

Legal Uncertainty Regarding the Timeframe for Suspect Status Determination

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Abstrak

The study examines the legal uncertainties surrounding the time limits for determining suspect status within Indonesia's criminal justice system. The lack of clarity in the Criminal Procedure Code (KUHAP) regarding these time limits poses significant challenges to the human rights of suspects, particularly the constitutional guarantee of legal certainty. Without clearly defined timeframes for determining suspect status, investigations can extend indefinite period, leaving suspects uncertain whether their cases will proceed to prosecution or be dismissed. This situation subjects them to prolonged psychological, social, and economic strain and increases the risk of potential abuse of authority by investigators. Additionally, the study highlights the difficulties in establishing legal certainty concerning the time limits for suspect status and evaluates the necessary reforms to the Criminal Procedure Code to ensure fairness and safeguard the rights of suspects. One proposed solution is to implement a definitive time limit for the investigation process and the determination of suspect status, alongside strengthening internal and external monitoring mechanisms to mitigate the risk of authority misuse.

Keywords: legal uncertainty, determination of suspect, Criminal Procedure Code, legal certainty, suspect's human rights.

INTRODUCTION

Human Rights (HR) is a collection of fundamental or basic rights inherent to every individual from birth, as a gift from God that must be protected and respected by all (Andorno, 2014). This protection and respect aim to uphold human dignity and worth. The interpretation of these rights can be found in the Preamble of the 1945 Constitution of the Republic of Indonesia, particularly in the first paragraph, which states that "Independence is the right of all nations." This statement reflects a legal recognition of human rights. Furthermore, the acknowledgment of human rights is also enshrined in Article 1 of the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 (Brown, 2016).

Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia asserts that the Republic of Indonesia is a Law State. Therefore, all actions must be based on statutory regulations. This also requires the existence of law enforcement officials whose duties, functions, and authorities are determined by legal provisions, which formally serve as the foundation and legitimacy for their actions by the applicable law. The guarantee of citizens' constitutional rights concerning "recognition, guarantee, protection, and fair legal certainty," as well as constitutional rights to due process of law, as stipulated in Article 28D, paragraph (1) and Article 1, paragraph (3) of the 1945 Constitution, must be realized in the implementation of law enforcement.

Law enforcement in the Republic of Indonesia cannot be separated from the judicial system, which plays a pivotal role in the process (Jubaidi, 2023). Therefore,

judicial activities must align with the legal provisions established by legislators. All judicial authorities in Indonesia are organized in such a way that every level of law enforcement must refer to Law No. 8 of 1981 on Criminal Procedure, hereinafter referred to as the Criminal Procedure Code (KUHAP). KUHAP is the only regulation governing the criminal procedure law applicable throughout the territory of the Unitary State of the Republic of Indonesia, as stated in Articles 2 and 3, which serve as guidelines and limitations in law enforcement, ensuring that actions are not arbitrary. KUHAP also outlines the criminal justice system, which includes various related components, namely the police, the public prosecutor's office, the courts, and correctional institutions. In this context, the legal doctrine states that legislators and advocates are also integral parts of the system. All these components are interconnected to ensure systematic law enforcement under the principles of justice (Rahardjo, 2014).

The basis for creating expected justice includes guarantees of Human Rights (HAM). The Criminal Procedure Code (KUHAP) has regulated the criminal justice process to ensure legal certainty and prevent arbitrary actions by law enforcers. One way to achieve this goal is to guarantee the rights of suspects or defendants. Therefore, suspects or defendants should not only be viewed as lawbreakers (objects of examination) but also as individuals who have rights and obligations (legal subjects). In addition, the Criminal Procedure Code was formulated for the benefit of law enforcement as a whole. The Criminal Procedure Code gives authority to law enforcement officers, in this case investigators or assistant investigators based on instructions from investigators, prosecutors, and judges, to detain suspects or defendants for the benefit of investigation, prosecution, or examination at the court level. However, the authority granted by the law is often misused by law enforcers. Arbitrary actions against suspects are not uncommon, treating them as if they have committed a crime, even though in the criminal justice process, suspects are not always guilty as accused. (Nurhasan, 2023) Law enforcement is often performed by ignoring the principle of the presumption of innocence. Ignoring this principle reflects the lack of legal protection for the rights of suspects, which should be seriously considered in the judicial process in Indonesia by the applicable legal provisions (Ilyas, Badaru, & Akub, 2012).

