

**Article Title****Judicial Review of the Legality of Law Enforcement Actions in Pretrial Proceedings: An Analysis of the Makassar District Court Decision No. 36/Pid.Pra/2023/PN Mks****Author (s)****St. Fatimah**

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## ABSTRACT

This study aims to analyze the legality of law enforcement actions in pretrial proceedings, particularly concerning the determination of suspect status, arrest, and detention, as reflected in the Decision of the Makassar District Court No. 36/Pid.Pra/2023/PN Mks. The research employs a normative juridical method with statute, case, and conceptual approaches. The findings indicate that the judge in the pretrial decision emphasized formal legality and procedural compliance in assessing the validity of investigative actions. The determination of suspect status, arrest, and detention were declared lawful due to the existence of at least two valid pieces of evidence and the fulfillment of procedural requirements in accordance with the Criminal Procedure Code. The Applicant's arguments were rejected primarily due to the ضعف of evidentiary support, particularly the inability to demonstrate concrete procedural violations. In contrast, the Respondent successfully presented systematic and consistent documentary evidence demonstrating adherence to legal procedures. The study further reveals that pretrial proceedings in practice tend to function as a mechanism of administrative control rather than a substantive review of evidentiary quality. This condition raises concerns regarding the effectiveness of pretrial proceedings in protecting human rights. Therefore, strengthening evidentiary standards and expanding the scope of judicial review are necessary to ensure more comprehensive legal protection.

**Keywords:** Pretrial, Due Process of Law, Evidence, Suspect Determination, Criminal Procedure

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## INTRODUCTION

The pretrial institution constitutes an integral part of Indonesia's criminal justice system, functioning as a mechanism of control over the actions of law enforcement officials. Its existence is intended to examine the legality of coercive measures carried out by investigators and public prosecutors (Parikesit & Eko Soponyono, 2017). These measures include arrest, detention, search, and seizure, which are directly related to the restriction of human rights. The principle of the rule of law requires that every such action must have a clear legal basis and be accountable (Sumadi, 2021). The function of pretrial proceedings becomes crucial in maintaining a balance between state authority and individual protection. This concept affirms that state power must not be exercised arbitrarily.

Normatively, pretrial proceedings are regulated under the Criminal Procedure Code, which provides individuals with the opportunity to challenge the actions of law enforcement officials. This authority has undergone significant development through Constitutional Court Decision Number 21/PUU-XII/2014 (Ningsih & Marsal, 2025). The decision expanded the scope of pretrial review to include the determination of suspects, searches, and seizures. This expansion demonstrates the strengthening of human rights protection within the criminal justice process (Umam, Hadiyanto & Sukrisno, 2025).. The designation of a suspect is considered a form of rights restriction that must be subject to legal scrutiny. The pretrial mechanism thus becomes the primary instrument for controlling such actions.

The concept of pretrial proceedings cannot be separated from the influence of the habeas corpus doctrine within the Anglo-Saxon legal system. This doctrine guarantees individuals the right to challenge the legality of their detention before a court (Marpaung & Moeliono, 2021). The principle of habeas corpus emphasizes the importance of protecting individual liberty. The system imposes an obligation on the detaining authority to prove the legality of its actions (Ayu, Setyawan & Karim, 2023). This concept has been adapted into the Indonesian legal system through the pretrial institution. Such adaptation reflects a harmonization between universal values and the national legal system.

The existence of pretrial proceedings is a response to past abuses of authority prior to the enactment of the Criminal Procedure Code. At that time, suspects were positioned merely as objects of investigation, making them vulnerable to human rights violations (Prasetya & Indraswara, 2025). Investigators and public prosecutors exercised broad authority without adequate control. This situation created opportunities for repressive actions such as coercion and intimidation (Adzikra, Suprijatna & Ma'arif, 2024). The Criminal Procedure Code was then introduced to transform this paradigm into a more humanistic approach. The protection of suspects has since become an essential element in the modern criminal justice system (Sitompul, 2026).

