

## The Role of Pretrial Proceedings in Protecting Human Rights in Indonesia

<sup>1</sup>Andrew Afrizal Limbong \*, <sup>2</sup>Debora

<sup>12</sup> Universitas HKBP Nommensen

<sup>1</sup>andrewafrizal.limbong@student.uhn.ac.id, <sup>2</sup>debora@uhn.ac.id

DOI: 10.21111/ijtiHAD.v18i2.13118

Received: 2024-11-20

Revised: 2024-11-24

Approved: 2024-11-25

### Abstract

Law enforcement and its execution in Indonesia remain far from ideal. The primary weakness lies not in the legal system or its instruments but in the enforcement itself. Coercive tactics often employed by law enforcement officers during investigations are among the key issues. Pretrial proceedings were established to protect the human rights of suspects during the investigation process. This study aims to examine the role of pretrial proceedings in safeguarding human rights and the extent to which they can reduce abuses of power by law enforcement authorities. The research outlines two main problems: (1) How do pretrial proceedings protect the human rights of suspects? (2) To what extent can pretrial proceedings minimize the misuse of power by law enforcement officers? The research adopts a normative legal method, also known as library research, focusing on the study of legal norms and principles. The findings reveal that pretrial proceedings are a significant legal instrument for protecting human rights in Indonesia. Despite challenges in implementation, optimizing pretrial proceedings through improved judicial capacity, public awareness, and regulatory reforms can strengthen their role as a human rights safeguard. Thus, pretrial proceedings can serve as an effective shield for upholding justice and protecting individuals' rights from unlawful actions.

**Keywords:** *Pretrial Proceedings, Protection, Human Rights*

### Abstrak

Penegakan beserta eksekusi hukum di Indonesia masih jauh dari kata ideal. Penegakan hukum di negara ini, bukan sistem hukum ataupun perangkat hukumnya, ialah kelemahan utamanya. Taktik pemaksaan yang diterapkan penegak hukum selama penyelidikan ialah salah satunya. Lembaga Praperadilan didirikan guna melindungi hak asasi tersangka selama proses penyidikan. Penelitian ini tujuannya guna mengetahui peran praperadilan dalam perlindungan hak asasi manusia dan sejauh mana praperadilan dapat mengurangi penyalahgunaan kekuasaan oleh aparat penegak hukum. Berdasarkan penelitian tersebut, penulis mengajukan rumusan masalah: 1. Bagaimana peran praperadilan dalam melindungi hak asasi tersangka, 2. Sejauh mana praperadilan dapat mengurangi penyalahgunaan kekuasaan yang dilakukan aparat penegak hukum. Jenis metode penelitian ini adalah penelitian normatif atau yang di sebut juga dengan penelitian penelitian hukum perpustakaan atau library research. Hasil penelitian ini bahwa Praperadilan merupakan instrumen hukum yang signifikan dalam melindungi hak asasi manusia di Indonesia. Meskipun terdapat kendala dalam implementasinya, optimalisasi praperadilan melalui peningkatan kapasitas hakim, sosialisasi, dan perbaikan regulasi dapat memperkuat peran lembaga ini sebagai penjaga HAM. Dengan begitu, praperadilan dapat menjadi benteng yang efektif dalam menjaga keadilan dan melindungi hak-hak individu dari tindakan yang melanggar hukum.

**Kata Kunci:** *Praperadilan, Melindungi, Hak Asasi Manusia*

### Introduction

Indonesia is a country based on the rule of law, as stipulated in the third amendment of Article 1, Paragraph (3) of the 1945 Constitution, which states: "The State of Indonesia is a state of law." As a legal state, the governance of the country and the enforcement of human rights must be grounded in the supremacy of law, making law a critical foundation for achieving national objectives.<sup>1</sup>

Law serves to protect human interests, meaning it can be utilized as an instrument to safeguard various rights, powers, or authorities across different aspects of life.<sup>2</sup> The Criminal Procedure Code (KUHAP), enacted on December 31, 1981, functions as the framework for Indonesia's criminal justice system.<sup>3</sup> It aims to ensure legal certainty and a sense of justice for both

<sup>1</sup> Rusman Sumadi, "Praperadilan Sebagai Sarana Kontrol Dalam Melindungi Hak Asasi Manusia (HAM) Tersangka," *Jurnal Hukum Sasana* 7, no. 1 (2021): p. 149–62, <https://doi.org/10.31599/sasana.v7i1.597>.

