal aspects without going into the subject matter. The point that has not been worked on is the link between the two in the

⁹ Indonesia, "Law No. 8 of 1981 concerning the Law of Criminal Procedure" (1981), www.djpp.kemendikham.go.id.

¹⁰ Constitutional Court, "Constitutional Court Decision Number 111/PUU-XXIV/2026" (2026).

context of the new Criminal Procedure Code, how the normative strengthening of the determination of suspects into a coercive effort actually goes hand in hand with the widening of the space of investigator discretion due to the expansion of evidence. It is in this gap that this paper places its novelty, not in the fact that Law Number 20 of 2025 is a new regulation, but in the reading of its internal paradox. A regime that raises the status of coercion while at the same time loosens the standards that should control it.¹¹¹²¹³

That paradox is most pronounced in its control architecture. Searches, seizures, and wiretaps are both classified as coercive efforts according to Article 1 number 14 juncto Article 89 requires court approval or permission before it is carried out, while the determination of suspects is not. It can be taken by the investigator solely based on his own assessment of the fulfillment of the conditions in Article 90 paragraph (1), without the consent of any party. Thus, the determination of suspects is the only coercive effort that is not accompanied by *ex ante* judicial control, so the supervision is entirely based on pretrial. Even though pretrial is corrective and structurally limited, it only works after the forced effort is carried out (*ex post facto*), depends entirely on the suspect's initiative, and based on Article 160 paragraph (3) can only be filed once for the same object. This inequality is deepened by the fact that the procedural safeguards that have been screening the determination of suspects, case titles and the examination of potential suspects are not codified in the law, but only rely on the Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 and Police Regulation Number 7 of 2022, as well as legal considerations of the Constitutional Court Decision Number 21/PUU-XII/2014. The normative degree of suspect determination is increased, but the accompanying procedural safeguards are not equally strengthened.

Since Law Number 20 of 2025 came into effect on January 2, 2026, testing on the determination of suspects has begun to emerge. In Case Number 1/Pid.Pra/2026/PN Kpg, the Kupang District Court stated that the determination of the suspect against Christofel Liyanto was invalid because it did not comply with the provisions of the applicable criminal procedure law, a factual marker that the basis for determination and the adequacy of the evidence has now been really tested. Case Number 99/Pid.Pra/2026/PN JKT. The SEL proposed by Roy Suryo shows two things at once, that pretrial serves to correct coercive efforts without automatically aborting the status of a suspect, and that the problem of normative transition arises when a case runs across two regimes. The determination of the suspect on November 7, 2025 is subject to Law Number 8 of 1981 based on Article 361 letter a, although some forced efforts were carried out after the new Criminal Procedure Code came into effect. The determination of Febrie Adriansyah as a suspect shows how thin the limit of discretion is in assessing the adequacy and relevance of evidence, when the assessment of the case material is still ongoing after the suspect status is imposed. All three point to the same point, the uncontrolled space of discretion is directly confronted with the

¹¹ Sahat Maruli Tua Situmeang, *Detention of Suspects: Discretion in the Criminal Justice Process* (Bandung: Logoz Publishing, 2017), 89.

¹² Situmeang, *Detention of Suspects: Discretion in the Criminal Justice Process*, 232.

¹³ Setiyono, "Testing of Sufficient Preliminary Evidence in the Determination of Suspects through Pretrial Institutions," *Lex Jurnalica* 21, no. 2 (August 2024): 207.

demands ¹⁴ of *due process of law*. The *due process model* requires compliance with procedures and respect for the rights of the parties dealing with the criminal process, in contrast to the *crime control model* which opens up more space for responses based on the authorities' subjective definition of the situation. In the new Criminal Procedure Code, the spirit ¹⁵ of *due process* is present through the prohibition of presumption of guilt based on Article 91 and the recognition of suspects' rights under Article 142, but it will lose its meaning if structural gaps in the control mechanism are left unchecked.

Identifying this paradox is not just a doctrinal exercise, but touches the heart of the question of the constitutionality of the rule of law as to the extent to which the power of coercion whose degree is raised can still be accounted for when procedural safeguards and judicial control are left behind. Based on these inequality, this article aims to analyze the limits of the discretionary authority of police investigators in determining suspects as coercive efforts according to Law Number 20 of 2025 concerning the Criminal Code. Furthermore, this study is directed to assess how the *due process of law* perspective sits on the absence of *ex ante judicial control* over the determination of suspects and the legal implications of the widening of investigators' discretionary space after the expansion of evidence in the law.

