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FORMULATION OF THE AUTHORITY CONTROL MECHANISM THE GENERAL PROSECUTOR RULE OUT ON THE CASE FOR PUBLIC INTEREST (SEPONEERING)

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Abstract

Article 77 of Law Number 8 of 1981 concerning the Code of Criminal Procedure Code, only states that: "The district court has the authority to examine and decide, in accordance with the provisions stipulated in this law concerning: a) Whether or not an arrest is legal, detention, termination of investigation or termination of prosecution; b) Compensation and/or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution. In the explanation of Article 77 it is emphasized that "What is meant by "discontinuation of prosecution" does not include setting aside cases for the public interest which are the authority of the Attorney General. So in the future, the explanation of the article which limits the object of pretrial excluding the waiver of cases in the public interest *(seponeering)* must be examined by the Constitutional Court by stating that the explanation of the article is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force. So that the formulation of the object of pretrial in the future in the RKUHAP must be formulated including whether or not the termination of prosecution

is based on legal interests and/or public interest *(seponeering)*. And even though the pretrial concept in the 2020 Criminal Procedure Code Bill has been replaced with the concept of a preliminary examining judge, the Attorney General's authority in overriding cases in the public interest *(seponeering)* must also be formulated as the authority of the Preliminary Examining Judge.

Keywords

Formulation, Control, Seponeering

Human rights are a principle given by God to every human being since he was born. This right must always be protected and respected, in fact it must be ensured to be adopted in a state order. An acknowledgment and protection of human rights is a reflection of one of the characteristics of the rule of law.

Sudargo Gautama, stated that there are 3 (three) characteristics or elements of a legal state, namely[1]:

a. There are restrictions on state power over individuals, meaning that the state cannot act arbitrarily. State actions are limited by law, individuals have rights to the state or people have rights to authorities.

b. Legality Principle

Every action of the state must be based on a law that has been held in advance which must also be obeyed by the government or its apparatus.

c. Separation of Powers

In order for these human rights to be truly protected, the separation of powers means that the bodies that make laws and regulations, implement and adjudicate, must be separated from each other and not in the same hands.

In an effort to strengthen the above principles, one of the important substances in the amendment to the 1945 Constitution of the Republic of Indonesia has brought about fundamental changes in constitutional life, one of which is the protection of human rights. Likewise in law enforcement in Indonesia, the issuance of Law Number 8 of 1981 concerning the Criminal Procedure Code, in addition to fulfilling the ideals of national law, is also a form of protection of human rights. If there is an abuse of authority over the processes and procedures carried out by law enforcement officers, especially the police and the prosecutor's office, which has robbed citizens of their human rights, the instrument of the Criminal Procedure Code provides a means of legal remedies as control that is horizontally, through pretrial institutions (Motgi et al., 2021; Pandey et al., 2020).

The emergence of the concept of pretrial cannot be separated from the long history of the need for strict judicial scrutiny of all acts of deprivation of one's civil liberties. This concept first surfaced when the British launched the Magna Charta in 1215, which was born as a criticism of the arbitrariness of the king at that time.[2]

[1] Sudargo Gautama sebagaimana dikutip oleh Abdul Muktie Fadjar, *Tipe Negara Hukum*, (Malang: Bayu Media, 2004), p. 34.
[2] Supriyadi Widodo Eddyono, *Praperadilan di Indonesia: Teori, sejarah dan praktiknya*, (Jakarta: ICJR, 2014), p. 17

The conditions that are protected by pretrial institutions are only those of a technical administrative nature, juridical formalities.[3] However, pretrial is a means to correct the arbitrary actions of law enforcement officials, so Andi Hamzah mentions that pretrial institutions are a place to complain about human rights violations.[4] This is the philosophical aspect of the intent of the legislators/Criminal Procedure Code in creating a pretrial institution (Patil et al., 2021).[5]

However, for now, pretrial arrangements are still not able to provide complete protection to justice seekers to control the actions of law enforcement officials, one of which relates to the implementation of the Attorney General's authority in overriding cases in the public interest *(seponeering)*. Article number 10 in conjunction with Article 77 of the Criminal Procedure Code stipulates that the pretrial has the authority to examine and decide:

1. Whether or not an arrest and or detention is legal, at the request of the suspect or his family or the request of an interested party for the sake of upholding law and justice;
2. Whether or not the termination of the investigation or the termination of the prosecution is legal at the request of the interested party for the sake of upholding law and justice and;
3. Requests for compensation or rehabilitation by the suspect or his family or other parties or their proxies whose cases have not been brought to court.

