Pretrial Legal Remedies Determination of Suspect in The Crime of Corruption

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Abstract. People from the neighborhood may behave strangely in the presence of society, the nation, and the state, particularly by engaging in illegal displays or criminal exhibits in violation of Guideline Number 31 of 1999, which was amended by Guideline Number 20 of 2001, which was aimed at correcting violations of Guideline Number 31 of 1999, which was about eradicating corruption. Against offenders related with executing an evildoer exhibit of degradation, policing ought to be taken to show reprehensible or not considering formal genuine plans, explicitly Rule Number 8 of 1981 concerning the Criminal Method Code (KUHAP). One of the legitimate undertakings to help or not close the suspect is the pretrial certified effort. This study raises the question of how the pre-trial real action for the confirmation of the suspect in the lawbreaker showing pollution by the KPK analyst and how the real action of the KPK specialists considering the Criminal Strategy Code in concluding the suspect in the culprit showing degradation. The legal normalization method was used in this evaluation. According to the Contamination Demolition Commission's Guideline No. 30 of 2002, the KPK's situation is largely responsible for conducting and completing legitimate investigations and summoning of criminally reprehensible individuals.

Keywords: Pretrial, Debasement, Wrongdoing.

1. Introduction

As the established foundation of the Unitary Condition of the Republic of Indonesia, the 1945 Constitution expresses the significance of protecting fundamental freedoms. This is planned with the goal that common freedoms get legitimate security and conviction in policing the structure of uncovering a criminal occurrence.

The Territory of Indonesia is an established state with sway in the possession of individuals. This is expressed in Article 1 area (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution) which scrutinizes "Indonesia is a nation in light of regulation"

The importance of Article 1 section (3) is that in view of the 1945 Constitution, Indonesia is a state in light of regulation, meaning a state in view of the law (rechtsstaat) and not in light of simple power (machtsstaat). So, the law can be interpreted as a rule that regulates human life to be used to achieve justice. Policing acknowledged in view of legitimate standards, including the guideline of balance under the steady gaze of the law, implying that the law applies to everybody and depends on the rule of legitimateness, as specified in the Crook Code (KUHP) Article 1 passage (1) that:

"There is no action that can be subject to punishment or sanctions unless the law states for

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that".

A person who commits a crime can be punished if the perpetrator can take responsibility for his actions. The principle of accountability states emphatically that "Not convicted without any guilt". To determine whether a perpetrator of a crime can be held accountable in criminal law, basically that person when committing a crime is done by mistake. The psychological state of a person who commits a crime is known as the principle of error. There is a connection between the mistake and the act that was done in such a way that the person can be blamed for the crime.

Criminal responsibility prompts the discipline of the culprit in the event that he carries out a wrongdoing and satisfies not entirely set in stone by regulation. According to the event of denied acts, he will be considered responsible assuming that the demonstration disregards the law. According to the perspective of being mindful, just the people who are fit for being dependable can be considered responsible. Criminal obligation in English is called criminal obligation which prompts the discipline of the wrongdoer to decide if a respondent or suspect is considered responsible for a crook act that has happened or not.

In the existence of society, country, and state, individuals from the local area might act resistant, in particular by perpetrating acts that disregard the law or carry out criminal demonstrations from different regulations that are general in nature, specifically the Crook Code and legal guidelines that are explicit in nature, for example, abusing the arrangements of the Law - Regulation Number 31 of 1999 concerning the Annihilation of Debasement Violations as corrected by Regulation Number 20 of 2001 concerning Changes to Regulation Number 31 of 1999 concerning the Destruction of Defilement Wrongdoings.

Culprits who are associated with carrying out a crook demonstration of defilement should be completed policing to demonstrate their responsibility or honesty, in view of equity. During the time spent acknowledging equity for the party associated with carrying out a wrongdoing, the supposed party is dependent upon confirmation. Actually it is done in view of formal legitimate arrangements, in particular Regulation Number 8 of 1981 concerning the Criminal Technique Code (KUHAP) as well as procedural regulation arrangements that are explicit in nature, like those connected with criminal demonstrations of defilement.

In Regulation Number 30 of 2002 concerning the Debasement Destruction Commission which turned into the reason for the development of the Defilement Annihilation Commission (KPK), this foundation was given the order to do proficient, concentrated, and economical annihilation of defilement to make a fair, prosperous and prosperous society in light of Pancasila and the 1945 Constitution. Besides,

in light of the arrangements of Part IV concerning Examination, Arraignment, and Assessment at Court Meetings, the arrangements of Article 26 express that:

"Investigations, prosecutions, and examinations in a court of criminal acts of corruption are carried out based on the applicable criminal procedure law unless otherwise provided for in this law".

