

Perluasan objek praperadilan berupa sah atau tidaknya penetapan tersangka sebelum dan sesudah putusan mk nomor 21 puu xii 2014 = The expansion of pretrial object validity of suspect determination pre and post constitutional court decision number 21 puu xii 2014 / Siska Trisia

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Abstrak

[Praperadilan merupakan sarana yang disediakan hukum acara pidana sebagai sarana pengawasan terhadap penyidik dan penuntut umum dalam menjalankan tugasnya khususnya pada tahap pra adjudikasi (pra persidangan). Adapun objek dari praperadilan tersebut menurut pasal 1 angka 10 Jo pasal 77 Kitab Undang Undang Hukum Acara Pidana (KUHAP) adalah sah tidaknya penangkapan, penahanan, penghentian penyidikan dan penghentian penuntutan. Objek tersebut kemudian diperluas oleh Mahkamah Konstitusi (MK) dengan putusnya Nomor 21/PUU-XII/2014 dengan menambahkan pengeledahan, penyitaan dan penetapan tersangka. Namun sebelum putusan MK tersebut diterbitkan, hakim pengadilan negeri Jakarta selatan sudah terlebih dahulu memperluas objek praperadilan berupa sah atau tidaknya penetapan tersangka. Oleh sebab itu perlu untuk dikaji bagaimana hakim menafsirkan objek praperadilan yang telah diatur didalam KUHAP pada saat sebelum dan sesudah putusan MK Nomor 21/PUUXII/ 2014.;

Pretrial is a forum that provided by criminal procedural law to oversee the performance of investigators and prosecutor in carrying their function, primarily in the pre-adjudication stage. Its object is governed by the Article 1 (10) Jo Article 77 Criminal Procedural Law Code (KUHAP) includes the validity of arrest, validity of detention, and prosecution dismissal. However, the Constitutional Court has expanded the objects by issuing the Decision Number 21/PUU-XII/2014 which includes search, seizure, and suspect determination as pretrial objects. Before the Constitutional Court Decision was issued, a Court of Jakarta Selatan judge has previously ruled the validity of suspect determination as one of pretrial object. Therefore, the research will focus on interpretation of pretrial object governed by KUHAP Constitutional Court pre and post Constitutional Court Decision Number 21/PUU-XII/2014., Pretrial is a forum that provided by criminal procedural law to oversee the performance of investigators and prosecutor in carrying their function, primarily in the pre-adjudication stage. Its object is governed by the Article 1 (10) Jo Article 77 Criminal Procedural Law Code (KUHAP) includes the validity of arrest, validity of detention, and prosecution dismissal. However, the Constitutional Court has expanded the objects by issuing the Decision Number 21/PUU-XII/2014 which includes search, seizure, and suspect determination as pretrial objects. Before the Constitutional Court Decision was issued, a Court of Jakarta Selatan judge has previously ruled the validity of suspect determination as one of pretrial object. Therefore, the research will focus on interpretation of

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