The recognition of the rights of suspects, defendants, and convicted individuals is governed by Law No. 39 of 1999 on Human Rights (hereafter referred to as the Human Rights Law), which underscores the principle of equality before the law. More specific regulations regarding these rights are found in Law No. 48 of 2009 on Judicial Power. The Judicial Power Law establishes essential principles for the treatment of suspects, including the right to a trial that adheres to the values of a quick, simple, and low-cost judiciary, as outlined in Article 2, paragraph (4); the principle of non-discrimination, stated in Article 4, paragraph (1); the presumption of innocence in Article 8, paragraph (1); the right to rehabilitation in cases of wrongful arrest and detention; and the right to legal assistance, as detailed in Article 56. To effectively safeguard these rights, the criminal justice system is constructed upon the principle of due process of law, requiring that all enforcement and application of criminal law be executed by constitutional mandates and comply with existing legislation. The provisions that uphold the rights of suspects are articulated in the Criminal Procedure Code (KUHAP), specifically in Articles 50 to 68 and Article 95. Therefore, it is essential to establish a balance between law enforcement and the protection of the human rights of individuals suspected of criminal activity (Marpaung, 1995).

The provisions outlined in Article 1 number 2 of the Criminal Procedure Code can lead to multiple interpretations in practice (Basoeky, n.d.). This ambiguity may result in legal uncertainty, which contradicts the guarantees established by Article 28D paragraph (1) of the 1945 Constitution. Furthermore, this provision has the potential to enable arbitrary actions, undermining the fundamental principle of due process of law that is characteristic of a state governed by law, as mandated by Article 1 paragraph (3) of the 1945 Constitution. From these provisions, one could interpret that an investigation takes place before the formal investigation process. It is essential to recognize that the search for and identification of events suspected to constitute a criminal act is at the heart of this process. In this context, the act of searching and discovering can be viewed as an initiative by investigators to locate an event suspected of being criminal in nature. Investigators will examine to ascertain the truth regarding the alleged criminal act based on the information gathered. This process will also involve the collection of evidence aimed at reinforcing the suspicion of the existence of the criminal act.

Additionally, once the evidence collection is complete, investigators will proceed with the investigation to identify the individuals suspected of being involved in the crime (Inbau, Reid, Buckley, & Jayne, 2013). The primary responsibility of the investigator is to search for and gather evidence that elucidates the crime and helps identify the suspect. The investigation is a phase in the resolution of a criminal case that follows the preliminary inquiry, serving as an initial step to determine whether a crime has occurred. When it is established that a crime has taken place, further investigation can be conducted based on the findings of this preliminary inquiry. During this investigative phase, the main emphasis is on "searching for and locating" events that are considered or suspected to be criminal in nature. In contrast, the preliminary inquiry focuses more on "searching for and collecting evidence." The ultimate goal of the investigation is to illuminate the details of the crime and ascertain the identity of the perpetrator (Fadilah Januarizky, Usman, & Liyus, 2024).

The investigation process as part of the criminal justice sub-system has the authority and power to strive for justice. However, in practice, investigators often violate the rights of suspects (Wibowo & Khisni, 2018). It is due to the large authority granted by law which can lead to various legal interpretations and conflicts between the investigator's authority and the suspect's rights during the investigation process. The legal issues discussed in this study highlight that the investigator's extensive authority, combined with the absence of time limits in the investigation process, leads to legal uncertainty. This uncertainty should be addressed by Articles 28D and 28G of the 1945 Constitution, which pertain to human rights for individuals designated as suspects (Usman, Kurniawan, & Efendi, 2021).