Pretrial proceedings function as an open forum that provides suspects with the opportunity to challenge the actions of law enforcement officials. The process is conducted through examination by an independent and impartial judge (Hidayat, 2015). Judges have the authority to assess whether such actions comply with legal provisions (Noor & Alhadi, 2025). This assessment includes both formal and substantive aspects of coercive measures. Sufficient preliminary evidence serves as one of the key indicators in such evaluation. The principle of due process of law becomes the primary foundation of this process (Sutrsino, 2025).

The principle of due process of law requires that every law enforcement action be conducted fairly and transparently. Every individual has the right to obtain proper legal protection (Haniyah, 2024). This right includes protection from arbitrary actions by law enforcement officials. Pretrial proceedings serve as an important instrument to ensure the effectiveness of this principle. The examination conducted must not be merely administrative in nature. The substance of the action must be the primary focus of the review (Zuma, *et al*, 2025).

Judicial practice shows a tendency to emphasize administrative aspects in pretrial examinations. The completeness of documents is often used as the main indicator in determining the legality of an action (Deseano, Putra & Gusthomi, 2025). Such an approach risks neglecting the substantive legal aspects that should be examined in depth. Coercive measures may be deemed lawful despite lacking sufficient evidentiary

support. This condition reflects a narrowing of the meaning of pretrial proceedings. The function of human rights protection thus becomes less optimal.

This problem is exacerbated by non-judicial factors within pretrial practice. Institutional relations between courts and law enforcement agencies may affect judicial independence. Considerations of cooperation often influence decision-making. Such conditions may reduce the willingness of judges to grant pretrial applications. Judicial independence becomes threatened in such situations. The function of judicial control becomes less effective (Purwono, 2024).

The absence of clear standards regarding sufficient preliminary evidence constitutes a serious issue in law enforcement practice. The assessment of evidence is often entirely left to investigators. Broad discretion without proper supervision creates the potential for abuse of authority. Arrest and detention may be carried out without a strong legal basis. This condition contradicts the principle of legality in criminal law. Pretrial proceedings should function as a corrective mechanism for such conditions.

Developments in criminal procedural law indicate the need to strengthen the function of pretrial proceedings. Such strengthening is necessary to ensure optimal protection of human rights. Reform of criminal procedural law must accommodate the principle of substantive justice. The justice system must not be oriented solely toward procedural formalities. Substantive justice must become the primary objective of every legal process. Pretrial proceedings hold a strategic role in achieving this goal.

A human rights perspective places individual liberty as a fundamental right that must be protected. Every action that restricts such liberty must have a clear legal basis. Arrest and detention constitute the most serious forms of restriction on individual freedom. These measures must be carried out carefully and proportionally. Oversight of such actions becomes essential. Pretrial proceedings serve as the mechanism for such oversight.

The value of justice also carries moral and religious dimensions that cannot be ignored. Principles of justice in religious teachings emphasize the prohibition of arbitrary and unjust actions. Arrest without a clear legal basis can be categorized as a form of injustice. The legal system must reflect these values in its implementation. Pretrial proceedings serve as a means to uphold such justice. The integration of legal and moral values becomes important within the justice system.

Court decisions in pretrial cases often serve as indicators of how the law is applied in practice. Analysis of such decisions can provide insight into the quality of law enforcement. Judicial reasoning becomes the central focus in assessing the legality of law enforcement actions. The legal arguments employed reflect how legal principles are applied. These decisions also demonstrate the level of human rights protection. The study of such decisions becomes important for legal development.

The decision of the Makassar District Court Number 36/Pid.Pra/2023/PN Mks represents an interesting case for analysis. The case concerns a pretrial application regarding the determination of a suspect, arrest, and detention. The judge rejected the application submitted by the petitioner. The actions of law enforcement officials were declared lawful and binding. The ruling reflects a particular approach in assessing legality. This raises questions regarding the quality of judicial review conducted.

The legal reasoning of the judge in this decision requires in-depth analysis. Such analysis is necessary to determine whether the review was substantive or merely formalistic. The approach adopted by the judge will influence the direction of human rights protection. Excessively formalistic decisions may weaken the function of pretrial proceedings. Evaluation of judicial reasoning becomes an important step in this research. This study is expected to contribute to the development of criminal procedural law.