Free KPK specialists are made conceivable by regulation, on the grounds that the arrangements of Regulation Number 30 of 2002 concerning the Defilement Destruction Commission, Article 45 paragraph (1) states that: "An investigator is an investigator at the Corruption Eradication Commission who is appointed and dismissed by the Commission of Corruption Eradication".

In any case, in the realities that have happened, with respect to the assurance of the suspect against The people who are associated with carrying out demonstrations of debasement by KPK examiners, not every one of the gatherings named as suspects have satisfied the components of a lawbreaker demonstration of defilement. It very well may be exemplified on account of naming suspects associated with committing defilement, specifically Hadi Purnomo (previous Chief

General of Expenses) and Budi Gunawan. As is known, to do the interests of looking at criminal demonstrations, regulation authorities are approved by regulation to make a lawful move and cures as capture, detainment, seizure, or different activities against suspects who are emphatically associated with having carried out criminal demonstrations, remembering for this case Assurance of suspects in debasement cases.

There are many times instances of regulation implementers doing their obligations and specialists unreliably and disregarding regulations. This can be demonstrated by the assurance of suspects who don't go through the instrument of satisfying legitimate proof in light of Article 184 of the Criminal Methodology Code. The assurance of the suspect by the examiner ought to have been directed by the satisfaction of somewhere around two bits of proof combined with the adjudicator's confidence in the two legitimate bits of proof as per the items in Article 183 of the Criminal Method Code. This implies that every assurance of a suspect depends on the satisfaction of two bits of proof that have been found by specialists. Then again, on the off chance that the two bits of proof demonstrate uncertain, the adjudicator in settling on a choice will proclaim the litigant honest and choose to be liberated from indictment. It very well may be seen from the cases that happened, specifically:

"The instance of pretrial case for the assurance of the suspect Hadi Poernomo in the supposed debasement case has gotten a Choice of the South Jakarta Region Court Number 36/Pid.Prap/2015/PN.Jkt.Sel. driven by a solitary adjudicator at the South Jakarta Region Court H. Haswandi, SH, SE, MHum helped by Recorder Mohamad Anwar, SH with a choice to drop the assurance of the suspect Hadi Poernomo.

In view of this depiction, the creator will talk about issues in regards to the legitimate activities of KPK specialists in light of the Criminal Methodology Code in deciding suspects as culprits of defilement and pretrial lawful solutions for deciding suspects as culprits of debasement by KPK examiners.

To talk about these issues, the strategy utilized in this examination is standardizing juridical. The strategy for the regularizing juridical methodology is a logical report that beginnings with an examination of the articles in the regulations and guidelines that manage issues connected with the issue.

Lawful legitimate assessment suggests research that implies composing studies or assistant data containing fundamental authentic materials, discretionary legitimate materials, and tertiary legitimate materials. While regularizing in nature implies lawful exploration that means to get standardizing information about the connection between one guideline and another and its application.

2. Library Review

2.1 Pretrial

One sign of the security of common liberties recorded in the Criminal Method Code is the presence of a pretrial organization for each resident who is captured, kept, and indicted without legitimate (adequate) reasons in view of legal arrangements. The pretrial foundation is the power of the area court.

Pretrial is defined in terminology or separated into pre and trial. “Pre” means before, while the judiciary is the process of law enforcement in seeking justice in an institution called the court (adjudication). If so, pretrial is more defined as the same term as pretrial. Even though pretrial is more at the level of investigation, investigation, and after that the case file is transferred to court by the public prosecutor in the form of a requisite who enters the court area. The process of

examination in court is referred to as adjudication, pre-adjudication which is juxtaposed with pretrial is inappropriate.

Pretrial is not interpreted in the process of investigation and investigation alone. Rather, there are rebuttals by the suspect, his attorneys, and heirs, against the illegality of the investigator's actions in forced efforts by investigators against arrest, detention, search, and seizure. The objection can be submitted to the district court to be assessed by a single judge with a quick examination procedure, which is decided within seven days by the district court. According to Andi Hamza,[1]

"The pretrial focuses on the preliminary examination carried out by the judge on the authority of the Police, Prosecutor's Office, and the KPK. The State of Indonesia, which determines the appropriateness of a case by the perpetrators of criminal acts to be delegated to court are the Police, the Attorney General's Office, and the Corruption Eradication Commission after fulfilling the elements and means of evidence."

Article 1 point 10 of the Criminal Way of thinking Code imparts that the pretrial is the power of the area court to look at and pick as not entirely set in stone in the Criminal Technique Code, including among others:[2]

1. Whether or not a capture or potentially detainment is legitimate in line with the suspect or his family or one more party under the suspect's position.
2. Whether or not it is legitimate to stop an examination or stop an indictment at a solicitation for maintaining regulation and equity.
3. A mentioning for pay or recovery by the suspect or his family or one more party for his benefit whose case was not brought to court.