Moreover, the Criminal Procedure Code lacks provisions that establish a time limit for determining suspect status. The absence of provisions on this time limit can reduce the rights of individuals designated as suspects. In addition, determining someone as a suspect can also have a negative impact in the form of stigma in society. Based on these legal issues, in this study, the author will discuss the legal uncertainty regarding the provisions on the time limit as a suspect in the trial process and the challenges and efforts faced in creating legal certainty regarding the time limit as a suspect in the trial process.

RESEARCH METHOD

In this study, the research method of the statute approach or statute approach can also be called normative legal research is a process to find a legal rule, legal principles, or legal doctrines to answer legal issues regarding legal uncertainty regarding provisions on the time limit as a suspect in the trial process and what challenges and efforts are faced in creating legal certainty regarding the time limit as a suspect in the trial process (Marzuki, 2013). The case approach is an approach that is carried out by analyzing, examining, and used as a guideline for legal problems. Then the conceptual approach is an approach that starts from the views and patterns of doctrine or thoughts of experts that have developed in legal science. From the various approaches and legal research presented, it will analyze the legal uncertainty regarding the provisions on the time limit as a suspect in the trial process and what challenges and efforts are faced in creating legal certainty regarding the time limit as a suspect in the trial process.

RESULTS AND DISCUSSION

Legal Uncertainty Regarding the Time Limit Provisions for Being a Suspect in the Trial Process

The theory of human rights asserts that individuals, as legal subjects, have the right not to be prosecuted based on retroactive laws. These rights are inalienable human rights, which cannot be diminished under any circumstances and by anyone. Restrictions on human rights can only be imposed by the law. The government and law enforcement officials must uphold, respect, and fulfill human rights in Indonesia, particularly for those involved in legal issues. The enforcement, respect, and fulfillment of these rights must be carried out through the application of existing laws, including the Criminal Procedure Code (KUHAP), as well as the creation of better new regulations regarding the management of human rights.

In KUHAP, many articles regulate the rights of suspects during the investigation process. However, many provisions within these regulations have not yet been implemented by investigators. Therefore, serious determination and intention are needed from investigative officials to uphold, respect, and fulfill the rights of suspects without discrimination based on social status, ethnicity, race, or religion. To ensure legal certainty, legal provisions must be applied equally to every individual without exception who encounters similar cases, thus realizing the principle of equality before the law.

Investigators frequently overlook the rights of suspects, particularly the right to legal assistance for those unable to afford it. While it is not the investigator's duty to provide legal representation, they are obligated to ensure that suspects' rights to be accompanied by legal counsel are upheld. However, in practice, investigators often do not ask suspects whether they have prepared a lawyer or wish to receive legal assistance. As a result, many suspects are unaware that they have the right to be accompanied by legal counsel during the investigation of criminal cases, even though the government has provided free legal assistance for every citizen facing legal issues, especially those who cannot afford it.

Article 1, number 2 of KUHAP states, "Investigation is a series of actions conducted by investigators by the provisions outlined in this law to seek and collect evidence that can clarify the criminal act that occurred and to identify the suspect." Therefore, an investigation can only be initiated by an investigator if a criminal act has been committed, as stipulated in the Criminal Procedure Code (KUHAP). To determine whether an event can be categorized as a criminal act, investigators identify the incident based on their knowledge of criminal law.

Before conducting investigative actions, investigative officials perform an inquiry aimed at collecting "preliminary evidence" or "sufficient evidence" to proceed to the investigation stage. The investigation involves analyzing the evidence collected during the inquiry and strives to bolster the gathered evidence through the acquisition of additional relevant information about the criminal act being investigated. This initial action is followed by other actions deemed necessary to ensure that individuals proven to have committed a criminal act can be brought to court. If no suspects are found during the inquiry stage, then at the investigation stage, the investigator is obligated to identify the suspect. Referring to the terms used in the KUHAP Implementation Guidelines, inquiry is one of the methods or sub-functions of investigation that precedes other actions, such as enforcement actions like arrest, detention, search, seizure, document examination, summons, investigative actions, and the submission of files to the public prosecutor (Harahap, 2006).