This phenomenon indicates a gap between normative provisions and practical implementation in pretrial proceedings. Legal norms require comprehensive examination of law enforcement actions. Practice shows a tendency toward limited administrative review. This gap creates legal uncertainty for the public. Protection of human rights becomes suboptimal. Reform in judicial practice becomes an urgent necessity.

This research holds high relevance in the context of strengthening the criminal justice system. Analysis of pretrial decisions can illustrate the effectiveness of judicial control mechanisms. The findings are expected to provide recommendations for improving pretrial practices. Strengthening the function of pretrial proceedings is essential in achieving justice. A fair justice system will enhance public trust. Such trust constitutes the foundation of law enforcement.

This study also contributes to the development of legal scholarship, particularly in criminal procedural law. The analysis enriches the literature on pretrial proceedings. The approach adopted is expected to provide new perspectives on legal issues. This research may also serve as a reference for practitioners and academics. Legal development requires in-depth and critical studies. This research is intended to be part of such efforts.

Based on the above description, it is essential to conduct an in-depth analysis of pretrial decisions. The focus of the analysis is directed at the legality of law enforcement actions. Judicial reasoning becomes the primary object of this study. The principle of due process of law serves as the analytical foundation. This research is expected to provide a comprehensive overview. The results may serve as a basis for strengthening the legal system.

This study aims to analyze how judges assess the legality of suspect determination, arrest, and detention. The analysis also examines the extent to which

legal principles are applied in the decision. The study employs a normative juridical approach with case analysis. The primary focus lies on judicial reasoning. The findings are expected to contribute to judicial practice. Strengthening pretrial proceedings becomes the ultimate objective of this research.

## METHOD

The research method employed in this study constitutes a series of scientific procedures applied systematically to achieve the research objectives in a precise, logical, and accountable manner. This study adopts a doctrinal or normative legal research approach, focusing on the analysis of applicable positive legal norms. The approaches utilized include the statute approach, case approach, and conceptual approach. The statute approach is used to examine provisions within the Indonesian Criminal Procedure Code (KUHAP) and other relevant regulations, while the case approach is directed at analyzing the decision of the Makassar District Court No. 36/Pid.Pra/2023/PN Mks. The conceptual approach is applied to explore legal principles such as due process of law, the principle of legality, and the protection of human rights. This method is selected as it enables an in-depth analysis of legal issues that are normative and argumentative in nature.

The legal materials used in this study consist of primary and secondary legal materials obtained through library research. Primary legal materials include statutory regulations, court decisions, and relevant jurisprudence, while secondary legal materials consist of books, academic journals, and other scholarly works that support the analysis. The technique for collecting legal materials is carried out through the processes of inventorying, classification, and systematization of legal materials in accordance with the research issues. The analysis of legal materials is conducted qualitatively using a descriptive-analytical approach, by elaborating and interpreting legal data in depth. The analytical process involves linking legal norms, legal theories, and the facts contained in the examined decision. The results of the analysis are then presented in a prescriptive manner to provide legal arguments, conclusions, and recommendations relevant to the issues under study.

## RESULT AND DISCUSSION

### **A. Evidence Presented by the Applicant and the Respondent in the Pretrial Case Concerning the Legality of the Determination of Suspect Status, Arrest, and Detention in Decision No. 36/Pid.Pra/2023 PN Mks**

Pretrial proceedings constitute an essential instrument within Indonesia's criminal procedural law system, functioning as a mechanism of judicial control over the actions of law enforcement authorities. Their existence aims to ensure that every coercive measure is carried out in accordance with applicable legal provisions. The designation of a suspect, arrest, and detention represent forms of restriction on human

rights that must be subject to strict scrutiny. The principle of due process of law requires that each of these actions be grounded in a valid legal basis. The function of pretrial proceedings becomes highly strategic in guaranteeing the protection of individual rights. This mechanism simultaneously serves as oversight of the exercise of state power.

