Society Synergy Conference (SSC)
Volume II; Number II; Year 2025; Pages 653-660
Website:https://sinergilp.com
E-ISSN: 3048-3530

THE POSITION OF PRE-TRIAL IN GUARANTEING THE PROTECTION OF THE RIGHTS OF SUSPECTS AGAINST ABUSE OF INVESTIGATORS' AUTHORITY

Aulia Rahman Hakim Hasibuan [1] Heru Gunawan Harahap [2] Muhammad Arfan [3]
[123] Universitas Pembangunan Panca Budi Medan
Email : auliahakim@dosen.pancabudi.ac.id herugunawanhrp@gmail.com afanbetuah@gmail.com

Abstract

This study examines the position and effectiveness of pre-trial proceedings as a supervisory mechanism for investigators in the Indonesian criminal procedure system. Pre-trial proceedings are presented as a form of judicial control to prevent abuse of authority by law enforcement officers in the early stages of the judicial process. This study was conducted using a normative approach through analysis of laws and regulations, Constitutional Court decisions, and related legal literature, particularly by highlighting the transformations following Constitutional Court Decision No. 21/PUU-XII/2014, which expanded the scope of pre-trial proceedings.

The research findings indicate that, normatively, pre-trial proceedings have a strong legal basis and play a crucial role in upholding the principle of due process of law. However, in practice, the effectiveness of this institution still faces several serious obstacles. These issues include inconsistent interpretations by judges, unequal positions between applicants and respondents, and the dominance of a procedural formalism approach that ignores the substantial aspects of rights violations. Furthermore, the absence of a firm accountability system for investigators who violate the law, as well as the potential for manipulation of this institution by interested parties, further weaken the oversight function that pre-trial proceedings should perform.

This study recommends reforming the pretrial system, including strengthening the capacity of judges, drafting specific legislation on pretrial proceedings, and restructuring examination procedures to take into account the principle of substantive justice. Without these changes, pretrial proceedings risk becoming a pseudo-mechanism, existing legally and formally but failing functionally to protect citizens' rights from abuse of investigators' authority.

Keywords:pre-trial, investigator supervision, procedural justice.

INTRODUCTION

Amidst the spirit of the rule of law and the protection of human rights in the Indonesian criminal justice system, the existence of the pre-trial mechanism has received significant attention as a means of controlling the authority of law enforcement officials, particularly investigators. Pre-trial proceedings essentially serve as a form of judicial oversight of the actions of law enforcement officials during the pre-trial phase, with the aim of preventing potential abuse of authority and violations of the human rights of suspects or related parties during the investigation process. Its position as an external oversight of investigators' actions makes this institution strategic in maintaining the balance between state power and citizen protection.

Historically, the pre-trial mechanism in the Indonesian legal system began to be accommodated through the enactment of Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), specifically Articles 77 to 83, which regulate the object, authority, and procedures of this mechanism. This provision is a reflection of the state's efforts to realize the principle of due process of law, namely that any form of restriction of citizens' rights by law enforcement officers must be able to be tested judicially and objectively (Andi Hamzah, 2009). Therefore, pre-trial is not merely a formal mechanism, but part of the constitutional protection of individual rights that can be violated during the investigation process.

However, in practice, pre-trial proceedings often give rise to various legal problems. These include issues with the substance of norms, limitations on the objects that can be tested, inconsistencies in judges' decisions, and the low success rate of pre-trial proceedings in overturning arbitrary actions by officials. For example, prior to the issuance of Constitutional Court Decision No. 21/PUU-XII/2014, pre-trial proceedings were considered limited to arrest, detention, termination of investigation and prosecution, and requests for compensation or rehabilitation. However, more essential investigative actions such as suspect determination or seizure had not yet been subject to testing (Sudarsono, 2017).

The Constitutional Court's ruling marked a significant turning point, broadening the scope of pre-trial proceedings, including the validity of suspect determinations, seizures, and searches. Thus, pre-trial proceedings are no longer merely a means of administrative oversight but rather a forum for judicial review of investigative actions concerning citizens' human rights (Jimly Asshiddiqie, 2019). The implications of this expansion have generated considerable debate, including the legal limits of the sole pre-trial judge's authority, the risk of interference with investigators' independence, and the potential for overlap with the primary trial.