<sup>2</sup> Ojak Nainggolan, *Pengantar Ilmu Hukum* (Medan: UHN Press, 2019). p. 32

<sup>3</sup> Sal Sabila Aprilia, Elizabeth Siregar, and Tri Imam Munandar, "Perlindungan Hukum Terhadap Hak Tersangka Melalui Upaya Praperadilan," *PAMPAS: Journal of Criminal Law* 4, no. 1 (2023):p. 16–32, <https://doi.org/10.22437/pampas.v4i1.24097>.

the accused and the broader public. This is crucial because criminal procedural law is part of public law and plays a significant role in upholding the essence of criminal law.<sup>4</sup>

The primary objective of criminal procedural law is to uncover and ascertain, or at least approximate, the material truth complete truth in a criminal case. This allows for the identification of offenders and their examination in court to determine guilt. Moreover, it aims to regulate the implementation and supervision of decisions that have been handed down.<sup>5</sup>

The KUHAP guarantees legal protection for all parties involved in criminal proceedings and provides a foundation for law enforcement efforts and legal systems to uphold justice and the rule of law. The application of human rights protection under legal provisions can be understood as legal protection, ensuring that suspects are granted their rights as guaranteed by law.<sup>6</sup>

The legal principle of protecting human interests is closely tied to legal protection. In legal studies, the principle of presumption of innocence asserts that no one can be punished or deemed guilty solely based on accusations or suspicions. Ideally, any person suspected, arrested, detained, charged, or brought to trial should be considered innocent until proven guilty through a court decision.

The court may declare a person guilty and issue a decision with permanent legal force; however, this legal principle does not always apply in practice. This is because legal principles are generally abstract and are not always explicitly stated in specific legislation. For example, the principle of "unus testis nullus testis" stipulates that one witness is not sufficient as a witness, or the principle of "in dubio pro reo," which requires judges to decide doubtful cases in the way most favorable to the defendant.<sup>7</sup>

The general legal principle of procedural law, namely the presumption of innocence, applies to all court proceedings, specifically when the term "brought before a court" is used. This principle can be implemented in all types of judicial processes. Nevertheless, it is more commonly associated with criminal proceedings, as it is explicitly reaffirmed in the General Explanation, Point 3(c), of the Criminal Procedure Code (KUHAP), which governs criminal procedural law in court.<sup>8</sup>

### Research Methods

In conducting this research, the author employs a normative research methodology. "Normative juridisch onderzoek," a Dutch phrase for normative legal research, corresponds to the English term "normative legal research." Normative legal research, also referred to as doctrinal, dogmatic, or legistic legal research in Anglo-American literature, is characterized as internal legal research.<sup>9</sup>

This research applies the statute approach. This involves examining all laws and regulations relevant to the legal issues under study, including their implementation. The approach is carried out through the collection of primary and secondary data. Primary data consists of legal materials, including statutes and regulations, while secondary data encompasses legal books, legal journals containing fundamental principles (legal maxims), and the opinions of legal experts (doctrines).

---

<sup>4</sup> Suyanto, *Hukum Acara Pidana* (Sidoarjo: Zifatama Jawara, 2018). p. 13

<sup>5</sup> M. Irfan Islami Rambe, "Upaya Hukum Terhadap Praperadilan," *Jurnal Pionir LPPM Universitas Asaban* Vol 2 N0.3 (2017): p. 5, <https://jurnal.una.ac.id/index.php/pionir/article/view/183/159>.