The pretrial prohibition of the Attorney General's authority in setting aside a case in the public interest *(seponeering)*, is also directly emphasized in the explanation of Article 77 of the Criminal Procedure Code, which states that what is meant by termination of prosecution does not include setting aside cases for the public interest which is the authority of the Attorney General. Not only that, in the 2020 Criminal Procedure Code Bill, the mechanism through the Preliminary Examining Judge which replaces the pretrial control media, also eliminates the examination of the Attorney General's authority in overriding a case in the public interest (seponeering). This is as regulated in Chapter IX Part One Article 116 paragraph (1) which states that the Preliminary Examining Judge has the authority to determine and decide:

a. Whether or not the arrest, detention, search, confiscation or wiretapping is legal;
b. Cancellation or suspension of detention;
c. Information made by a suspect or defendant in violation of the right not to incriminate oneself ;
d. Evidence or statements obtained illegally cannot be used as evidence;
e. Compensation and/or rehabilitation for an illegally arrested or detained person or compensation for any illegally confiscated property rights;

[3] Witanto, *Hukum Acara Praperadilan Dalam Teori dan Praktik*, (Depok: Imaji Cipta Karya, 2019), p. 3.
[4] *Ibid,* p. 4.
[5] Maqdir Ismail, dkk, *Himpunan Putusan Tentang Praperadilan,* (Yogyakarta: FH UII Press, 2017), p. 260.

f. The suspect or defendant has the right to or is required to be accompanied by a lawyer;
g. That the investigation or prosecution has been carried out for an illegal purpose;
h. Termination of investigation or termination of prosecution that is not based on the principle of opportunity;
i. The suitability of a case to be prosecuted in court; and
j. Violation of any other suspect's rights that occurred during the investigation stage;

Methods

The type of research used in this paper is normative legal research. This normative legal research was conducted to formulate the formulation of control mechanisms for the waiver of cases in the public interest (Deponeering) in the criminal justice system. The legal approach used is the Legislative Approach (Statute Approach) with primary and secondary legal materials, which are then analyzed prescriptively using deductive thinking, which is a way of drawing conclusions that depart from general discussions to specific ones.

Discussion

Taking into account the considerations of the Constitutional Court in the decision no. 29/PUU-XIV/2016, on the authority of the Attorney General to override a case in the public interest *(seponeering)* as referred to in the provisions of Article 35 letter C of Law Number 16 of 2004 which has now been amended by the provisions of Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia. Where in its rati decidendi the Constitutional Court states that:

.the absence of clear boundaries of "the interests of the nation and state and/or the interests of the wider community" as regulated in the elucidation of Article 35 letter C of Law Number 16 of 2004, so that it can be interpreted broadly by the Attorney General as the holder of the seponering authority. In fact, this authority is very vulnerable to be interpreted in accordance with the interests of the Attorney General, although in applying the explanation of Article 35 letter c of Law Number 16 of 2004 it states, "after taking into account the suggestions and opinions of state power agencies that have a relationship with the matter".

Taking into account the consideration of the Constitutional Court Decision No. 29/PUU-XIV/2016, it is appropriate for the Attorney General to provide a formulation of judicial control mechanisms so that citizens as seekers can take legal action, when the *seponeering* facility by the Attorney General is misused and is felt to violate their rights. the rights of citizens who have been harmed by the issuance of *seponeering* by the Attorney General.