The tension between the judicial oversight function in pre-trial proceedings and the investigator's freedom as enforcers of positive law is evident in many cases in district courts. A number of pre-trial rulings annulling suspect statuses designated by the Corruption Eradication Commission or the Indonesian National Police have sparked controversy. Some view this as strengthening checks and balances in law enforcement, while others criticize the disregard for the principle of equality before the law and the risk of weakening efforts to eradicate crime, particularly extraordinary crimes such as corruption (Muladi, 2005).

This tension is relevant to study because it demonstrates the trade-off between protecting individual rights and the effectiveness of law enforcement. On the one hand, investigators require discretion and freedom in enforcing the law. On the other hand, this freedom must not lead to abuse of power that violates the principles of law and justice. This is where pretrial proceedings emerge as a tool to bridge these two equally important interests in a state based on the rule of law.

Another emerging issue concerns the effectiveness and consistency of pretrial proceedings. Many legal observers note that single judges examining pretrial cases often display differing interpretations of what should be fundamental issues. For example, regarding the validity of an investigation warrant or whether evidence presented by a defendant should be subject to a material review in the pretrial forum. This inconsistency not only creates legal uncertainty but also opens up opportunities for manipulation and legal strategy by the parties (Marwan and Jimmy, 2018).

Theoretically, the pretrial mechanism can be understood as a manifestation of the theory of control of power in the realm of law enforcement. According to Montesquieu, in his theory of the division of powers, power must be monitored by other powers to prevent arbitrary action (Montesquieu, 2006). In this context, the court has the legitimacy to supervise investigators as part of its judicial function. Thus, pretrial is not merely a procedural mechanism but also plays a crucial role in realizing a state of law that upholds the principles of accountability and non-arbitrariness (Mahfud MD, 2009).

In addition to the oversight aspect of investigators, pre-trial proceedings are also relevant to examine in the context of the shifting paradigm of justice from retributive to restorative. Procedural justice guaranteed through pre-trial mechanisms is part of the construction of restorative justice, which balances the rights of victims, perpetrators, and the community. When investigations are conducted illegally, human rights violations occur and must be corrected from the outset. Therefore, pre-trial proceedings are not only about formal legality, but also about the moral legitimacy of the criminal justice system itself (Zainal Abidin, 2015).

This research aims to examine in depth the role of pretrial proceedings as a supervisory mechanism for investigators within the context of the Indonesian criminal justice system. The primary focus is on a normative analysis of the pretrial's oversight function over investigators' authority and on assessing the effectiveness of this mechanism in guaranteeing the legal rights of suspects and

related parties. This research will enrich the body of knowledge on criminal procedure law and contribute to strengthening a fair and accountable justice system.

The problem formulation in this research is as follows:

1. What is the position of pre-trial as a supervisory mechanism for investigators' actions in the Indonesian criminal procedural law system?
2. To what extent is the effectiveness of pre-trial implementation in guaranteeing legal protection for suspects against potential abuse of investigators' authority?

Based on the formulation above, this research is not only theoretically relevant, but also has high practical value, especially in efforts to reform Indonesian criminal procedural law to be more adaptive and accommodating to human rights.

METHOD

This research uses a normative legal research method with a statute approach and a conceptual approach. The statutory approach is used to examine the legal norms governing pre-trial proceedings, particularly in Law Number 8 of 1981 concerning Criminal Procedure Law, as well as relevant Constitutional Court decisions, such as Decision Number 21/PUU-XII/2014. The conceptual approach is used to examine legal doctrines, the principles of the rule of law, the theory of control of power, and the principle of due process of law that underlie the formation and operation of pre-trial proceedings as a supervisory mechanism for investigators. Legal data is collected through literature studies from primary sources (laws and court decisions) and secondary sources (books, journals, legal articles), then analyzed descriptively and analytically to produce sharp and systematic legal arguments.

RESULTS AND DISCUSSION

The Legal Position of Pre-Trial in the Supervision System for Investigators: A Theoretical and Normative Review

1. The Rule of Law and the Urgency of Supervision of Investigators

In a state governed by the rule of law, all acts of power must be legally accountable. A state governed by the rule of law requires not only written laws but also mechanisms for oversight of the exercise of power to prevent abuse or misuse of authority. One of the key pillars of realizing a state governed by the rule of law is the availability of an oversight system for every organ of power, including investigative bodies (Jimly Asshiddiqie, 2006).

Investigators, as part of the executive power structure, hold a central position in the criminal justice system. The investigative process is the initial entry point that determines the direction and fate of an individual in the legal process. Therefore, there must be room for intervention or correction of investigators' actions to prevent violations of citizens' basic rights (Marwan & Jimmy, 2018). Within this framework, pre-trial proceedings represent a concrete form of oversight of investigators guaranteed under Indonesian criminal procedure law.