B. Research Methods

This research is a normative legal research that places norms as the object of study, namely the regulation of the limits of the discretionary authority of police investigators in determining suspects according to Law Number 20 of 2025 concerning the Criminal Code. The study is not directed at the behavior of the apparatus or the empirical workings of the law, but at the way the law formulates and limits this authority. It is descriptive-analytical as well as prescriptive: at the descriptive level, the research systematically maps the norms that govern the investigation, the determination of suspects as part of coercive efforts, the requirement of a minimum of two pieces of evidence, a letter of determination of the suspect, the rights of the suspect, the prohibition of actions that give rise to a presumption of guilt, and pretrial; At the analytical-prescriptive level, the study examines whether the investigator's discretion in interpreting the phrase "reasonably suspected" and assessing the adequacy of the evidence has been carried out within the limits of fair legal procedure, and then builds arguments about the limits that should apply.¹⁶

To answer these problems, the research uses a statutory *approach* and a *conceptual approach*. The legislative approach is used to examine the coherence between norms in Law Number 20 of 2025 and related regulations, especially the tension between increasing the status of determining suspects into coercive efforts based on Article 1 number 14 juncto Article 89. The conceptual approach is used to test the construction of investigators' discretion, the determination of suspects, and coercive efforts in the light of the doctrine of *due process of law*, so that the assessment of the limits of the investigator's authority does

¹⁴ detiknews, "The Order of the Suspects: Determined by the Corruption Court, Spilled to the Attorney General," *detiknews*, July 11, 2026.

¹⁵ Roger Hopkins Burke, *An Introduction to Criminological Theory* (Willan Publishing, 2009), 171.

¹⁶ Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020), 67-71.

not solely rely on the text of the article, but also on the principles and concepts that are the foundation.

The primary legal materials used include the 1945 Constitution of the Republic of Indonesia, Law Number 20 of 2025 concerning the Criminal Code, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia as last amended by Law Number 5 of 2026, Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigation, Regulation of the National Police of the Republic of Indonesia Number 7 of 2022 concerning the Code of Professional Ethics The National Police, as well as Constitutional Court Decisions Number 21/PUU-XII/2014, Number 130/PUU-XIII/2015, and Number 111/PUU-XXIV/2026 with the note that the last decision was used to map the issues and postulates of the applicants, not as the Court's stance on the constitutionality of the norms, because it clearly stated that the application was inadmissible on the basis of legal standing. Secondary legal materials are in the form of books, journals, and scientific articles that discuss the state of law, criminal procedure law, discretion, suspect determination, *due process of law*, and pretrial, while tertiary legal materials include dictionaries and legal encyclopedias as explanations of terms.¹⁷

All legal materials are collected through literature studies and document studies without placing field research as the main source of data. Regulatory and literature searches are carried out on available documents, while verification of pretrial case data such as Case Number 1/Pid.Pra/2026/PN Kpg and Number 99/Pid.Pra/2026/PN JKT. SEL is taken through official digital sources, namely the court's Case Tracking Information System (SIPP) and the Supreme Court Decision Directory, not through field observation. The collected material is then analyzed qualitatively and prescriptively to draw conclusions about the limits of investigators' discretion that are in line with the *due process of law*.

C. Results and discussion

1. Characteristics of Suspect Determination and Expansion of Investigator Discretion in Law Number 20 of 2025

Law Number 20 of 2025 places the determination of suspects as a coercive effort. Article 1 number 31 and Article 90 require the clarity of the crime based on at least two pieces of evidence and the issuance of a suspect determination letter. The letter must contain the identity, brief description of the case, and the rights of the suspect. This arrangement is accompanied by a prohibition on raising presumptions of guilt and guaranteeing the suspect's right to know the suspect, obtain legal assistance, give or reject information, and submit witnesses or experts. The classification shows that the determination of suspects is not just an administrative action because it directly changes a person's legal position. Investigators' decisions should be based on measurable requirements, correct procedures, and examineable reasons. However, the obligation to include a brief description of the case does not expressly require investigators to explain the relationship between the evidence and the designated

¹⁷ Ibid., 59–64.

person. These reasons must at least be documented in the investigation file and case title so that they can be accounted for if tested through pretrial.