The formulation of the control mechanism for the Attorney General's authority in overriding cases in the public interest *(seponeering)* can be pursued by setting the horizontal control mechanism as follows:

Pretrial

Clutching is connected to punishment in two ways. Almost everyone who is legally punished was at one point clutched—clutching is a precondition of legal punishment. But there is also a sense in which the act of clutching in itself constitutes punishment: for example, we often count time spent in pre-trial detention toward the serving of a convicted suspect's term of sentence. We might disagree over this latter point, that clutching itself constitutes punishment. Hobbes argues that what we call pre-trial detention is by definition not punishment, "because no man is supposed to be Punisht, before he be Judicially heard, and declared guilty.[6]

But saying it isn't punishment doesn't mean it's not. The constitutional status of pre-trial detention—whether it counts as punishment—is contested. "Due process requires that a pretrial detainee not be punished."[In deciding whether pre-trial detention counts as punishment, "a court must decide whether the disability is imposed for the purpose of punishment or whether it is but an incident of some other legitimate governmental purpose."[7] Andrew von Hirsch and his colleagues argue that:[8]

a. distinction should be observed between the system of sanctions (whose severity should be based on desert) and the sanctions necessary to maintain that system (which have to deter sufficiently to keep the system operating).

b. Suppose one takes the position that there should be no pretrial detention, because a person does not deserve to be deprived of his liberty unless found guilty of an offense.

c. To preserve such a rule, however, it may still be necessary to make at least one exception—for absconders who might otherwise simply absent themselves from trial for any misdeed with which they had been charged

Pretrial is an effort to correct irregularities that occur during the investigation and prosecution process. The existence of pretrial provisions in Law Number 8 of 1981 concerning Criminal Procedure Code of the Criminal Procedure Code is also a demand for officials involved in the investigation and prosecution process (mainly addressed to investigators and public prosecutors) to carry out their duties professionally for the sake of upholding the rule of law.[9]

M. Yahya Harahap[10] stated that there are aims and objectives to be enforced and protected by the existence of pretrial institutions, namely the upholding of the

[6] Thomas Hobbes, *Leviathan* , ed. Michael Oakeshott (New York: Collier Books, 1962), ch. 28, p. 233.
[7] *Ibid*, hln 538
[8] Andrew von Hirsch, *Doing Justice: The Choice of Punishments* , Report of the Committee for the Study of Incarceration (Westford, Mass.: Northeastern University Press, 1986), pp. 130–31, note. Von Hirsch was executive director of the Committee for the Study of Incarceration and principal author of this report.
[9] Anang Priyanto, *Hukum Acara Pidana Indonesia,* Yogyakarta, Ombak, 2012, p 54.
[10] M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP (Pemeriksaan sidang Pengadilan, Bandiing, Kasasi, dan Peninjauan Kembali)*, Jakarta, Sinar Grafika, 2002, p. 3

law and the protection of the suspect's human rights at the level of investigation and prosecution. In order to carry out the purpose of examining criminal acts, the law authorizes investigators and public prosecutors to carry out coercive measures in the form of arrest, detention, confiscation and so on. Every coercive effort carried out by an investigating officer or public prosecutor against a suspect is essentially a criminal treatment:

- Forced actions justified by law for the purpose of examining criminal acts suspected of a suspect,
- As a forced act that is justified by law and the law, every forced act by itself constitutes a deprivation of liberty and freedom as well as a limitation on the suspect's human rights.

Because the coercive measures imposed by law enforcement agencies constitute a reduction and limitation of the independence and human rights of the suspect, the action must be carried out responsibly according to the provisions of the law and applicable laws (due process of law). The act of coercion carried out contrary to the law and the law constitutes a rape of the suspect's human rights. Every act of rape inflicted on the suspect is an illegal act, because it is against the law and the law (Illegal).[11]

In principle, every act of coercion by investigators that violates statutory provisions, especially the law of criminal procedure in which it adheres to the principle of formal legality (Article 3 of the Criminal Procedure Code), should be legally accountable (criminal law). This is because rape of human rights is not only against the law, but also violates Article 12 of the Universal Declaration of Human Rights which explains that: "No one is allowed to arbitrarily interfere in private life, family, residence, other people's correspondence.

Iwan Anggoro Warsito stated that the purpose of the establishment of the Pretrial Institution is for the sake of upholding the law and protecting human rights at the level of investigation and prosecution so that if during the process of arrest and/or detention, termination of investigation or termination of prosecution, there are parties who feel that their rights have been harmed, the opportunity is opened to file charges. compensation or rehabilitation by the suspect or his family or other parties or their proxies for illegal treatment that harms the suspect or by parties whose cases have not been brought to court.