2. Theoretical Concept of Control of Power

In legal doctrine, oversight of power is known as the principle of checks and balances, or control of power. This theory is rooted in Montesquieu's idea of the trias politica, where legislative, executive, and judicial powers must be separated and mutually monitored to prevent tyranny (Montesquieu, 2006). In the context of criminal procedure, investigators are part of the executive branch that carries out coercive actions against citizens, so their power must be subject to judicial oversight.

Pre-trial proceedings exist as a means of exercising control over power, serving to protect human rights from potential abuse. This function aligns with the principle of due process of law, which

states that all restrictions on individual freedom must go through a fair, objective, and judicially verifiable legal process (Muladi, 2005). Therefore, oversight of investigators through pre-trial proceedings is not merely a formality of action, but rather part of the constitutional protection of individual freedom.

3. Normative Regulations for Pre-Trial in the Criminal Procedure Code

Pre-trial proceedings are regulated in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), specifically in Articles 77 to 83. Article 77 of the KUHAP states that pre-trial proceedings include:

> "The district court has the authority to examine and decide, in accordance with the provisions of this Law, regarding:
> a. whether or not an arrest, detention, termination of investigation or termination of prosecution is legal;
> b. compensation and/or rehabilitation for a person whose criminal case is terminated at the investigation or prosecution stage."

With this regulation, pre-trial proceedings are intended to provide a limited judicial review mechanism for the actions of investigators or prosecutors in the context of the suspect's basic rights. However, the limitation of pre-trial proceedings in the Criminal Procedure Code initially drew criticism because it did not accommodate other actions that also significantly impact a person's rights, such as suspect determination, seizure, or searches.

4. Expansion of Pre-Trial Objects in Constitutional Court Decisions

Criticism of the limitations of pre-trial proceedings finally gained momentum in Constitutional Court Decision Number 21/PUU-XII/2014. In this decision, the Court expanded the scope of pre-trial proceedings, including the validity of suspect determination, seizures, and searches. The Court stated that although the scope of pre-trial proceedings in the Criminal Procedure Code is limited, constitutional interpretation requires that they be expanded to ensure the protection of human rights (Constitutional Court, 2014).

This ruling represents a progressive step in law enforcement, as it strengthens judicial control over investigators' authority. This allows anyone who feels aggrieved by an illegal suspect determination to file a pre-trial motion to challenge the decision. This prevents investigators from recklessly naming someone as a suspect based on a single piece of evidence or without proper procedures (Zainal Arifin Mochtar, 2015).

5. The Authority of a Single Judge and Its Legal Implications

One of the hallmarks of pre-trial proceedings is the examination of cases by a single judge. This raises several issues. On the one hand, a single judge is required to be independent and courageous in ruling on cases involving the actions of law enforcement institutions such as the police or the Corruption Eradication Commission (KPK). On the other hand, it is not uncommon for single judge decisions to be a source of controversy because they are considered inconsistent, or even contradictory to the principles of justice (Sulistyowati, 2020).

In practice, the authority of a single pretrial judge has overturned many suspect determinations by the Corruption Eradication Commission (KPK) on the grounds of insufficient evidence, as was the case in the Budi Gunawan case and several other corruption cases. This demonstrates that pretrial hearings can play a crucial role in the course of criminal proceedings, even leading to the cancellation of investigations before a case is materially examined in court (Mahfud MD, 2019). However, this situation has also opened up debate regarding the substance of evidence and the extent to which pretrial judges may assess the material aspects of investigators' actions.

6. Interpretation of "Legal or Invalid" in Article 77 of the Criminal Procedure Code

The interpretation of the phrase "valid or invalid" in Article 77 of the Criminal Procedure Code (KUHAP) is crucial in determining the scope of pretrial judges' authority. The Supreme Court, through Supreme Court Circular Letter (SEMA) No. 1 of 2018, attempted to limit the authority of pretrial judges to prevent them from entering the realm of material evidence assessment. This SEMA

emphasizes that pretrial judges may only assess the presence or absence of evidence, not the quality of that evidence (Supreme Court of the Republic of Indonesia, 2018).

However, in practice, many judges still evaluate the substance of evidence in pretrial proceedings. This creates a disharmony between legal norms and practical reality, creating legal uncertainty. When one judge finds evidence invalid, while another judge in a similar case finds it valid, procedural fairness is compromised and opens the door to criticism of the quality of justice.