<sup>6</sup> Tryana Pipit Mulyah, Dyah Aminatun, Sukma Septian Nasution, Tommy Hastomo, Setiana Sri Wahyuni Sitepu, "Perlindungan Hak Asasi Manusia Tersangka Melalui Praperadilan Di Pengadilan Negeri (The Human Rights Protection Of Suspects Through Pretrial In District Court)," *Journal GEEJ* 7, no. 2 (2020). p. 827

<sup>7</sup> Muhammad Schinggyt Tryan P, Nyoman Serikat Putrajaya, and Pujiyono, "Tinjauan Yuridis Terhadap Pelaksanaan Asas Praduga Tak Bersalah Dalam Proses Peradilan Pidana," *Serambi Hukum* 5, no. 4 (2016):p. 1, [https://www.academia.edu/34113996/EKSISTENSI\\_HUKUM\\_KONTRAK\\_INNOMINAT\\_DALAM\\_RANAH\\_BISNIS\\_DI\\_INDONESIA](https://www.academia.edu/34113996/EKSISTENSI_HUKUM_KONTRAK_INNOMINAT_DALAM_RANAH_BISNIS_DI_INDONESIA).

<sup>8</sup> Ibid.

<sup>9</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020). p. 45

## Results and Discussion

### A. Definition of Pretrial

Pretrial (Praperadilan) is a form of legal oversight of law enforcement officers within the Indonesian judicial system.<sup>10</sup> The definition of pretrial is stipulated in Article 1, point 10 of Law Number 8 of 1981 on Criminal Procedure, which states: "Pretrial is the authority of the district court to examine and decide, in accordance with the procedures regulated by this law, on:

- a. The legality or illegality of an arrest and/or detention upon the request of the suspect.
- b. The legality or illegality of the termination of an investigation or prosecution upon request, in the interest of upholding law and justice;
- c. Requests for compensation or rehabilitation by a suspect, their family, or other authorized parties in cases not brought to court."<sup>11</sup>

The authority of pretrial under the aforementioned law is limited to specific pretrial objects, as outlined earlier. However, the scope of pretrial objects was expanded under Article 77 of the Criminal Code (KUHP) in conjunction with Constitutional Court Decision No. 21/PUU-XII/2014, which states: "District Courts are authorized to examine and decide on:

- a. The legality or illegality of arrests, detentions, terminations of investigations or prosecutions, including the designation of suspects, searches, and seizures.
- b. Compensation and/or rehabilitation for individuals whose cases are discontinued at the investigation or prosecution stage."<sup>12</sup>

In its current development, it can be concluded that pretrial has the authority to adjudicate on the following matters:

1. The legality or illegality of an arrest;
2. The legality or illegality of detention;
3. The legality or illegality of the termination of an investigation;
4. The legality or illegality of the termination of prosecution;
5. The legality or illegality of the designation of a suspect;
6. The legality or illegality of a search;
7. The legality or illegality of a seizure.<sup>13</sup>

### B. Philosophical Foundation of Human Rights (HAM)

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on December 10, 1948, affirms the principle of non-retroactivity in Article 10. The principle of non-retroactivity prohibits laws from being applied retroactively, meaning they cannot be enforced for events that occurred before the law was enacted. This principle aims to ensure legal certainty and protect the rights of society, including Human Rights (HAM).<sup>14</sup>

The recognition and protection of Human Rights (HAM) are guaranteed by the state through the applicable laws.<sup>15</sup> According to the fourth paragraph of the Preamble to the 1945 Constitution

<sup>10</sup> Moch Adhitya Rifka Wibowo and Sunarto Sunarto, "Analisa Yuridis Peran Pra Peradilan Dalam Penegakan Hukum Pidana Di Indonesia," *Terang: Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 1 (2024): 306–20, <https://doi.org/10.62383/terang.v1i1.125>.