Considering the plans of Article 1 number 10 of the Criminal Approach Code, one of the targets of the Criminal System Code is, as a matter of fact, to safeguard thinks so they can stay away from the erratic activities of policing, particularly at the degree of examination and indictment, assault of human pride quite far can be kept away from like wrong capture, wrong hold, etc. Moreover, it additionally maintains the standard of assumption of blamelessness by the arrangements of Article 8 of Regulation Number 48 of 2009 concerning Legal Power which expresses that: "Everyone who is suspected, detained, prosecuted, and/or brought before the court must be presumed innocent before a court decision states guilt and has obtained permanent legal force." [3]

According to Yahya Harahap, pretrial is another organization whose qualities and presence are:

a. Exists and is a unit joined to the region court and as a legal establishment, which is just found at the locale court level as a team that is never independent from the region court. in this way, pre-preliminary isn't outside or next to or equivalent to the region court, however just a division of the locale court.
b. The new legal organization, faculty, gear, and funds are joined with the locale court and are under the initiative and oversight, and direction of the director of the region court.
c. Its legal organization is important for the legal capability of the region court itself.

The presence and presence of a pretrial establishment, in particular as a foundation that has the power and capability to attempt or survey the legality of confinement, seizure, end of examinations, and end of indictment. The presence of a pretrial foundation to maintain regulation, equity, and truth through level oversight. So pretrial is a means of controlling and supervising the actions of police institutions and prosecutors against mistakes in investigative actions/prosecution processes (arrest, detention, searches, and confiscations). The mistake was either in the form of the undue process of law or an error that occurred in person during the

arrest/detention.

2.2 Corruption Crime

"Defilement" comes from the Latin "corruptio" or "corruptus", then, at that point, it is said that "debasement" comes from "corrumpere"; a more seasoned Latin language. From Latin, the expressions "defilement, bad" (English), "debasement" (French), and "corruptie/defilement" (Dutch) are known. Besides, in Indonesian it is classified "debasement" and that implies malicious or spoiled. Spoiled, grotesqueness, wickedness, deceitfulness, pay off, impropriety, deviation from celibacy.

The term corruption that has been accepted in the Indonesian language vocabulary is "crime, rotten, bribeable, immoral, depraved, and dishonesty". Another definition is "bad deeds such as embezzlement of money, receiving bribes, and so on". Furthermore, for several other meanings, it is stated that:

1. corrupt means rotten, likes to accept bribes/kickbacks, uses power for one's interests, and so on;
2. corruption means corrupt acts such as embezzlement of money, accepting bribes, and so on; And
3. Corruptors mean people who commit corruption.

Debasement incorporates inappropriate exercises connected with power, legislative exercises, or endeavors to inappropriately get a position, as well as different exercises like pay off. For the most part, debasement is a way of behaving that strays from the typical commitments of an administration organization job as a result of individual interests (family, class, companions, companions), for seeking after status and glory or disregarding guidelines via completing or looking for impact for individual increase.

Regulation Number 31 of 1999 which was subsequently altered by Regulation Number 20 of 2001 concerning Changes to Regulation Number 31 of 1999 concerning the Destruction of Defilement, is the legitimate reason for destroying debasement in Indonesia. The definition of the crook demonstration of debasement contained in the law is directed in a few articles, the total detailing of the crook demonstration of defilement is as per the following.

Enriching Yourself/Others Unlawfully.

> The plan of criminal demonstrations of defilement as per Article 2 section (1) of Regulation Number 31 of 1999 concerning the Annihilation of Debasement Wrongdoings is each individual (people or enterprises) who satisfies the components of that article.[4]

Misuse of Authority, Opportunity, or Means.

> It is essential, first and foremost, to comprehend that, in accordance with Article 3 of Law No. Every individual—individuals and corporations—who abuses their authority, opportunity, or means because of their situation or position are the culprits of criminal demonstrations under Segment 31 of the 1999 Demonstration Concerning the Annihilation of Defilement Violations. The culprit of the crook demonstration of debasement as per Article 3 should be an authority/government employee. "Self-benefit," "other people," "an aim of the act," "to benefit oneself," or "another person or a corporation" are the elements of Article 3. "Profitable" refers to acquiring more assets or wealth. On account of the position or key, influential place, the "act committed" is manhandling the power, opportunity, or means accessible to him. Therefore, the power or rights that the perpetrator possesses constitute "abuse."

Bribing civil servants or state officials.

> The following is the text of Article 5 of Law No. 20 of 2001, which amends Law No. 31 of 1999, regarding the eradication of crimes involving corruption:[5]

1) Shall be rebuffed with detainment of no less than 1 year and a limit of 5 syears as well as be fined at least Rp.50,000,000.- and a limit of Rp.250,000,000.- every individual who:

a) Give or promise something to a government official or state executive in the hopes that the official or executive will do or not do something that goes against his commitments; or

b) giving something to a representative of the administration or a leader of the state because of something other than his responsibilities, whether he did or did not.