7. Pre-Trial and the Problem of Effective Supervision

Although pre-trial proceedings have a strong legal standing, their effectiveness as a mechanism for oversight of investigators remains questionable. Research by the Institute for the Study and Advocacy of Judicial Independence (LeIP) indicates that of the hundreds of pre-trial motions submitted, only a small fraction are granted. This empirically demonstrates that pre-trial proceedings have not been a truly effective instrument in balancing power between investigators and citizens (LeIP, 2020).

Furthermore, low public participation in overseeing the pretrial process, as well as allegations of judicial corruption in several cases, has weakened public trust in this institution's oversight function. Without transparency and accountability, the pretrial mechanism becomes merely a legal formality, not a bulwark against human rights (Usman Hamid, 2019).

The Effectiveness and Problems of Pre-Trial Implementation as Investigative Supervision in Legal Practice in Indonesia

Although the pretrial process has been strengthened through Constitutional Court rulings and is increasingly used in major criminal cases, the reality on the ground shows that its implementation is far from effective. Theoretically, pretrial proceedings are designed to guarantee the rights of suspects, prevent arbitrary actions by investigators, and ensure the legal process proceeds within the framework of legitimate procedures. However, in actual judicial practice, numerous obstacles have deprived pretrial proceedings of their idealistic spirit and left structural issues that hinder their function as a genuine oversight mechanism for investigators (Asfinawati, 2018).

One major problem is the dominance of a formalistic approach in handling pretrial cases. Many judges tend to only examine the administrative completeness of investigators' actions without delving into the substance of procedural violations or arbitrary actions that occurred. In some cases, judges even consider only the validity of a warrant or other administrative requirements, without comprehensively considering whether these actions violate the suspect's constitutional rights. A study conducted by the Institute for Policy Research and Advocacy (ELSAM) found that the majority of judges in pretrial proceedings tend to "play it safe" by avoiding further examination of the substance of law enforcement actions (ELSAM, 2019).

Furthermore, pretrial proceedings in Indonesia still rely heavily on the integrity and personal courage of the single judge handling the case. The absence of a panel or panel of judges in pretrial hearings makes the process highly vulnerable to interference, both political and economic. Many practitioners and academics have proposed reforming the pretrial system by introducing a panel of judges, rather than a single judge, as a form of collective accountability and to reduce the moral burden borne by a single judge in cases often subject to strong external pressure (Hermawan, 2021).

Another factor weakening the effectiveness of pre-trial proceedings is the unequal position between the applicant (usually the suspect) and the respondent (the investigator or prosecutor) during the trial. In many cases, applicants lack access to sufficient evidence or information to demonstrate procedural flaws, while law enforcement officials can manipulate documents, conceal evidence, or exploit procedural loopholes to protect their actions. This imbalance is further exacerbated by the extremely short pre-trial examination timeframe, which does not allow for in-depth fact-finding (Zulham, 2020).

Institutionally, the police, as the investigators responsible for carrying out investigations, lack an internal system that effectively supports the correction of investigators' actions. In many cases, if an investigator's actions violate the law and are overturned during pre-trial proceedings, there are no sanctions or internal evaluations given to the investigator. This indicates a gap in the ethical and

disciplinary accountability mechanisms for investigators, ultimately obscuring the educational and preventive functions of pre-trial decisions (Aisyah, 2021).

This situation is further exacerbated by a legal culture that does not favor citizen protection. Indonesia's legal culture still exhibits repressive tendencies in handling criminal acts, with investigations often characterized by coercion, violence, or intimidation. In this context, pretrial proceedings should be the last bastion of legal protection. However, if their implementation is hampered by an undemocratic legal culture, the function of pretrial proceedings becomes illusory (Siahaan, 2019).

Jurisprudentially, there is no uniformity in pretrial decisions, even in cases with nearly identical substance. The Supreme Court, as the highest guardian of the legal system, has not yet established a jurisprudential framework that first-instance judges can use as a reference in deciding pretrial cases. As a result, the quality of pretrial decisions relies heavily on subjective interpretations and does not reflect a well-organized legal system. Some judges have dared to overturn a suspect's determination due to the lack of two valid pieces of evidence, while other judges, in nearly identical cases, have declared the suspect's determination valid despite the weak evidence (Hasibuan, 2020).