Thus, the main purpose of pre-trial institutionalization in the Criminal Procedure Code is to carry out "horizontal supervision" of all acts of coercion carried out by investigators or public prosecutors against suspects during investigations or prosecutions, so that these actions do not conflict with applicable laws and regulations,[12] including the most important that actions by law enforcement officers (investigators and public prosecutors) do not violate or conflict with human rights principles.

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[11] *Ibid,* p. 1-2

[12] Andi Sofyan & Abdul Asis, *Hukum Acara Pidana (Suatu Pengantar),* Jakarta, Kencana, 2014, p. 187.

The term pretrial in the terminology of criminal procedural law is very different from its literal meaning. Literally, the intent and meaning of pretrial can be interpreted from two separate words. Pre means before, while Judiciary means the judicial process itself, so if it is continued Pretrial is before the judicial process.

In Law Number 8 of 1981 concerning the Criminal Procedure Code (*KUHAP*), pretrial terminology is formulated in the provisions of Article 1 number 10, which states that pretrial is the authority of the district court to examine and decide according to the method regulated in the Act. this is about:

a. Whether or not an arrest and/or detention is legal at the request of the suspect or his family or other parties on the suspect's power.
b. Whether or not the termination of the investigation or the termination of the prosecution is legal at the request of upholding law and justice.
c. Requests for compensation or rehabilitation by the suspect or his family or other parties on their behalf whose cases have not been submitted to the Court.

The provisions of Article 1 Number 10 of Law Number 8 of 1981 concerning the Criminal Procedure Code *(KUHAP)* above, are reaffirmed in Article 77 which confirms that: The district court has the authority to examine and decide, in accordance with the provisions stipulated in the law. this law about:

a. Whether or not the 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 level of investigation or prosecution.

Regarding the pretrial object in the provisions of Article 77 of the Criminal Procedure Code above, it has also been expanded with the decision of the Constitutional Court Number 21/PUU-XII/2014, which adds that it includes the determination of suspects, searches, and confiscations. From the terminology or pretrial object mentioned in Article 1 number 10, Jo. Article 77 of Law Number 8 of 1981 concerning the Criminal Procedure Code *(KUHAP)*, in particular regarding whether or not the termination of prosecution is legal, is stated in the explanation of Article 77 that, "what is meant by "cessation of prosecution" does not include setting aside cases for the benefit of general authority under the jurisdiction of the Attorney General.".

By looking at the spirit that underlies the regulation of pretrial institutions as a supervisory agency (control) on actions taken by law enforcement officials (investigators and public prosecutors), this legal consideration is also the basis of the Constitutional Court in expanding the object of pretrial in the provisions of Article 77 of the Law. Number 8 of 1981 concerning Criminal Procedure Code. So the renewal of the substance of the object of pretrial in the future must be realized by reformulating the control mechanism against the exclusion of cases in the public interest *(seponeering)*, by including *seponeering* which is the authority of the Attorney General as the object of pretrial in the future.

The renewal of the pretrial object in the Criminal Procedure Code by including the authority of the Attorney General in overriding cases in the public

interest *(Seponeering)* as a pretrial object, can be carried out using two (2) different mechanisms, namely:

First; to the elucidation of Article 77 of Law Number 8 of 1981 Law Number 8 of 1981 concerning the Criminal Procedure Code, which affirms that, "termination of prosecution does not include setting aside cases for the public interest which are under the authority of the Attorney General". Regarding the explanation of the article that narrows the object of the pretrial termination of the prosecution, it must be tried through a judicial review mechanism to the Constitutional Court, to request that the explanation phrase for Article 77 be canceled and declared contrary to the 1945 Constitution of the Republic of Indonesia or conditionally constitutional as long as it is interpreted with the phrase, "discontinuation of prosecution includes the waiver of cases in the public interest which are the authority of the Attorney General".

