

ABSTRAK

Penetapan tersangka merupakan tahap krusial dalam proses penyidikan yang berdampak langsung pada hak asasi individu. Meski diatur dalam KUHAP dan diperkuat oleh putusan Mahkamah Konstitusi, praktik penetapan tersangka kerap menimbulkan kontroversi apabila dilakukan tanpa pemenuhan bukti yang cukup atau prosedur yang benar. Penelitian ini mengkaji pertimbangan hakim dalam perkara praperadilan Nomor 2/Pid.Pra/2024/PN Jmr yang diajukan untuk menguji sah-tidaknya penetapan tersangka oleh penyidik. Jenis penelitian ini yuridis-normatif dan analisis putusan, penelitian menelaah apakah alat bukti yang digunakan memenuhi ketentuan Pasal 184 KUHAP, apakah telah dilakukan pemeriksaan terhadap calon tersangka, serta sejauh mana hakim menyeimbangkan kewenangan penyidik dengan perlindungan hak konstitusional pemohon. Hasil penelitian ini pertama, Berdasarkan pertimbangan hukum dalam Putusan Praperadilan Nomor 2/Pid.Pra/2024/PN Jmr, hakim menerapkan pendekatan yuridis formil dalam menilai sah atau tidaknya penetapan tersangka. Hakim berpendapat bahwa perluasan kewenangan praperadilan berdasarkan Putusan MK No. 21/PUU-XII/2014 memungkinkan pengujian penetapan tersangka sepanjang memenuhi syarat minimal dua alat bukti yang sah sesuai Pasal 184 KUHAP. Meskipun terdapat perbedaan administratif seperti nomor laporan atau waktu pengiriman SPDP, hakim menilai hal tersebut tidak membatalkan keabsahan penetapan tersangka selama substansi prosedur hukum terpenuhi. Namun, seharusnya hakim menafsirkan batas waktu penyampaian SPDP sebagai tujuh hari kalender, bukan tujuh hari kerja, sesuai Pasal 109 KUHAP. Penafsiran berdasarkan hari kalender lebih menjamin kepastian hukum dan perlindungan hak tersangka, serta mencegah penyidik menunda pemberitahuan dengan alasan administratif. Dengan demikian, keterlambatan pengiriman SPDP melebihi tujuh hari kalender seharusnya dianggap melanggar prosedur hukum dan dapat memengaruhi keabsahan penyidikan serta penetapan tersangka.

Kata Kunci : Praperadilan, Kepastian Hukum, Penetapan Tersangka

ABSTRACT

Determining a suspect is a crucial stage in the investigation process that directly impacts individual human rights. Although regulated by the Criminal Procedure Code (KUHP) and reinforced by Constitutional Court decisions, the practice of determining a suspect often generates controversy when carried out without sufficient evidence or proper procedures. This study examines the judge's considerations in pretrial case No. 2/Pid.Pra/2024/PN Jmr, which was submitted to test the validity of the investigator's determination of a suspect. This research is juridical-normative and decision analysis. The study examines whether the evidence used meets the provisions of Article 184 of the Criminal Procedure Code, whether an examination of the potential suspect has been conducted, and the extent to which the judge balances the investigator's authority with the protection of the applicant's constitutional rights. The results of this study, first, based on the legal considerations in Pretrial Decision No. 2/Pid.Pra/2024/PN Jmr, the judge applies a formal juridical approach in assessing the validity of the determination of a suspect. The judge is of the opinion that the expansion of pretrial authority based on Constitutional Court Decision No. 21/PUU-XII/2014 allows for the testing of suspect determination as long as it meets the minimum requirement of two valid pieces of evidence as stipulated in Article 184 of the Criminal Procedure Code. Despite administrative differences such as report numbers or the time of submission of the SPDP, the judge believes this does not invalidate the validity of the suspect determination as long as the substance of the legal procedure is met. However, the judge should interpret the deadline for submitting the SPDP as seven calendar days, rather than seven working days, as stipulated in Article 109 of the Criminal Procedure Code. This interpretation based on calendar days better ensures legal certainty and protects the suspect's rights, and prevents investigators from delaying notification for administrative reasons. Therefore, delays in submitting the SPDP beyond seven calendar days should be considered a violation of legal procedures and could impact the validity of the investigation and suspect determination.

Keywords: Pretrial, Legal Certainty, Suspect Determination