This high disparity in decisions has two negative effects: first, legal uncertainty for justice seekers; second, a growing public perception that pre-trial proceedings are easily manipulated by the interests of powerful parties. Research conducted by the ICJR (Institute for Criminal Justice Reform) stated that from 2016 to 2020, the number of pre-trial motions continued to increase, but the majority were rejected, and only cases attracting widespread public attention or involving prominent figures were won by the petitioners (ICJR, 2020).

Furthermore, the use of pre-trial proceedings as a strategy to avoid criminal proceedings by corruptors is also a serious concern. In several cases, corruption suspects have used pre-trial proceedings to have their suspect status revoked, citing procedural violations by investigators. This creates loopholes for perpetrators of extraordinary crimes to escape justice and undermines the spirit of corruption eradication. Academics have begun to question whether pre-trial proceedings have deviated from their intended purpose of legal oversight and become a political and technical instrument for resisting law enforcement (Nurhalim, 2022).

This issue should be viewed not as a conceptual flaw in pretrial proceedings themselves, but rather as a systemic failure to design a sound and fair implementation. If the state wishes to strengthen the effectiveness of pretrial proceedings, comprehensive reforms must be implemented, starting with strengthening the capacity of judges, structuring the examination system, improving evidentiary procedures, and imposing sanctions on investigators who violate the law. Otherwise, pretrial proceedings will continue to be a cosmetic tool, merely giving the appearance of an oversight mechanism, while in reality merely absolving officials of public accountability (Iskandar, 2023).

Another urgent need is to draft a specific law regarding pre-trial proceedings, rather than relying solely on the limited provisions in the Criminal Procedure Code (KUHAP). This law could provide broader clarification regarding the subjects eligible for pre-trial proceedings, more humane trial timelines, the format of the panel of judges, and the obligation to follow up on final and binding decisions. Many groups are urging the government and the House of Representatives (DPR) to immediately revise the KUHAP or draft a lex specialis regarding the mechanism for reviewing investigators' actions (Mahendra, 2022).

Thus, we should not judge pretrial proceedings solely on the basis of their existence within positive law. Evaluation of their effectiveness as a mechanism for oversight of investigators must be comprehensive and address the root of systemic problems. Otherwise, pretrial proceedings will become merely an institution that is "present but absent," formal but not substantive, and constitutional but not functional. Such change rests not only on the rule of law but also on shifts in perspective, the professional culture of law enforcement, and public participation in maintaining judicial independence (Utama, 2023).

CONCLUSION

Based on theoretical and normative analysis of pre-trial proceedings as a supervisory mechanism for investigators, it can be concluded that this institution has a strong constitutional and legal basis as part of the principles of a state based on law that upholds due process of law and the protection of human rights. Pre-trial proceedings not only function as a test of the administrative legality of law enforcement actions, but have also developed into an important judicial forum capable of legally controlling the excesses of investigators' power. The expansion of pre-trial proceedings through Constitutional Court Decisions strengthens the scope of this oversight and emphasizes the court's role in ensuring procedural justice from the investigation stage. However, this strong legal position has not been fully balanced by uniformity of interpretation, consistency of jurisprudence, and institutional courage in upholding the principle of substantive justice.

On the other hand, the effectiveness of pre-trial proceedings as a supervisory mechanism in practice still faces various serious challenges, ranging from the dominance of procedural formalism by judges, the unequal position between applicants and respondents, the lack of internal accountability of investigators, and the potential for forum manipulation by powerful parties. Structural inequalities and a repressive legal culture have caused many pre-trial decisions to lose the corrective power that should be their core function. Therefore, strengthening pre-trial proceedings as an instrument of investigator oversight requires comprehensive reforms in terms of regulations, institutional structures, examination patterns, and the reconstruction of the professional ethics of law enforcement officers. Without this, pre-trial proceedings will remain a symbolic institution present in legal texts, but fail to protect citizens from the threat of abuse of investigative power.

BIBLIOGRAPHY

Aisyah, Nur. (2021). Evaluation of the Internal Supervision System of Investigators in Criminal Cases. Medan: USU Press.

Andi Hamzah. (2009). Indonesian Criminal Procedure Law. Jakarta: Sinar Grafika.

Asfinawati. (2018). Constructive Critique of the Pre-Trial Function. Jakarta: ICJR Press.

Azhali, R. (2023). Prison Risk Management in the Era of Modern Narcotics Crime. Jakarta: Sinar Grafika.