The scope for the assessment of investigators is wider after Article 235 of the 2025 Criminal Code adds the type of evidence. Compared to Article 184 of the 1981 Criminal Procedure Code, the Criminal Code only places evidence and electronic evidence as separate evidence, replaces instructions with judge's observations, and opens the use of other evidence obtained illegally. This expansion is necessary to deal with technological developments, but it does not mean that all types of evidence can be immediately used at the investigation stage. The defendant's testimony and the judge's observation, for example, are only formed in the trial. Therefore, the basis for determining suspects must be limited to the evidence that is available and can be legally assessed at the investigation stage. The requirement of at least two pieces of evidence only shows the amount, while *due process of law* also requires the quality of evidence. Evidence must be obtained legally, can be proven to be authentic, can be trusted, is related to the elements of the criminal act, supports each other, and shows a clear relationship with the designated person. Examinations that only count the number of evidence risk ignoring the relevance of the evidence to the case and the suspect. Assessing the relationship is not the same as determining fault, but ensuring that the investigator's decision has a reasonable basis.

The Constitutional Court's Decision Number 111/PUU-XXIV/2026 shows that the position of evidence as evidence has been questioned because it is considered not accompanied by a clear measure of evidentiary strength. However, the Court declared the application inadmissible because the applicants did not have legal standing. Thus, the subject matter of the constitutionality of Article 235 paragraph (1) letter e has not been substantively examined. The investigator's assessment space primarily arises in determining whether a person is "reasonably suspected" of being the perpetrator, whether the criminal act is sufficiently obvious, and whether the available evidence relates to that person. This professional judgment is not unlimited freedom. Provisions regarding authorized officials, two pieces of evidence, a letter of determination, notice, and the rights of suspects remain mandatory. Discretion can only be justified if it is used for legitimate investigative purposes, supported by reasonable reasons, and does not deviate from the law. Article 10 paragraph (2) of Perpol Number 7 of 2022 also prohibits abuse of authority, manipulation of cases, and fabrication of evidence.¹⁸

Article 25 of Perkap Number 6 of 2019 requires at least two pieces of evidence supported by evidence and the title of the case before the determination of the suspect, unless arrested. The Constitutional Court Decision Number 21/PUU-XII/2014 in its consideration also considers that the examination of potential suspects is necessary so that the person concerned has the opportunity to give evidence. However, these obligations are not listed in the verdict, so they must be understood as a basis for consideration to realize a fair process. In contrast to previous research that discussed

¹⁸ Chief of the National Police of the Republic of Indonesia, "Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Code of Ethics Commission of the National Police of the Republic of Indonesia" (2022).

evidence, investigation, or pretrial separately, this study linked the determination of suspects as coercive efforts with the expansion of evidence and increased assessment space for investigators. The findings show that the strengthening of the position of the suspect has not been fully followed by a firm measure regarding the quality and relationship of evidence with potential suspects. Therefore, the discretion of the investigator must be limited by the legitimate authority, the purpose of the action, the amount and quality of the evidence, the validity of the evidence, the title of the case, the examination of potential suspects, written reasons, presumption of innocence, and effective supervision.¹⁹²⁰

2. Absence of *Ex Ante* Judicial Control and Protection of Suspects' Rights from a *Due Process of Law* Perspective

Supervision by judges before an action is carried out aims to prevent the use of unauthorized authority, while supervision after an action is carried out aims to test and correct the actions that have occurred. The 2025 Criminal Procedure Code does not apply the same form of supervision to all coercive efforts. Searches and seizures in principle require court permission or consent after the action when done in urgent circumstances. In contrast, suspect designation, arrest, and initial detention by investigators do not necessarily require prior judge's permission. The eavesdropping procedures regulated in Article 136 are even left to a separate law. The determination of suspects is not the only action without the judge's permission, but it is an important action whose initial decision lies with the investigator. The judge is only involved if the suspect submits a pretrial. Articles 160 and 163 of the 2025 Criminal Procedure Code stipulate that applications are submitted by suspects, families, or advocates, only once for the same object, and are decided no later than seven days after the application is read. Pretrial is designed to be fast, but it does not work automatically because it relies on the knowledge, abilities, and legal assistance that the suspect has.²¹

The next problem lies in the judge's examination room. Article 2 paragraph (2) of PERMA Number 4 of 2016 limits the examination to the existence of at least two valid pieces of evidence without entering the material of the case. The prohibition on entering the subject matter is indeed necessary because the pretrial is not a trial to determine guilt. However, the judge should still be able to assess the validity of the way the evidence is obtained and its relationship with the designated person. Such an examination does not determine guilt or innocence, but only ensures that the determination of the suspect is not made based on invalid or irrelevant evidence. After the 2025 Criminal Procedure Code takes effect, PERMA Number 4 of 2016 can still be used as long as it does not conflict with the new law. Because Article 235 of the 2025 Criminal Procedure Code requires the authenticity and legal method of obtaining evidence, pretrial examinations are inappropriate if they only count the amount of

¹⁹ Chief of the National Police of the Republic of Indonesia, "Regulation of the Chief of Police Number 6 of 2019 concerning the Investigation of Criminal Acts" (2019).