2) Civil workers or state executives who get gifts or commitments as alluded to in section (1) letter an or letter b, will be dependent upon a similar discipline as alluded to in passage (1).

Bribing Judges and Advocates.

Article 6 of Regulation Number 20 of 2001 concerning Revisions to Regulation Number 31 of 1999 concerning the Destruction of Debasement Violations controls pay off carried out against judges and legal counselors. The phrasing of the article is as follows:[5]

1) Shall be rebuffed with detainment for at least 3 years and a limit of 15 years and a greatest fine of 150,000,000 for every individual who:

a)give or guarantee something to the adjudicator to impact the choice of the case submitted to him for preliminary; or

b) give or guarantee something to somebody who as per the arrangements of regulations and still up in the air to be a backer to go to trials to impact the counsel or assessment that will be given regarding cases submitted to the court for preliminary.

2) For appointed authorities who get gifts or commitments as alluded to in section (1) letter an or advocates who get gifts or commitments as alluded to in passage (1) letter b, will be rebuffed with a similar sentence as alluded to in passage (1).

The provisions of Article 6 regulate active bribery, namely prohibiting everyone (individuals or corporations) from giving or promising something to a judge or lawyer.

Fraud.

Article 7 passage (1) of Regulation Number 20 of 2001 concerning Corrections to Regulation Number 31 of 1999 concerning the Destruction of Defilement Violations peruses as follows:[5] Will be condemned to detainment for at least 2 (two) years and a limit of 7 (seven) years as well as a fine of basically Rp. 100,000,000.- (100,000,000 rupiahs) and a limit of Rp. 350,000,000.- (300 and fifty million rupiahs). These arrangements direct dynamic fake demonstrations. The culprits of false (dynamic) acts as per these arrangements are project workers, development specialists, individuals regulating the development or conveyance of building materials, and anybody who at the hour of giving over merchandise for the requirements of the Indonesian Public Military or the Indonesian Public Police, or anybody entrusted with directing the conveyance of products for the Military. Indonesian Public Police or the Indonesian Public Police. The activities denied by Article 7 passage (1) are demonstrations of extortion, trickery, counterfeit names, or certain conditions that are not by the real circumstances.

While a misleading state is a state or condition that isn't genuine. Article 7 passage (2) of Regulation Number 20 of 2001 concerning Corrections to Regulation Number 31 of 1999 concerning the Annihilation of Defilement Wrongdoings undermine lawbreakers against the people who get the handover of structures, or the people who get the

acquiescence of products required by the Indonesian Public Military as well as The Indonesian Public Police as alluded to in section (1). For instance, authorities or officials who are given the assignment or power to do so and permit these deceitful demonstrations to happen.

Embezzlement in Office.

As indicated by Article 8 of Regulation Number 20 of 2001 concerning Corrections to Regulation Number 31 of 1999 concerning the Destruction of Defilement, that:[5]

"Shared with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 150,000,000 (one hundred and fifty million rupiahs) and a maximum of Rp. 750,000,000.- (seven hundred and fifty million rupiahs). a civil servant or person other than a civil servant assigned to carry out a public position continuously or temporarily, intentionally embezzles money or securities kept because of his position, or allows money or securities to be taken or embezzled by another person, or helps in doing the deed."

Falsifying Books or Special Administrative Examination Lists.

As per Article 9 of Regulation Number 20 of 2001 concerning Revisions to Regulation Number 31 of 1999 concerning the Destruction of Defilement, that:[5]

"Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of a minimum of Rp. 50,000,000 (fifty million rupiahs) and a maximum of Rp. 250,000,000, - (two hundred and fifty million rupiahs), civil servants or persons other than civil servants who are given the task of carrying out a general position continuously or temporarily, deliberately falsifying books or special lists for administrative examination".

The culprits of this wrongdoing are government employees or individuals other than government employees who are given the undertaking of doing a public position. The meaning of a government employee should be visible in Article 92 of the Crook Code, Article 75 of Regulation Number 22 of 1999 concerning Territorial Government, and Article 1 point 1 of Regulation Number 43 of 1999 concerning Corrections to Regulation Number 8 of 1974 concerning Work force Essentials. Individuals other than government employees mean confidential individuals (non-government workers) who are given the errand of completing a public position. For instance, gathering charges, extract, demands, etc.

Darkening, Destroying, Damaging Things.

Article 10 of Regulation Number 20 of 2001 concerning Alterations to Regulation Number 31 of 1999 concerning the Destruction of Debasement Wrongdoings expresses that:[4]

"Sentenced with the shortest imprisonment a minimum of 2 (two) years and a maximum of 7 (seven) years and a minimum fine of Rp. 100,000,000 (one hundred million rupiah) and a maximum of Rp. 350,000,000 (three hundred and fifty million rupiahs) civil servants or people other than civil servants who are given the task of carrying out a public position continuously or temporarily, intentionally:

1) embezzle, destroy, damage, or make unusable goods, deeds, letters, or lists used to convince or prove before an authorized official who is controlled because of his position; or
2) let other people lose, destroy, damage, or make unusable the goods, deeds, letters, or lists; or
3) helping other people to lose, destroy, damage, or make unusable the goods, deeds, letters, or lists".