An investigation is a series of actions conducted by an investigator by the provisions established in this law to seek and collect evidence that elucidates the occurrence of a criminal offense and to identify the suspect (Article 1, number 2 of the Criminal Procedure Code, KUHAP). Regarding evidence and its evidentiary value, Article 184, paragraph (1) of KUHAP has exhaustively delineated the types of evidence that are legally permissible. Evidence outside this specified list is prohibited for use in proving the defendant's guilt. Judges, public prosecutors, defendants, and legal counsel are permitted only to utilize the evidence that has been stipulated and do not possess the liberty to introduce evidence beyond the provisions outlined in Article 184, paragraph (1). The forms of admissible evidence include:

- a. Testimony of witnesses
- b. Expert testimony
- c. Documents
- d. Indications
- e. Testimony of the defendant

The investigative process aimed at gathering evidence and locating suspects does not occur swiftly. The designation of an individual as a suspect during the investigation can be perceived as a restriction of individual freedom. This limitation of freedom may take place through coercive actions that investigators may undertake at any moment. Under the provisions of KUHAP, there is no regulation regarding the timeframe for the designation of a suspect by the investigator. This lack of regulation leads to legal uncertainty for individuals assigned the status of a suspect.

The uncertainty surrounding the deadline for the designation of a suspect is addressed in KUHAP, which includes provisions that guarantee the suspect's right to an immediate examination by the investigator. According to Article 50 of KUHAP, it is stated that:

- a. The suspect has the right to an immediate examination by the investigator and may subsequently be brought before the public prosecutor;
- b. The suspect has the right for their case to be promptly forwarded to the court by the public prosecutor;
- c. The defendant has the right to be tried by the court without delay.

In the explanation of Article 50 of KUHAP, it is stated that the provision of rights to the suspect or defendant in this article aims to prevent the potential for individuals suspected of committing a crime from being left in limbo, particularly for those who are

detained for extended periods without having their cases examined. Thus, this situation can create a sense of legal uncertainty and expose individuals to arbitrary and unjust treatment. Furthermore, it seeks to ensure that justice is served in a simple, swift, and cost-effective manner.

The investigative process is a critical step, as it pertains to events suspected of being criminal offenses. The results of this investigation will determine whether a particular incident warrants further examination. If possible, the process will continue with an investigation aimed at gathering evidence that clarifies the criminal act in question and at summoning or apprehending those involved in the matter. The primary responsibility of the investigator is to seek and collect evidence that can elucidate the occurrence of the criminal offense and to identify the suspect. Investigation is a phase of the criminal case resolution process conducted after the inquiry, which serves as the initial stage in determining the existence of a criminal act within a particular incident. When there are indications that a criminal offense has occurred, an investigation may be conducted based on the findings of the inquiry.

During the inquiry stage, the emphasis is on "seeking and identifying" events considered or suspected to be criminal acts. In contrast, the investigation focuses on the action of "seeking and collecting evidence." The collection of evidence to substantiate the belief that a criminal act has indeed occurred must be conducted with consideration of the applicable legal provisions. KUHAP does not require a minimum quantity of evidence to be gathered, provided the prerequisites for adequate preliminary evidence have been satisfied. However, KUHAP establishes that:

- A. The evidence must be able to demonstrate the existence of a suspected criminal act (to commence investigation);
- B. The evidence must indicate that an individual is the perpetrator of the criminal act (to establish them as a suspect).