<sup>11</sup> Mahfud, "Pelaksanaan Praperadilan Di Pengadilan Negeri Banda Aceh," *Kanun: Jurnal Ilmu Hukum* Th.XIV, no. 57 (2012): 263–78.

<sup>12</sup> Ovaldo Sepang, "Perluasan Objek Praperadilan Berdasarkan Putusan Mahkamah Konstitusi Nomor 21/PUU-XII/2014," *Lex Administratum* 6, no. 3 (2018): 1–7, <http://dx.doi.org/10.1016/j.gde.2016.09.008><http://dx.doi.org/10.1007/s00412-015-0543-8><http://dx.doi.org/10.1038/nature08473><http://dx.doi.org/10.1016/j.jmb.2009.01.007><http://dx.doi.org/10.1016/j.jmb.2012.10.008><http://dx.doi.org/10.1038/s41598-018-2212>.

<sup>13</sup> Ibid.

<sup>14</sup> Sonya Hellen Sinombor, "Kedudukan Deklarasi Universal Hak Asasi Manusia (UDHR) Dalam Sistem Hukum Di Indonesia," *AL WASATH Jurnal Ilmu Hukum* 3, no. 1 (2022): 13–26, <https://doi.org/10.47776/alwasath.v3i1.330>.

<sup>15</sup> Ely Kusumastuti, "Penetapan Tersangka Sebagai Obyek Praperadilan," *Yuridika* 33, no. 1 (2018): 1, <https://doi.org/10.20473/ydk.v33i1.7258>.

of the Republic of Indonesia, it states, *“To protect the entire nation of Indonesia and all of Indonesia's bloodshed.”*

This sentence implies that the Republic of Indonesia protects every citizen of Indonesia, regardless of race, culture, ethnicity, or religion, whether they are right or wrong. The state guarantees the freedom of every person within Indonesia.

Articles 28A to 28J of the 1945 Constitution also regulate human rights. The rights covered include;

Human Rights (HAM) are both recognized and protected by the 1945 Constitution of the Republic of Indonesia, which serves as the source of all legal authority in the country.

1. The right to develop oneself, including fulfilling basic needs, obtaining education, and utilizing science and technology.
2. The right to life, to defend life, and to live in a community, nation, and state.
3. The right to form a family and continue offspring through a lawful marriage.
4. The right to protection from violence and discrimination.
5. The right to associate, assemble, and express opinions.
6. The right to embrace religion and perform religious worship.
7. The right to work and receive fair and decent compensation and treatment.

In addition, there are also the following, MPR Decree No. XVII/MPR/1998 This provision emphasizes that all government apparatus and high state institutions must respect, uphold, and disseminate the understanding of Human Rights (HAM) to the public.<sup>16</sup>

Law No. 39 of 1999 on Human Rights (HAM). This law regulates various aspects of Human Rights in Indonesia, such as the definition of HAM, the scope of HAM, obligations and limitations of HAM, Human Rights Institutions, and Human Rights Courts.<sup>17</sup>

Law No. 26 of 2000 on the Human Rights Court (HAM Court). This law was enacted to: Ensure the implementation of Human Rights and provide protection, certainty, justice, and a sense of security for individuals and community groups, while also maintaining world peace.

The Presumption of Innocence. This principle is one of the general legal principles that apply in all criminal procedures. It can be applied in all courts in Indonesia. This principle asserts that until someone is declared guilty or the conviction becomes final, every person who is suspected, detained, indicted, or brought to court must be presumed innocent.<sup>18</sup>

The Principle of Legality in the Universal Declaration of Human Rights (UDHR) The principle of legality is outlined in Article 11, paragraph 1 of the UDHR, which explicitly states: *“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial which he has had all the guarantees necessary for his defence.”*<sup>19</sup>

### C. Human Rights Court in Indonesia

The Human Rights Court is regulated under Law No. 26 of 2000 on the Human Rights Court (UU Pengadilan HAM). The Human Rights Court is a special court that examines and adjudicates cases of severe human rights violations, including genocide and crimes against humanity, which are classified as grave human rights violations. This court operates under the general judicial system but is a specialized court.<sup>20</sup>

---

<sup>16</sup> Muhammad Amin Putra, “Eksistensi Lembaga Negara Dalam Penegakan Hak Asasi Manusia Di Indonesia,” *FLAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 3 (2016): 256–92, <https://doi.org/10.25041/flatjustisia.v9no3.600>.