3. Discussion

3.1 Legal Actions of Corruption Eradication Commission Investigators Based on the Criminal Procedure Code in Determining Suspects

Investigation

In view of Article 1 section (2) of the Criminal System Code, an examination is a progression of insightful activities as far as and as per the strategies specified in this regulation to look for and gather proof with which proof clarifies and gathers proof to clarify the wrongdoing that happened and the reasons for which it was carried out. find the suspect.

The investigation is a critical stage to determine further stages of examination in the process of criminal justice administration. If in the process of investigating the suspect, there is not enough evidence in the occurrence of a suspected criminal act, then prosecution and examination activities cannot be carried out at trial. Therefore, often the investigation process carried out by investigators requires time, which tends to be long, tiring, and may also cause a psychological burden, so efforts are made to stop the investigation.

Examinations have been done since the issuance of an Examination Warrant gave by an approved authority in the analytical organization, where the specialist has gotten a report with respect to the event of a crook act. In light of the warrant, examiners can complete their obligations and specialists utilizing the examination rules in view of the Criminal Method Code. On the off chance that the examination technique has begun, the specialist should tell the public examiner as quickly as time permits.

Investigative legal actions are regulated based on Article 1 points 19 and 20 of the Criminal Procedure Code, whose authority can be possessed by KPK investigators about an incident of corruption, including those related to processing the crime scene, conducting searches and confiscations, arrests and detentions, collecting written evidence, requesting information and filing of cases to be submitted to the public prosecutor.

Article 1 point 2 of the Criminal Methodology Code makes sense of that an assessment is a progression of insightful activities in issues and as per the techniques specified in this regulation to look for and gather proof with which proof reveals insight into the wrongdoing that happened and to view as the suspect. The examination means to reveal insight into the violations that were found and furthermore to decide the culprits, for this situation including charges of defilement, the legitimate activity of which was completed by KPK agents.

In light of Regulation Number 20 of 2001 Concerning Changes to Regulation Number 31 of 1999 Concerning the Destruction of Defilement Violations, which updated Article 43 of Regulation Number 31 of 1999 Concerning the Annihilation of Debasement Wrongdoings, it is expressed that the Defilement Destruction Commission has the power to complete dexterity and oversight, including doing examinations, assessments, and arraignments, while with respect to the development, authoritative design, work methodology, and obligations, obligations and specialists, as well as enrollment, is controlled by regulation. The power of the Debasement Destruction Commission in doing examinations, examinations, and indictment of defilement incorporates criminal demonstrations of defilement directed in Regulation Number 30 of 2002 concerning the Defilement Annihilation Commission, including Article 6 point c, Article 7 point a,

Article 8 section (2), Article 10, Article 11, Article 12 and Article 62 in regards to the lawful arrangements of the strategy for activity and legitimate cures.

Article 6 point c expresses that in including policing, state managers, and others who have a say in criminal demonstrations of defilement perpetrated by policing or state executives, they get the consideration that upsets the local area; or potentially includes state misfortunes of essentially IDR 1,000,000,000.00 (one billion rupiahs). Institutionally, the KPK doesn't have a restraining infrastructure on the obligations and specialists of examinations, examinations, and indictments, capabilities to manage and screen existing foundations, and in specific situations can assume control over the obligations and specialists of examinations, examinations, and indictments that are being done by the police or potentially investigators.

The idea of completing the obligations and specialists of examinations, examinations, and indictments, other than following the KPK, the procedural regulation specified in the relevant regulations and guidelines and Regulation Number 31 of 1999 concerning the Destruction of Defilement Violations as revised by Regulation Number 20 2001 concerning Correction to Regulation Number 31 of 1999 is likewise managed in Regulation Number 30 of 2002 concerning the Debasement Annihilation Commission which contains a different procedural regulation as an exceptional arrangement (lex specialis).

At each level of examination, a strict period is set in accordance with Law No. 30 of 2002 regarding the Corruption Eradication Commission to ensure legal certainty. Article 11 lists the KPK's investigative authority, which is as follows: The KPK has the authority to investigate, investigate, and prosecute corruption crimes in the course of carrying out the tasks outlined in Article 6 letter c:

a. involving policing, state heads, and others who have a say in criminal demonstrations of debasement carried out by policing or state chairmen;
b. receive disrupting consideration from the general population; as well as
c. concerning state misfortunes of essentially IDR 1,000. 000,000.00.