The term "preliminary evidence" in Article 1, number 14 of KUHAP encompasses not only the forms of evidence as regulated in Article 184 of KUHAP but also may include physical evidence or real evidence recognized in legal contexts. According to the provisions in KUHAP, the status of a suspect designated by the investigator highly depends on the duration of the investigative process. However, there is no clear provision regarding the timeframe for the investigative process. The change in status from suspect to defendant occurs when the investigator submits the case to the prosecution, and the prosecutor deems the case file complete, leading to its prompt forwarding to the court. Once the public prosecutor submits the case to the court, the suspect's status transitions to that of a defendant (Article 1, number 15 of KUHAP). Furthermore, if the investigator believes that there is insufficient evidence in the case or that the event does not constitute a criminal act, the investigator may terminate the investigation under Article 109, paragraph (2) of KUHAP.

If the investigator concludes that there is insufficient evidence regarding a case or that the event falls outside the definition of a criminal act, the investigator is authorized to terminate the investigation. The provisions concerning the termination of the investigation are regulated in Article 109, paragraph (2) of KUHAP, which states:

2) If the investigator terminates the investigation due to insufficient evidence if it turns out the event does not constitute a criminal act, or if the investigation is legally terminated, the investigator must notify the public prosecutor, the suspect, or their family.

Once the investigation has been terminated, the status of the individual as a suspect ceases to exist. A change in suspect status may also occur if the suspect files a pretrial motion contesting their designation. If the motion is accepted, the suspect's status will be revoked. The designation of a suspect is one of the objects of pretrial litigation, even though earlier provisions in KUHAP did not permit this to be a pretrial object. However, following the Constitutional Court Decision Number 21/PUU-XII/2014, the designation of a suspect has been recognized as a pretrial object. This development provides legal certainty for suspects to file pretrial motions regarding their status. Nonetheless, a potential issue arises if the pretrial motion submitted by the suspect is rejected by the pretrial panel. In such instances, the suspect's status remains unchanged, and the investigation against them will continue.

KUHAP also governs pretrial measures concerning the coercive actions taken by investigators. After Constitutional Court Decision Number 21/PUU-XII/2014, the range of pretrial proceedings has been broadened to encompass the identification of a suspect. The ruling stated that "Article 77, letter a of Law Number 8 of 1981 concerning Criminal Procedure conflicts with the 1945 Constitution of the Republic of Indonesia as long as it is not interpreted to include the designation of suspects, searches, and seizures."

The issue that arises is that, by including the designation of suspects as a pretrial object, such designation can be construed as a coercive action conducted by the investigator. This coercive action only requires the existence of a suspected criminal offense with preliminary evidence but does not set a time limit on how long the designation as a suspect will apply to the individual. The time limits outlined in KUHAP pertain solely to the duration of the suspect's detention. The legal uncertainty surrounding the timeframe for the designation of a suspect creates ambiguity for the suspect. Consequently, this situation poses the risk of violating the suspect's rights if the investigative process persists for an excessive duration. Therefore, it is necessary to amend the provisions concerning the designation of suspects in KUHAP, particularly regarding the time limits for such designations.

The legal uncertainty arising from the absence of clearly defined time limits for suspect status in the judicial process creates vulnerability for the individuals involved. In the absence of explicit time constraints, suspects may find themselves in a state of uncertainty regarding their legal future, which has the potential to result in violations of human rights, particularly the right to freedom and protection against arbitrary detention. This legal ambiguity not only exacerbates the legal position of the suspect but also opens the door to potential abuses of power by investigators, who may prolong the investigative process without valid justification. Furthermore, this situation may foster social stigma associated with the suspect status, even before any legal determination has been made, ultimately harming the individual's integrity within society. Therefore, establishing clear and stringent time limits within KUHAP is crucial for providing legal certainty and safeguarding the rights of suspects throughout the judicial process.

Challenges and Efforts in Creating Legal Certainty Regarding Time Limits as a Suspect in the Judicial Process.