Second; In drafting the Criminal Procedure Code *(RUU KUHAP)* in the future, it is necessary to reformulate the pretrial object as referred to in Article 77 of Law Number 8 of 1981 concerning the Criminal Procedure Code, by adding the pretrial object including the waiver of cases in the public interest (seponeering). which is under the jurisdiction of the Attorney General. With the addition of the pretrial object, in the future the pretrial object in the Criminal Procedure Code *(KUHAP)* editorial formulation becomes as follows:

"The District Court has the authority to examine and decide, in accordance with the provisions stipulated in this law regarding:

a. Whether or not the arrest, detention, termination of investigation and/or termination of prosecution are based on legal interests and/or public interest (seponeering).
b. Whether or not the determination of the suspect is valid.
c. Whether or not a search and/or confiscation is legal.
d. Compensation and/or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution.

Preliminry Examining Judge

The existence of the Preliminary Examining Judge is intended to guarantee the protection of Human Rights starting from the preliminary examination stage. Namely to ensure the formal and material legitimacy of legal actions taken by law enforcement officers. The existence of the Preliminary Examining Judge can be said to be very helpful, especially in efforts to strengthen judicial professionalism that can be legally accounted for. In addition, its existence will control and control more deviations or procedural errors made by field officers.

The concept of the Preliminary Examining Judge, has also been known in various countries. The Preliminary Examining Judge in the Netherlands is known as the *rechter commisaris*. In contrast to Indonesia, where pretrial judges are not authorized to examine case waivers *(seponeering)*, in the Netherlands the *rechter* commissioner in addition to determining whether or not an arrest, detention and

confiscation is legal, also conducts a preliminary examination of a case. For example, the public prosecutor in the Netherlands can ask the judge for consideration regarding a case, whether the case deserves to be ruled out or not.[13]

In the Netherlands, 50 percent of the cases in the hands of the Prosecutor (*officier van Justitie*) are *sepoonering*, either with or without conditions, and in a country that adheres to this principle all prosecutors are authorized to *seponeering* cases.[14] In contrast to the Netherlands, where the rechter commissioner can consider whether the case deserves to be dismissed or not. In Indonesia, through the concept of preliminary examining judges, it is limited to not including *seponeering* which is the authority of the Attorney General.

In the Draft Criminal Procedure Code December 2020, the control mechanism used remains with the Preliminary Examining Judge, whose authority is regulated in Chapter IX Part One Article 116 paragraph (1) which states that the Preliminary Examining Judge has the authority to determine and decide:

a. Whether or not the arrest, detention, search, confiscation or wiretapping is legal;
b. Cancellation or suspension of detention;
c. Information made by a suspect or defendant in violation of the right not to incriminate oneself;
d. Evidence or statements obtained illegally cannot be used as evidence;
e. Compensation and/or rehabilitation for an illegally arrested or detained person or compensation for any illegally confiscated property rights;
f. The suspect or defendant has the right to or is required to be accompanied by a lawyer;
g. That the investigation or prosecution has been carried out for an illegal purpose;
h. Termination of investigation or termination of prosecution that is not based on the principle of opportunity;
i. The suitability of a case to be prosecuted in court; and
j. Violation of any other suspect's rights that occurred during the investigation stage;

If you maintain the concept of the Preliminary Examining Judge with the 2020 Criminal Procedure Code Bill, to include the principle of opportunity or seponeering as part of the authority of the Preliminary Examining Judge, then in the future the formula must be regulated as follows:

a. Whether or not the arrest, detention, search, confiscation or wiretapping is legal;
b. Cancellation or suspension of detention;
c. Information made by a suspect or defendant in violation of the right not to incriminate oneself;

[13] *Ibid,* p. 106.
[14] Antonius Benari Simbolon, Rekonstruksi Hakim Komisaris & Perlindungan Hak Asasi Tersangka di Indonesia, Jakarta, Kencana, 2020, p. 192.

d. Evidence or statements obtained illegally cannot be used as evidence;
e. Compensation and/or rehabilitation for an illegally arrested or detained person or compensation for any illegally confiscated property rights;
f. The suspect or defendant has the right to or is required to be accompanied by a lawyer;
g. That the investigation or prosecution has been carried out for an illegal purpose;
h. Termination of investigation or termination of prosecution based on legal interest and/or public interest;
i. The suitability of a case to be prosecuted in court; and
j. Violation of any other suspect's rights that occurred during the investigation stage;