In light of the arrangements of Regulation Number 30 of 2002 concerning the Defilement Destruction Commission Article 12 section (1) point a, the KPK can carry out investigations in the form of carrying out wiretapping legal actions, as well as arrests through red-handed operations.

Insightful activities by KPK specialists, in light of Regulation Number 30 of 2002 concerning the Commission for the Destruction of Debasement Violations Article 62, the Criminal Strategy Code is a material lawful part that is utilized as a legitimate reason for completing lawful activities against culprits of criminal demonstrations of defilement, successively, from the investigative action to the legal efforts for prosecution by the KPK Public Prosecutor.[6] In the investigation process, the KPK's series of investigative actions, namely from the investigation, the investigation to the submission of files that can be declared complete by the KPK Public Prosecutor.

Normatively, investigators' authority in investigations is managed in Article 7 passage (1) of the Criminal System Code which peruses:[2]

a. Get a report or objection from somebody about a wrongdoing.

b. Make the main move at the scene.

c. Requesting a suspect to stop and really taking a look at the distinguishing proof of the suspect.

d. Do captures, confinements, searches, and seizures.

e. Assessment and seizure of letters.

f. Taking fingerprints and capturing an individual.
g. Calling individuals to be heard and inspected as suspects or witnesses.
h. Get the important specialists regarding the assessment of the case.
I. Doing an examination end.
j. Make different moves as indicated by mindful regulation.

Besides, in exceptional kinds of violations, like defilement, where the analytical expert in specific wrongdoings that are explicitly managed by specific regulations is completed by Agents, Examiners, and other approved Exploring Officials who are selected in light of legal guidelines. Other analytical still up in the air by the law that manages it. With regards to the power of the KPK examiner, as an exceptional wrongdoing examiner, his position acclimates to the extraordinary crook act regulation that directs it.

Thus, in the legal action taken by KPK investigators against Hadi Purnomo's crime incident (which later carried out a pretrial), the examiner did by the relevant methods, in particular the arrangements of the Criminal Technique Code and Regulation Number 30 of 2002 concerning the Defilement Destruction Commission.

Determination of suspects

An individual is supposed to be a suspect in the event that his activities depend on adequate fundamental proof, he ought to be associated with having carried out a wrongdoing. Assurance of suspects by the police is completed in light of proof found during examinations and examinations, the Criminal System Code doesn't decide how much proof to decide somebody as a suspect. In this case, every suspect of a crime cannot be suspected that he has committed a crime, for every suspect has rights.

A suspect has rights from the moment he begins to be examined by investigators, even though a suspect is suspected of having committed an act that tends to be a negative act and even a crime that violates the law does not mean that a suspect can be treated arbitrarily and his rights violated.

The suspects can be classified into two parts as follows:

a. Suspect whose guilt is definitive or can be ascertained. For this type I suspect, the examination is carried out to obtain the suspect's confession as well as evidence showing the complete guilt of the suspect before the court.
b. Suspect whose guilt is uncertain. For this type II suspect, the examination is carried out carefully through an effective method to be able to withdraw the conviction of the suspect's guilt, so that mistakes can be avoided in determining whether or not a person allegedly committed the crime.

The suspect is given a bunch of freedoms by the Criminal Method Code from Article 50 to Article 68. Even if the suspect serves as the basis for the investigation, he should not be considered an object of inquiry. The suspect ought to be evaluated not as an object but as a subject in a human setting with pride. The law breaker exhibit of the suspect who is the object of evaluation. According to Article 8 of Regulation Number 48 of 2009 Concerning Legal Powers, a suspect should be presumed honest by the legal rule of "assumption of blamelessness" until a court decision with extremely long-lasting legitimate power is obtained.

The Criminal Method Code doesn't make sense of additional the meaning of primer proof, however the Criminal Technique Code manages legitimate proof in the arrangements of Article 184 of the Criminal Strategy Code, specifically including observer proclamations, master explanations, letters, guidelines, and articulations of the denounced. The examination cycle is simply conceivable to get legitimate proof as witness proclamations, master articulations, and letters. Moreover, it is important to underscore

that the declaration of an observer alluded to as legitimate proof can't be isolated from the arrangements of Article 185 passage (2) and section (3) of the Criminal System Code and the rule of unus testis nullus testis (one observer isn't an observer), in particular the guideline of dismissing the declaration of one observer as it were.[7] In civil procedural law and criminal procedural law, the testimony of a single witness without the support of other evidence cannot be trusted or cannot be used as a basis that the argument for the lawsuit as a whole is proven.

As to assurance of the situation with a suspect in a wrongdoing, the assurance of the situation with a suspect is the power of the examiner, as specified in the Criminal Method Code. Examination in the Criminal System Code is characterized as a cycle to find and uncover the presence of a wrongdoing in a specific occasion. The examination interaction is trailed by an insightful cycle that intends to find and gather proof, which with this proof will put forth a defense clear to view as the suspect. On the off chance that the specialist finds adequate starting proof, an individual associated with having perpetrated a wrongdoing might be named a suspect.