The Indonesian Criminal Procedure Code (KUHAP - Kitab Undang-Undang Hukum Acara Pidana) serves as the primary legal framework governing criminal proceedings in Indonesia, including the processes of investigation and the designation of suspects. However, one of the fundamental weaknesses of KUHAP is the absence of clear regulations regarding the time limits for establishing a suspect's status. This

uncertainty poses serious issues concerning legal certainty, where an individual can be designated as a suspect without clarity on the duration of that status. Consequently, a suspect may find themselves in a state of uncertainty for months or even years, without a clear process leading to trial or the cessation of the investigation. This legal uncertainty directly impacts the human rights of the suspect, which should be protected by law.

According to Article 28D of the 1945 Constitution, everyone has the right to legal certainty, including regarding their status as a suspect. The lack of a definitive time limit allows suspects to remain in a protracted legal limbo. This creates an unfair situation where individuals labeled as suspects experience psychological, social, and economic pressures without any certainty regarding when their legal proceedings will conclude. The extended status of being a suspect also results in negative stigma within the community, ultimately damaging the reputation and personal lives of the suspect and their family. Furthermore, this uncertainty opens the door to potential abuse of power by investigators. Without clear time constraints, investigators can prolong investigations without sufficient justification, or even use the suspect status as a means of coercion. This runs counter to the principles of fair and equitable judicial processes. Without strict time limits, suspects lack guaranteed protection of their rights in legal proceedings, such as the right to a speedy trial and the right to be informed about the progress of ongoing investigations.

The broad discretionary powers granted to investigators in the investigative process, as delineated in KUHAP, often lead to serious issues regarding conflicts between the authorities of investigators and the rights of suspects. Investigators possess multiple rights to perform necessary actions for evidence collection, including arrest, detention, searches, and seizures. These powers aim to ensure the effective progress of legal proceedings. However, when these powers are exercised without strict oversight or clear time limits, the rights of suspects are frequently undermined. One emerging issue is that investigators may exploit the legal uncertainty surrounding the time limits for establishing suspect status to extend investigations without a robust legal foundation. The ambiguity in the time limit for suspect designation provides investigators with the leeway to prolong this status without any obligation to promptly resolve the case. It often occurs in situations where investigators lack sufficient evidence to move forward to prosecution but choose not to terminate the investigation either. In such scenarios, suspects find themselves in a vulnerable position, as their rights—such as the right to legal certainty and the right to be free from arbitrary treatment—may be infringed upon. Investigators can extend the suspect status without pressure to resolve the case or to issue definitive decisions, such as transferring the case to the prosecutor's office or terminating the investigation. This broad authority can also be misused, particularly in the context of abuse of power. Devoid of clear time limits, investigators have complete control over the investigative process, including the ability to determine when a case is deemed to be complete. This can result in situations where suspects are treated unfairly, for instance, by experiencing extended detention or examinations disproportionate to the existing evidence. When this authority is utilized for improper purposes, such as pressuring suspects or eliciting confessions under duress, the legal process becomes unjust and contradicts the principles of law that protect human rights.

The lack of oversight in investigations represents a significant problem within the criminal justice process in Indonesia. While KUHAP grants substantial authority to investigators to undertake various actions for evidence collection, the oversight of such authority often does not operate optimally. Insufficient effective control mechanisms

over investigators create loopholes for abuse of power and neglect of the rights of suspects, including the right to a speedy and fair process. Internal oversight of investigators, such as through direct superiors or investigative institutions, is often not strong enough to prevent abuses of authority. In practice, decisions made by investigators, such as the designation of suspect status or the duration of investigations, may proceed without meaningful intervention from supervisory authorities. This is exacerbated by the absence of clear time limits in KUHAP concerning how long an individual can maintain suspect status.

Consequently, investigators possess considerable leeway in determining the duration of investigations, which can potentially lead to injustices for suspects, particularly if their suspect status is prolonged without a strong legal justification. The lack of adequate external oversight, such as from judicial bodies or independent monitoring institutions, further complicates this situation. Although there exists a pretrial mechanism allowing suspects to challenge their status, this process does not always proceed smoothly or provide quick resolutions for suspects who feel their rights have been violated.