<sup>17</sup> Sukendar, “Hak Asasi Manusia Dalam Kebijakan Luar Negeri Indonesia,” *Jurnal Administrasi Negara* 3, no. 2 (2015): 70–76.

<sup>18</sup> Nancy Glorya Luntungan, Muhamad Rusdi, and Muhammad Zaki Sierrad, “Asas Praduga Tak Bersalah Dalam Hukum Pidana: Refleksi Hak Asasi Manusia,” *Juris Humanita: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 2, no. 2 (2023): 63–76, <https://doi.org/10.37631/jrkhm.v2i2.23>.

<sup>19</sup> Lidya Suryani Widayati, “Perluasan Asas Legalitas Dalam RUU KUHP,” *Negara Hukum* 2, no. 2 (2011): 307–28.

<sup>20</sup> Ni Nyoman Putri Purnama Santhi and Fanny Priscyllia, “Aspek Yuridis Penyelesaian Pelanggaran HAM Berat Masa Lalu Di Indonesia,” *Jurnal Hukum Dan HAM Wara Sains* 3, no. 02 (2024): 255–63, <https://doi.org/10.58812/jhhws.v3i02.1249>.

According to the explanation of the Human Rights Court Law, grave human rights violations are considered extraordinary crimes, with widespread impacts both nationally and internationally. These violations are not crimes covered by the Criminal Code (KUHP) and result in both material and immaterial damages, creating feelings of insecurity for individuals and society. Therefore, it is necessary to address these violations promptly to restore the rule of law, achieving peace, order, tranquility, justice, and the well-being of all Indonesian citizens.<sup>21</sup>

The establishment of the Human Rights Court in Indonesia is based on at least two key reasons:

1. The creation of the Human Rights Court offers a means to address past human rights violations and can serve as a stepping stone toward legal system reforms in Indonesia.
2. The Human Rights Court will serve as an initial indicator of the Indonesian government's commitment to protecting and promoting human rights, as mandated by Pancasila, the legal ideal (Rechtsidee) that governs both written and unwritten national law.<sup>22</sup>

#### **D. The Role of Pretrial in Protecting Human Rights in Indonesia**

According to the Criminal Procedure Code (KUHAP), the primary purpose of pretrial is to oversee, in a horizontal manner, the coercive tactics applied to suspects during the investigation or prosecution to ensure that they do not violate the law or legal provisions. Therefore, the enforcement of the rule of law and the protection of the rights of the suspect/defendant as they prepare for examination and prosecution is referred to as pretrial. In its emphasis, pretrial, according to KUHAP, provides protection to anyone who has been suspected by law enforcement agencies, such as the police or prosecutors, when the investigation process is procedurally flawed or invalid.<sup>23</sup>

Pretrial, as regulated in Articles 77 to 83 of the Indonesian Criminal Procedure Code (KUHAP), is a legal mechanism designed to supervise and control the actions of law enforcement officers during the criminal justice process. This institution plays a crucial role in protecting human rights (HAM) from potential violations throughout the legal proceedings.