As to assurance of suspects, it is managed in light of the Criminal Methodology Code which has been refined by the Established Court (MK) Choice Number 21/PUU-XII/2014 dated 28 April 2015, in the choice it is made sense of that the assurance of suspects should be founded on at least 2 (two) bits of proof as contained in the Article 184 of the Criminal Strategy Code and joined by an assessment of the expected suspects. Consequently, the assurance of the situation with a dubious individual is the finish of the examination interaction that was recently completed by specialists in light of the underlying proof that was effectively gathered to additionally get clearness about a wrongdoing that happened.

3.2 Pretrial Legal Efforts for the Determination of Suspects as Perpetrators of Corruption Crimes by KPK Investigators

Pretrial Legal Remedies

The choice of the Protected Court Number 21/PUU-XII/2014 dated 28 April 2015 gives a comprehension of adequate proof, specifically that in light of two bits of proof in addition to the specialist's conviction dispassionately founded on these two bits of proof a wrongdoing has happened and an individual can be made thought criminal guilty party. An individual must be named a suspect on the off chance that there are no less than 2 (two) bits of proof as contained in Article 184 of the Criminal Strategy Code and have recently been analyzed as a likely suspect/witness.

As per Protected Court Choice Number 21/PUU-XII/2014, dated April 28, 2015, in the event that an individual is named a suspect and these circumstances are not met, the suspect can apply for pretrial. As per Article 77 of the Criminal Method Code, the Court adds to the suspect distinguishing proof, search, and seizure as pre-preliminary items. The Region Court has the power to look at and decide, as per the arrangements of this regulation, whether a capture, confinement, end of an examination, or end of an indictment is legitimate as per Article 77, letter a, of the Criminal Methodology Code.

Article 44 of Law No. 30 of 2002 regarding the Corruption Eradication Commission also outlines the requirements for the two (two) pieces of evidence. The Criminal Procedure Code also has rules for this. According to Article 44 paragraph 2 of Law No. 30 of 2002 pertaining to the Corruption Eradication Commission, "sufficient initial evidence" truly intends that something like two bits of proof, including however not restricted to data or information spoken, sent, got, or put away either in a typical way or electronically or optically, have been found.

Regulation Number 30 of 2002 concerning the Defilement Annihilation Commission Article 44 states that:[6]

a. If the specialist during the examination tracks down adequate starting proof of supposed debasement, inside a time of 7 (seven) working days from the date such adequate introductory proof is found, the examiner will answer to the Defilement Destruction Commission.
b. Sufficient primer proof is considered to have existed when no less than 2 (two) bits of proof have been found, including yet not restricted to data or information that was spoken, sent, got, and put away either regularly or electronically, or optically.
c. If the specialist doesn't track down adequate fundamental proof as alluded to in section (1), the agent will answer to the Debasement Annihilation Commission and the Defilement Destruction Commission to stop the examination.
d. If the Defilement Destruction Commission accepts that the case ought to be proceeded, the Debasement Annihilation Commission will complete its examination or may give up the case to police specialists or the investigator's office.
e. If an examination is appointed to the police or the examiner's office as alluded to in section (4), the police or the investigator's office are expected to do coordination and report the advancement of the examination to the Debasement Destruction Commission.

In the event that the prerequisites are not met, then, at that point, the party assigned as a suspect can make a legitimate move by presenting a pretrial, by the arrangements of Article 77 of the Criminal Technique Code. The Pretrial Establishment as specified in Article 77 to Article 83 of the Criminal System Code is an organization whose capability is to look at whether constrained activities/endeavors did by agents/public examiners are by the law. The reason for Pretrial as suggested in the Clarification of Article 80 of the Criminal Strategy Code is to maintain regulation, equity, and truth through level management, so the quintessence of Pretrial is to administer demonstrations of compulsion did by specialists or public examiners against suspects. The Pretrial Establishment as a work to screen the utilization of power to ensure the security of basic freedoms has been explicitly expressed in the Considering Contemplations letters (a) and (c) of the Criminal System Code.

Legal Basis for Pretrial Petition

Pretrial establishments, as controlled in Section X Section One of the Criminal Strategy Code and Section XII Section One of the Criminal Method Code Jo. Part VIII of Regulation Number 30 of 2002 concerning the Debasement Destruction Commission, is obviously and explicitly planned for of flat control or management to test the authenticity of the utilization of power by policing (ic. Examiners/Specialists and Public Investigators). This is an endeavor to address the utilization of power assuming it is done with no obvious end goal in mind for different purposes/targets than those explicitly determined in the Criminal Method Code. The point is to ensure the assurance of the common liberties of everybody including the Solicitor. The Pretrial Foundation as specified in Article 77 to Article 83 of the Criminal Strategy Code is an organization whose capability is to look at whether constrained activities/endeavors completed by agents/public examiners are by the law. The reason for Pretrial as suggested in the Explanation of Article 80 of the Criminal

Method Code is to maintain regulation, equity, and truth through level checking implies, so the substance of Pretrial is to oversee demonstrations of compulsion completed by examiners or public investigators against suspects. Applications that can be submitted in pretrial hearings, notwithstanding lawful issues of capture, confinement, end of the examination, or end of arraignment as well as remuneration or potentially restoration for an individual whose criminal case is ended at the degree of examination or arraignment (Article 77 KUHAP).