In many cases, pretrial mechanisms are only utilized after suspects experience injustice within lengthy processes. Thus, more proactive oversight mechanisms are necessary to ensure that investigators do not abuse their powers and that the rights of suspects, such as the right to a speedy trial or the right to a reasonable time limit, remain protected. The ineffectiveness of oversight in investigations may also stem from insufficient coordination among investigative bodies, prosecutors, and courts. Each institution has distinct functions within the criminal justice process; however, a lack of effective communication among them can slow legal proceedings. For example, delayed case files from investigators to the prosecutor or a lack of evaluation of investigators' work in gathering evidence can result in suspects being trapped in ambiguous legal status for extended periods.

Revising KUHAP is a significant step towards addressing the issues of legal uncertainty, particularly concerning the time limits for establishing suspect status. Currently, KUHAP does not provide clear provisions regarding how long a person can maintain their status as a suspect before their case is handed off to the prosecutor. This uncertainty can create potential violations of the rights of suspects, as the lack of clear time limits allows investigations to proceed without a definitive timeline, potentially prolonging an individual's legal ordeal without solid grounds. Revisions to KUHAP should incorporate strict provisions concerning the time limits for establishing suspect status, including regulations governing oversight and evaluations of the length of investigative processes. With clear time limits in place, investigators will be encouraged to work more efficiently in gathering evidence and concluding investigations, ensuring that suspects are not left in a state of legal ambiguity. Furthermore, these time limits can also serve as a tool to prevent potential abuses of authority by investigators, as they will be bound by rules that ensure investigations proceed within clear and equitable parameters.

Revising KUHAP must also consider the need for a balance between the authority of investigators and the rights of suspects. Provisions concerning the time limits for establishing suspect status should be complemented by transparent extensions of time that are overseen by higher authorities, such as prosecutors or courts. For instance, if investigators require additional time to complete the investigative process, such extensions should receive approval from independent parties to prevent unilateral misuse of time by investigators. This will create tighter oversight and strengthen the protection

of the rights of suspects. Additionally, revisions to KUHAP should include provisions granting suspects the right to lodge objections or pretrial challenges if the time limits for establishing their status are exceeded without valid justification. Such provisions will ensure that legal proceedings progress swiftly, simply, and cost-effectively, by the principles of fair justice. With established time limits, suspects will be better protected from arbitrary actions, such as prolonged detention without clear justification. This revision will provide legal certainty not only for the suspects but also for all parties involved in the criminal justice process, including investigators, prosecutors, and judges. By introducing clearer regulations regarding the time limits for establishing suspect status, the judicial process can operate more efficiently and fairly, effectively reducing the burden on a criminal justice system that is frequently impeded by lengthy case resolutions.

Enhancing oversight of the investigative process is a crucial step in ensuring that investigators perform their duties professionally and do not abuse their authority. Currently, oversight of investigators often does not function optimally, allowing for potential abuses of power, such as extending the investigative process without a solid legal basis. This can harm the suspects, as they may find themselves in an unclear legal status for an extended time, without certainty regarding when their legal proceedings will advance to the next stage.

Internal oversight by law enforcement agencies, such as inspectorates within the police and prosecutors' offices, must be strengthened to ensure that investigations are conducted by applicable legal regulations. This internal oversight function is vital for ensuring that investigators do not exceed the boundaries of authority granted by KUHAP. Internal monitoring mechanisms should involve regular evaluations of each stage of the investigation so that any deviations can be quickly detected and rectified. Transparency in the internal oversight process must also be enhanced to ensure accountability. External oversight by independent institutions, such as the Prosecutors' Commission, Police Commission, or National Commission on Human Rights (Komnas HAM), is essential to counterbalance the power of law enforcement. This external oversight aims to protect suspects' rights from potential violations, including legal uncertainties regarding their status during investigations. Komnas HAM, for example, can play a pivotal role in ensuring that the human rights of suspects are respected during the investigative process, particularly regarding their right to a reasonable timeframe.