National Narcotics Agency. (2023). BNN RI Annual Report 2023. Jakarta: BNN RI.

ELSAM. (2019). Report on Monitoring the Performance of Pre-Trial Procedures and the Constitutional Rights of Suspects. Jakarta: Institute for Policy Research and Advocacy.

Fitri, Liza. (2019). The Problem of Unevenness in Pre-Trial Decisions in Indonesia. Yogyakarta: Deepublish.

Handoyo, Agus. (2018). Judges' Interpretation in Pre-Trial Procedures: A Critical Analysis of District Court Decisions. Bandung: Refika Aditama.

Hasibuan, Luthfi A. (2020). Disparity in Pre-Trial Decisions and Its Implications for Legal Certainty. Jakarta: IBLAM College of Law.

Hermawan, Dedi. (2021). Reform of Pre-Trial Institutions in Indonesia: A Legal, Institutional, and Conceptual Review. Bandung: Mandar Maju.

ICJR. (2020). Trends and Statistics of Pre-Trial Applications 2016–2020. Jakarta: Institute for Criminal Justice Reform.

Iskandar, Beni. (2023). The Paradox of Pre-Trial Institutions in the Indonesian Legal State. Malang: Setara Pers.

Jimly Asshiddiqie. (2006). The Indonesian Constitution and Constitutionalism. Jakarta: Konstitusi Press.

Jimly Asshiddiqie. (2019). Modern Justice and Strengthening the Mechanism of Controlling State Power. Jakarta: Secretariat General of the Constitutional Court.

Kusuma, Wahyu. (2020). Constitutional Rights of Suspects and the Function of Pre-Trial in Law Enforcement. Surakarta: UMS Press.

LeIP. (2020). Evaluation Report on the Effectiveness of Pre-Trial Institutions in Controlling Investigations. Jakarta: LeIP.

Mahendra, Rafli. (2022). The Urgency of a Special Pre-Trial Law in Updating the Criminal Procedure Code. Yogyakarta: Genta Publishing.

Mahfud MD. (2009). Building Legal Politics, Upholding the Constitution. Jakarta: LP3ES.

Mahfud MD. (2019). Law Enforcement Reform in the National Legal System. Jakarta: Gema Insani.

Supreme Court of the Republic of Indonesia. (2018). Supreme Court Circular Letter (SEMA) Number 1 of 2018 concerning the Limitations of the Authority of Pre-Trial Judges. Jakarta: Supreme Court of the Republic of Indonesia.

Constitutional Court. (2014). Decision Number 21/PUU-XII/2014 concerning the Judicial Review of the Criminal Procedure Code regarding Pre-Trial Objects. Jakarta: MK RI.

Marwan and Jimmy. (2018). Criminal Justice Process. Jakarta: Sinar Grafika.

Montesquieu. (2006). The Spirit of Laws (De l'esprit des lois). Translation: The Spirit of Law. Jakarta: Nuansa Cendekia.

Muladi. (2005). Human Rights, Politics, and the Criminal Justice System. Jakarta: Diponegoro University Publishing Agency.

Nurhalim, Farhan. (2022). The Polemic of the Use of Pre-Trial by Corruption Suspects: An Analysis of Legal Strategies in Eradicating Corruption. Jakarta: Pustaka Integritas.

Siahaan, Hotman. (2019). Repressive Legal Culture and the Challenges of Judicial Reform in Indonesia. Medan: CV Median Pers.

Siregar, R. (2015). The Budi Gunawan Decision and the New Direction of Pre-Trial in Indonesia. Jakarta: TIFA Foundation.

Sulistyowati, Endang. (2020). The Controversy of Single Judge Decisions in Pre-Trial Cases. Surabaya: Airlangga University Press.

Usman Hamid. (2019). Crisis of Trust in Pre-Trial Mechanisms: Why is Oversight Ineffective? Jakarta: Indonesian Legal Aid Foundation.

Utama, D. (2023). Grounding the Public Role in Judicial Reform. Bandung: Adhyasta.

Zainal Abidin. (2015). Restorative Justice and Pre-Trial Procedures. Yogyakarta: Rangkang Education.

Zainal Arifin Mochtar. (2015). Pre-Trial and Investigation: Implications of the Constitutional Court's Decision on the Criminal Justice System. Jakarta: Legal Studies Forum.

Zulham. (2020). Access to Evidence in Pre-Trial: Formal Justice vs. Substantive Justice. Medan: Mitra Cahaya Press.