The purpose of law enforcement is to strengthen legal certainty within society through the application of applicable legal provisions, whether they are of a repressive or preventive nature. This includes all technical and administrative tasks of law enforcement agencies related to their efforts to create a safe, peaceful, and orderly environment.<sup>24</sup>

Pretrial plays a significant role in safeguarding human rights by overseeing actions such as detention and arrest. It ensures that law enforcement procedures for arrest and detention follow legal protocols, protecting fundamental rights such as personal freedom and protection from arbitrary detention. Furthermore, pretrial serves to examine the legality of seizures. When law enforcement seizes evidence, pretrial ensures that the seizure follows legal procedures, safeguarding private property rights and preventing unlawful seizures. Additionally, pretrial includes the examination of the legality of suspect designation. This role is vital for protecting individuals from being labeled as suspects without sufficient preliminary evidence, in accordance with the principle of due process of law. Pretrial also helps prevent abuse of authority by controlling and limiting the power of law enforcement, thus preventing potential violations of individual rights.

#### **Importance of Pretrial in the Context of Human Rights**

---

<sup>21</sup> Larasati Dwi Rizqiqa, Widati Wulandari, and Nella Sumika Putri, "Implikasi Pengaturan Pelanggaran Ham Berat Dalam Kuhp 2023 Terhadap Keberlakuan Asas-Asas Khususnya: Penguatan Atau Pelemahan?," *Litigasi* 25, no. 1 (2024): 21–60, <https://doi.org/10.23969/litigasi.v25i1.12416>.

<sup>22</sup> Mohd. Yusuf DM et al., "Kedudukan Dan Peranan Pengadilan Hak Asasi Manusia Di Indonesia," *Jurnal Pendidikan Dan Konseling* 5, no. 2 (2022): 1349–58.

<sup>23</sup> A. Nurul Azmi, Robby Nurtresna, and Mela Agustin, "Implementation Of Pretrial In Indonesia's Positive Legal Spatial As A Strengthening Of The Integrity Of The Criminal Justice System," *Jurnal Ruang Hukum* 1, no. 1 (2022): 9–16, <https://doi.org/10.58222/juruh.v1i1.244>.

<sup>24</sup> Mellanie R. Y. Parengkuan, Roy Ronny Limbong, and Vonny A Wongkar, "Pengimplementasian Hukum Pidana Terhadap Lembaga Praperadilan Dikaitkan Dengan Hak Asasi Manusia (HAM)," *Lex Administratum* X, no. 1 (2022): 219–28.

## The Role of Pretrial Proceedings in Protecting Human Rights ...

1. Upholding the Principle of Equality Before the Law  
Pretrial guarantees that every individual is treated equally before the law, without discrimination or unfair treatment.
2. Ensuring Transparency and Accountability  
Through pretrial, law enforcement is held accountable for actions that may violate the law and human rights.
3. Reducing the Potential for Torture and Arbitrary Treatment  
By controlling the processes of arrest, detention, and seizure, the risk of torture or inhumane treatment can be minimized.
4. Strengthening Protection for Victims  
In addition to protecting suspects, pretrial also ensures that the rights of victims are upheld throughout legal proceedings.

### Challenges in Implementing Pretrial

1. Lack of Public Understanding  
Many people still do not understand the function of pretrial as a human rights protection mechanism, resulting in limited use of this system.
2. Limited Scope of Pretrial  
Although the Constitutional Court has expanded the scope of pretrial, supervision of law enforcement actions is still limited to specific issues.
3. Limited Capacity of Judges  
Pretrial judges often face challenges in evaluating law enforcement actions that are technical or require specialized expertise.
4. Potential for External Interference  
In some cases, pretrial may be subject to external pressures, whether from authorities or other interested parties.

### Recommendations for Optimizing Pretrial

1. Enhancing Judges' Capacity  
Providing specialized training for pretrial judges to improve their ability to handle cases related to human rights violations.
2. Public Awareness and Socialization  
The government and related institutions should increase public awareness of the role and function of pretrial to ensure that people better understand and can access it.
3. Expanding the Scope of Pretrial  
Developing regulations to include oversight of other actions that may violate human rights, such as unlawful investigations or the misuse of evidence.
4. Improving Transparency in the Pretrial Process  
Pretrial proceedings should be conducted openly to ensure decisions are free from negative influences.