Furthermore, external oversight can provide a more objective perspective, as these bodies do not have direct interests in the investigative process. Mechanisms for public complaints or reports from society, including suspects or their legal representatives, should also be well-facilitated. Suspects must have access to report any abuses of authority during investigations, such as unreasonable delays or treatment that violates their rights. These complaints must be addressed promptly and thoroughly by the relevant authorities, ensuring that investigative actions remain within the boundaries of fair and lawful practices.

Strict limitations on detention durations represent an important solution to the legal uncertainty faced by suspects during the investigative process. Currently, KUHAP stipulates time limits for detention but lacks definitive provisions regarding the time limits for establishing suspect status within the overall investigative process. This allows suspects to exist in a state of legal uncertainty, as they may be classified as suspects without clear time limits, even though their detention terms are regulated. Thus, more explicit and stringent limitations regarding detention periods and the duration of

investigations themselves are necessary. Establishing clear time limits will provide legal certainty to suspects, helping them avoid prolonged uncertainty. These detention time limits should adhere to principles of justice and proportionality, wherein detention occurs only when necessary, and its duration does not exceed statutory limits.

Consequently, suspects will swiftly ascertain the status of their legal proceedings, whether their cases will be advanced to prosecution or terminated if insufficient evidence exists. Strict time limitations will also incentivize investigators to be more efficient in their duties, such as searching for and collecting evidence within the established deadlines. This reduces potential abuses of authority by investigators, who might otherwise prolong investigations without clear justification and strict time limits. With imposed detention duration limits, investigators will be prompted to act more promptly and accurately in managing cases, ensuring that suspects are not left dangling in a state of uncertainty.

CONCLUSION

The uncertainty regarding the time limits for establishing a suspect's status in the Indonesian Criminal Procedure Code (KUHAP) creates legal ambiguity that potentially infringes upon human rights, particularly the rights to freedom and protection against unjust coercive actions. Although KUHAP stipulates various rights for suspects during the investigation process, many of these provisions have not been effectively implemented by investigators, who often neglect fundamental rights such as the right to legal assistance. The legal uncertainty surrounding the duration of suspect status not only adversely affects individuals legally but can also lead to social stigma and abuse of power by law enforcement authorities.

To uphold the principle of legal certainty and protect human rights, it is essential to revise KUHAP to include clear and stringent provisions concerning the time limits for establishing suspect status. Such revisions would ensure that judicial processes are fairer, more efficient, and transparent, thus enabling better respect and fulfillment of the rights of suspects. This improvement effort requires a strong commitment from law enforcement authorities and rigorous oversight from internal and external monitoring bodies to prevent abuses of power and ensure human rights protection for all individuals involved in legal proceedings.

The uncertainty in KUHAP concerning the time limits for establishing a suspect's status results in serious legal ambiguity that directly impacts the rights of suspects, including their right to fair legal certainty. This legal uncertainty allows suspects to remain in limbo during protracted investigations, with no assurance of when their cases will be advanced or terminated. Consequently, suspects endure prolonged psychological, social, and economic pressures while facing the risk of abuse of power by investigators, who may extend the investigative process without a strong legal basis.

The lack of effective internal and external oversight of investigators exacerbates this situation, as there are insufficient mechanisms to prevent or halt deviations within the legal process. To address these issues, a clear revision of KUHAP is necessary, particularly by incorporating provisions regarding time limits for establishing suspect status and implementing stricter oversight mechanisms. Additionally, tighter restrictions on detention durations must be applied to ensure legal certainty and protect the rights of suspects from arbitrary actions. Such revisions will facilitate a faster, more efficient, and fairer criminal justice process while reducing the potential for abuse of power during investigations.

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First publication right:

Journal of Social Science

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