Determination of a person as a suspect, especially in cases of corruption, more specifically in cases where the process is carried out by the KPK/KPK Investigators, will result in legal consequences in the form of depriving the rights and dignity of a person in case the Petitioner; Whereas by designating a person as a suspect in the case by the Petitioner without going through the correct legal procedures as specified in the Criminal Procedure Code, the good name and freedom of the person in the case by the Petitioner have been deprived.

Another action taken by KPK investigators to designate the Petitioner as a suspect is a juridical defect. This action was followed by other actions in the form of bans which constituted character assassination which resulted in the tarnishing of the good name of the Petitioner, his family, and the Police Institution as a legitimate state institution according to Article 30 of the 1945 Constitution legal/invalid, clearly creates a legal right for a person to take legal action in the form of correction and/or testing of validity through the Pretrial Institution. [8]

4. Closing

In view of the consequences of the conversation over, the ends that can be acquired are as per the following:

1. Legal activities by KPK agents in light of the Criminal Technique Code in deciding suspects as culprits of defilement, institutionally the power of the Debasement Annihilation Commission, has the obligations and abilities of examination, examination, and arraignment, and capabilities to regulate and screen organizations that existed. This is by the arrangements specified in Regulation Number 31 of 1999 concerning the Destruction of Debasement Violations as corrected by Regulation Number 20 of 2001 concerning Alterations to Regulation Number 31 of 1999 concerning the Annihilation of Defilement Wrongdoings. Where is the skill of the KPK's position, which is portrayed in Regulation Number 30 of 2002 concerning the Debasement Destruction Commission, considerably there are likenesses in functional obligations as far as completing lawful activities of examination and arraignment of culprits of criminal demonstrations of defilement with Police specialists and the Principal legal officer's Office, as well similarly as with Public Examiner. The utilization of the KPK's clout in examinations and indictments depends on the Criminal Technique Code, strategies for exploring, indicting, and demonstrating the presence of a crook demonstration of defilement, should execute the arrangements of Article 184 of the Criminal Methodology Code.
2. Pretrial legitimate solutions for the assurance of suspects as culprits of debasement can be done on the off chance that the circumstances are not met, intending that there isn't sufficient proof, in particular two bits of proof in addition to the examiner's conviction equitably founded on these two bits of proof that a wrongdoing has

happened and somebody can be utilized as a suspect for a criminal offense.

References

[1] Hamzah, Andi. “Asas-asas Hukum Pidana,”. Jakarta: Rineka Cipta, 2014.

[2] The Criminal Code.

[3] Law Number 48 of 2009 concerning Judicial Powers.

[4] Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

[5] Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

[6] [6] Law Number 30 of 2002 concerning the Corruption Eradication Commission.

[7] [7] Law Number 8 of 1981 concerning the Criminal Procedure Code.

[8] The 1945 Constitution of the Republic of Indonesia.

[9] Muhammad, Ali. “Kamus Lengkap Bahasa Indonesia Modern,”. Jakarta: Pustaka Amani, 2014.

[10] [10] Thabrani, Amran. “Metode Penelitian Hukum”. Jakarta: Sinar Grafika, 2014.

[11] [Budianto, Azis. “Tindak Pidana Korupsi.” Jakarta: Cintya Press, 2015.

[12] Budianto, Azis. “Tindak Pidana Korupsi.” Jakarta: Cintya Press, 2015.

[13] Simanjutak, Nikolas. “Acara Pidana Indonesia Dalam Sirkus Hukum,”. Bogor: Ghalia Indonesia, 2009.

[14] Wiraningsih, Rini Astuti. “Tindakan dan Upaya Hukum Dalam Sistem Peradilan Pidana,”. Jakarta: Merdeka Sarana Press, 201.

[15] S. Poerwadarminta. “Kamus Lengkap Inggris-Indonesia, Indonesia-Inggris,”. Bandung: Hasta, 2012.

[16] Kamus Lengkap Inggris-Indonesia, Indonesia-Inggris,”. Bandung: Hasta, 2012.

[17] Abidin, Zaenal. “Hukum Tanusubroto, “Peranan Praperadilan Dalam Hukum Acara Pidana,”. Bandung: Alumni, 2013.

[18] Pidana I,”. Jakarta: Sinar Grafika, 2013.