## Conclusion

Pretrial is a significant legal instrument in protecting human rights in Indonesia. Although there are challenges in its implementation, optimizing pretrial through improving the capacity of judges, socialization, and regulatory improvements can strengthen its role as a defender of human rights. In this way, pretrial can become an effective safeguard in upholding justice and protecting individuals' rights from unlawful actions.

## References

- Ahnaf, Muhammad Yazid. Skripsi. *Peranan Notaris/PPAT Dalam Transaksi Jual Beli dan Poses Balik Nama Sertifikat*, Semarang: Universitas Islam Sultan Agung, 2023.
- Alkatiri, at.al. *Perbandingan Tugas dan Wewenang Notaris Indonesia dan Amerika Serikat*, Tegal: Tanah Air Beta, 2021.
- Aprilia, Sal Sabila, Elizabeth Siregar, and Tri Imam Munandar. "Perlindungan Hukum Terhadap Hak Tersangka Melalui Upaya Praperadilan." *PAMPAS: Journal of Criminal Law* 4, no. 1 (2023):

- 16–32. <https://doi.org/10.22437/pampas.v4i1.24097>.
- DM, Mohd. Yusuf, Sulthon Sekar Jagat, Raudo Perdana, and Geofani Milthree Saragih. “Kedudukan Dan Peranan Pengadilan Hak Asasi Manusia Di Indonesia.” *Jurnal Pendidikan Dan Konseling* 5, no. 2 (2022): 1349–58.
- Glorya Luntungan, Nancy, Muhamad Rusdi, and Muhammad Zaki Sierrad. “Asas Praduga Tak Bersalah Dalam Hukum Pidana : Refleksi Hak Asasi Manusia.” *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 2, no. 2 (2023): 63–76. <https://doi.org/10.37631/jrkhm.v2i2.23>.
- Kusumastuti, Ely. “Penetapan Tersangka Sebagai Obyek Praperadilan.” *Yuridika* 33, no. 1 (2018): 1. <https://doi.org/10.20473/ydk.v33i1.7258>.
- Mahfud. “Pelaksanaan Praperadilan Di Pengadilan Negeri Banda Aceh.” *Kanun: Jurnal Ilmu Hukum* Th.XIV, no. 57 (2012): 263–78.
- Moch Adhitya Rifka Wibowo, and Sunarto Sunarto. “Analisa Yuridis Peran Pra Peradilan Dalam Penegakan Hukum Pidana Di Indonesia.” *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 1 (2024): 306–20. <https://doi.org/10.62383/terang.v1i1.125>.
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Nainggolan, Ojak. *Pengantar Ilmu Hukum*. Medan: UHN Press, 2019.
- Nurul Azmi, A., Robby Nurtresna, and Mela Agustin. “Implementation Of Pretrial In Indonesia’s Positive Legal Spatial As A Strengthening Of The Integrity Of The Criminal Justice System.” *Jurnal Ruang Hukum* 1, no. 1 (2022): 9–16. <https://doi.org/10.58222/juruh.v1i1.244>.
- P, Muhammad Schinggyt Tryan, Nyoman Serikat Putrajaya, and Pujiyono. “TINJAUAN YURIDIS TERHADAP PELAKSANAAN ASAS PRADUGA TAK BERSALAH DALAM PROSES PERADILAN PIDANA.” *Serambi Hukum* 5, no. 4 (2016): 1. [https://www.academia.edu/34113996/EKSISTENSI\\_HUKUM\\_KONTRAK\\_INNOMINAT\\_DALAM\\_RANAH\\_BISNIS\\_DI\\_INDONESIA](https://www.academia.edu/34113996/EKSISTENSI_HUKUM_KONTRAK_INNOMINAT_DALAM_RANAH_BISNIS_DI_INDONESIA).