²⁰ Constitutional Court, "Constitutional Court Decision Number 21/PUU-XII/2014" (2014).

²¹ Indonesia, "Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP)" (2025).

evidence. Overly formal checks are not enough to prevent abuse of authority in the implementation of coercive efforts.

The limited supervision before the determination of the suspect caused all initial assessments to be concentrated on investigators. Losses to good name, employment, and certainty of status can arise before there is a judge's test. Based on the verdict stated in the SIPP of the Kupang District Court for Case Number 1/Pid.Pra/2026/PN Kpg and the SIPP of the South Jakarta District Court for Case Number 99/Pid.Pra/2026/PN JKT. SEL, pretrial can declare the actions of certain investigators invalid. However, testing and restoration of rights are only carried out after the action is implemented. On the other hand, the need to obtain a judge's permission before any suspect is determined can slow down the investigation, disrupt confidentiality, and increase the risk of loss of evidence or escape. Therefore, an initial assessment space for investigators is still needed. However, the space must be balanced with the examination of potential suspects, case titles, legal aid, recording of reasons, supervision of superiors, prompt notification, and immediate access to pretrial.²²

Based on *due process of law*, the limit of discretion in determining suspects must be assessed from the authority of officials, compliance with procedures, the validity of obtaining evidence, the existence of at least two pieces of evidence, the quality and relationship between evidence, the relationship between evidence and suspects, the reasonableness of the action, written reasons, and the availability of prompt supervision. In contrast to previous research that focused on strengthening pretrial or the absence of a Preliminary Examining Judge, this study linked the expansion of evidence to the limited supervision of judges before the determination of suspects. Pretrial is still necessary, but the examination is not enough just to confirm the amount of evidence. The judge needs to assess the validity and relationship of the evidence with the suspect without entering into a determination of guilt.

D. Conclusions and recommendations

The determination of suspects in Law Number 20 of 2025 has been placed as a coercive effort so that its use cannot be understood as an ordinary administrative act. This position requires the fulfillment of procedures, the protection of suspects' rights, and the basis of evidence that can be accounted for. The expansion of the type of evidence does allow investigations to adjust to technological developments and forms of criminal acts, but at the same time enlarge the assessment space of investigators. Therefore, the requirement of a minimum of two pieces of evidence is not enough to judge from the number. Evidence must be obtained legally, can be proven to be authentic, can be trusted, relevant to the elements of the criminal act, are mutually compatible, and show a clear relationship with the person designated as a suspect. The discretion of the investigator is not free authority, but a space of professional judgment limited by legality, the purpose of the investigation, correct procedures, the quality of evidence, the presumption of innocence, proportionality,

²² Kupang District Court, "Decision Number 1/Pid.Pra/2026/PN Kpg" (2026); South Jakarta District Court, "Decision Number 99/Pid.Pra/2026/PN JKT. SEL" (2026).

the reasons that can be examined, and the prohibition of abuse of authority. Pretrial remains important as judicial control after the determination of the suspect is carried out, but its protection is inadequate if the examination only stops at the existence of two pieces of evidence without assessing the validity, relevance, and relationship with the suspect.

The government needs to further regulate the standards for determining suspects through implementing regulations that contain the measure of the quality of evidence, the obligation to record the reasons for determination, the examination of prospective suspects, the title of the case, and the legal consequences if the mandatory procedures are not met. The Supreme Court needs to align the pretrial guidelines with the 2025 Criminal Procedure Code so that the judge's examination not only calculates the number of evidence, but also assesses the validity of the acquisition, relevance, the relationship of evidence with the suspect, and the fulfillment of procedures without entering into a determination of guilt. The National Police also needs to improve technical rules and internal supervision regarding the assessment of evidence, basic documentation of the determination of suspects, the provision of legal assistance, and the submission of reasons for determination within limits that do not interfere with the confidentiality of the investigation. The strengthening is more balanced than requiring the judge's permission for each suspect determination because it maintains the effectiveness of the investigation while strengthening protection based on *due process of law*.

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