Conclusion

The formulation of the control mechanism on the authority of the Attorney General in setting aside cases in the public interest *(seponeering)* is intended to cover or fill the void of legal norms in the Criminal Procedure Code. The formulation that can be carried out to supervise the implementation of the authority to waiver cases in the public interest *(seponeering)* by the Attorney General can be done by requesting a review of the explanation of Article 77 of Law Number 8 of 1981 concerning the Criminal Procedure Code, by stating that the explanation of the article limiting the object of pretrial does not include setting aside cases in the public interest, which is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force. And reformulate the object of pretrial in the Law on Criminal Procedure as follows: "The District Court has the authority to examine and decide, in accordance with the provisions stipulated in this law concerning: a.) Whether or not an arrest, detention, termination of an investigation and/or termination is legal. prosecution based on legal interest and/or public interest *(seponeering)*; b.) Whether or not the determination of the suspect is valid; c.) Whether or not the search and/or confiscation is legal; d.) Compensation and/or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution. Or in the concept of Article 116 paragraph (1) letter H of the 2020 Criminal Procedure Code Bill which replaces the pretrial institution with the Preliminary Examining Judge, the formulation is changed to the phrase: The Preliminary Examining Judge has the authority to determine and decide: … Whether or not the termination of an investigation or termination of a prosecution is based on interest law and/or public interest.

Reference

Anang, P. (2012). *Hukum Acara Pidana Indonesia.* Yogyakarta: Ombak.

Andrew von Hirsch, (1986), *Doing Justice: The Choice of Punishments* , Report of the Committee for the Study of Incarceration (Westford, Mass.: Northeastern University Press.

Andi, S., & Abdul, A. (2014). *Hukum Acara Pidana (Suatu Pengantar)*. Jakarta: Kencana.

Antonius, B. S. (2020). *Rekonstruksi Hakim Komisaris & Perlindungan Hak Asasi Tersangka di Indonesia*. Jakarta: Kencana.

Iwan, A. W. (2015). *Pemeriksaan Pendahuluan dan Pra-Peradilan Pasca Putusan MK No. 21/PUU-XII/2014.* Yogyakarta: Pohon Cahaya.

Maqdir, I. et al. (2001). *Himpunan Putusan Tentang Praperadilan.* Yogyakarta: FH UII Press.

Motgi, A. A., Shete, M. V., Chavan, M. S., Diwaan, N. N., Sapkal, R., & Channe, P. (2021). Assessment of correlation between clinical staging, functional staging, and histopathological grading of oral submucous fibrosis. *J Carcinog, 20*, 16. https://doi.org/10.4103/jcar.jcar_8_21

Thomas Hobbes, (1962), *Leviathan* , ed. Michael Oakeshott, New York: Collier Books, 1962

Pandey, R. K., Shukla, S., Hadi, R., Husain, N., Islam, M. H., Singhal, A., Tripathi, S. K., & Garg, R. (2020). Kirsten rat sarcoma virus protein overexpression in adenocarcinoma lung: Association with clinicopathological and histomorphological features. *J Carcinog, 19*, 9. https://doi.org/10.4103/jcar.jcar_11_20

Patil, M. B., Lavanya, T., Kumari, C. M., Shetty, S. R., Gufran, K., Viswanath, V., Swarnalatha, C., Babu, J. S., & Nayyar, A. S. (2021). Serum ceruloplasmin as cancer marker in oral pre-cancers and cancers. *J Carcinog, 20*, 15. https://doi.org/10.4103/jcar.jcar_10_21

Yahya, H. M. (2002). *Pembahasan Permasalahan dan Penerapan KUHAP (Pemeriksaan sidang Pengadilan, Bandiing, Kasasi, dan Peninjauan Kembali)*. Jakarta: Sinar Grafika.

Sudargo, G. (2004). In Abdul Muktie Fadjar, *Tipe Negara Hukum***.** Malang: Bayu Media.

Supriyadi, W. E. (2014). *Praperadilan di Indonesia: Teori, sejarah dan praktiknya*. Jakarta: ICJR.

Witanto. (2019). *Hukum Acara Praperadilan Dalam Teori dan Praktik***.** Depok: Imaji Cipta Karya.