- Parengkuan, Mellanie R. Y., Roy Ronny Lembong, and Vonny A Wongkar. “Pengimplementasian Hukum Pidana Terhadap Lembaga Praperadilan Dikaitkan Dengan Hak Asasi Manusia (HAM).” *Lex Administratum X*, no. 1 (2022): 219–28.
- Pipit Mulyah, Dyah Aminatun, Sukma Septian Nasution, Tommy Hastomo, Setiana Sri Wahyuni Sitepu, Tryana. “PERLINDUNGAN HAK ASASI MANUSIA TERSANGKA MELALUI PRAPERADILAN DI PENGADILAN NEGERI (The Human Rights Protection Of Suspects Through Pretrial In District Court).” *Journal GEEJ* 7, no. 2 (2020).
- Purnama Santhi, Ni Nyoman Putri, and Fanny Priscyllia. “Aspek Yuridis Penyelesaian Pelanggaran HAM Berat Masa Lalu Di Indonesia.” *Jurnal Hukum Dan HAM Wara Sains* 3, no. 02 (2024): 255–63. <https://doi.org/10.58812/jhhws.v3i02.1249>.
- Putra, Muhammad Amin. “Eksistensi Lembaga Negara Dalam Penegakan Hak Asasi Manusia Di Indonesia.” *FIAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 3 (2016): 256–92. <https://doi.org/10.25041/fiatjustisia.v9no3.600>.
- Rambe, M. Irfan Islami. “Upaya Hukum Terhadap Praperadilan.” *Jurnal Pionir LPPM Universitas Asahan* Vol 2 N0.3 (2017): 5. <https://jurnal.una.ac.id/index.php/pionir/article/view/183/159>.
- Rizqiqa, Larasati Dwi, Widati Wulandari, and Nella Sumika Putri. “Implikasi Pengaturan Pelanggaran Ham Berat Dalam Kuhp 2023 Terhadap Keberlakuan Asas-Asas Khususnya: Penguatan Atau Pelemahan?” *Litigasi* 25, no. 1 (2024): 21–60. <https://doi.org/10.23969/litigasi.v25i1.12416>.
- Rusman Sumadi. “Praperadilan Sebagai Sarana Kontrol Dalam Melindungi Hak Asasi Manusia (HAM) Tersangka.” *Jurnal Hukum Sasana* 7, no. 1 (2021): 149–62. <https://doi.org/10.31599/sasana.v7i1.597>.
- Sepang, Ovaldo. “Perluasan Objek Praperadilan Berdasarkan Putusan Mahkamah Konstitusi Nomor 21/PUU-XII/2014.” *Lex Administratum* 6, no. 3 (2018): 1–7. <http://dx.doi.org/10.1016/j.gde.2016.09.008> <http://dx.doi.org/10.1007/s00412-015->

0543-

8%0Ahttp://dx.doi.org/10.1038/nature08473%0Ahttp://dx.doi.org/10.1016/j.jmb.2009.01.007%0Ahttp://dx.doi.org/10.1016/j.jmb.2012.10.008%0Ahttp://dx.doi.org/10.1038/s41598-018-2212.

Sinombor, Sonya Hellen. “Kedudukan Deklarasi Universal Hak Asasi Manusia (UDHR) Dalam Sistem Hukum Di Indonesia.” *AL WASATH Jurnal Ilmu Hukum* 3, no. 1 (2022): 13–26. <https://doi.org/10.47776/alwasath.v3i1.330>.

Sukendar. “Hak Asasi Manusia Dalam Kebijakan Luar Negeri Indonesia.” *Jurnal Administrasi Negara* 3, no. 2 (2015): 70–76.

Suyanto. *Hukum Acara Pidana*. Sidoarjo: Zifatama Jawa, 2018.

Widayati, Lidya Suryani. “Perluasan Asas Legalitas Dalam RUU KUHP.” *Negara Hukum* 2, no. 2 (2011): 307–28.