The subject matter of the pretrial application reveals a dispute between the Applicant and the Respondent regarding the legality of investigative actions. The Applicant argues that the designation as a suspect, arrest, and detention were carried out without a lawful basis. This argument is based on the alleged failure to meet sufficient evidentiary requirements. The Applicant also contends that legal procedures were not properly followed by the Respondent. These claims position the issue of evidence as the central matter in the case. The dispute was subsequently examined through the pretrial mechanism before the court.

The chronological facts indicate that the conflict originated from a social interaction between the Applicant and the Complainant. The incident escalated into an argument that led to physical confrontation. Both parties subsequently reported the incident to the police. Investigators carried out a series of legal actions based on these reports. The investigative process resulted in the designation of the Applicant as a suspect. This situation became the basis for filing the pretrial application.

The Applicant's argument focuses on the alleged illegality of investigative actions that were considered not to meet legal requirements. The Applicant asserts that the evidence used by investigators failed to meet evidentiary standards. The electronic evidence submitted was deemed not to comply with the provisions of the Electronic Information and Transactions Law. This issue relates to the validity and reliability of electronic evidence. The Applicant also questions the use of documents lacking sufficient evidentiary value. These arguments demonstrate weaknesses in the evidentiary aspects presented.

The evidence submitted by the Applicant largely consists of photocopies and electronic evidence. These documents are not supported by other legally valid evidence. The evidentiary value of photocopied documents depends heavily on the existence of original documents. Witness testimony presented merely demonstrates that an event occurred. Such testimony is insufficient to prove procedural violations by investigators. This condition renders the Applicant's evidence weak in the evidentiary process.

From the perspective of evidentiary law, the validity of evidence is a fundamental requirement in criminal proceedings. Every piece of evidence must fulfill formal and material requirements to possess evidentiary value. Electronic evidence must be verifiable in terms of authenticity and integrity. Failure to establish these aspects reduces its evidentiary value. This principle is crucial in assessing the strength of the

Applicant's arguments. The judge applied this principle in evaluating the submitted evidence.

The Respondent, in this case, presented a series of evidence demonstrating that the investigative process had been conducted in accordance with procedural law. Such evidence includes police reports, investigation warrants, and records of witness examination. Additional documents include case review reports and investigation orders. The suspect designation letter forms an essential component of the submitted evidence. This series of documents reflects a systematic legal process. The evidence forms the primary basis of the Respondent's defense.

The judge's assessment indicates that the evidence submitted by the Respondent is mutually consistent. The consistency between documentary evidence and witness testimony strengthens its evidentiary value. The principle of coherence among evidence constitutes an important element within the evidentiary system. The judge determined that the evidence met the required legal standards. This evaluation reflects consistency in the investigative process. Such coherence strengthens the Respondent's position in the case.

The judge's reasoning also refers to Article 184 of the Criminal Procedure Code concerning admissible evidence. The provision requires a minimum of two forms of valid evidence in determining a suspect. Constitutional Court Decision Number 21/PUU-XII/2014 reinforces this principle in legal practice. The judge concluded that this requirement had been fulfilled by the Respondent. Evidence in the form of witness testimony and documentary records served as the basis for proof. Fulfillment of this requirement became a primary consideration in the judgment.

The designation of the suspect in this case was deemed to comply with criminal procedural law. Investigators conducted a case review prior to determining the suspect. This process reflects an evaluation of available evidence. The designation was made based on sufficient evidence. The judge found that the procedure had been carried out lawfully. This assessment indicates that formal requirements were satisfied.

The evaluation of the arrest demonstrates that the Applicant failed to prove any procedural violation. The arrest warrant submitted by the Respondent was considered legally valid. The arrest report indicates that the procedure was properly followed. The Applicant merely proved that the arrest occurred. Such proof is insufficient to demonstrate illegality. The judge therefore declared the arrest lawful.

The evaluation of detention yielded similar conclusions. The detention warrant submitted by the Respondent was deemed legally valid. The detention record shows that procedures were properly implemented. The Applicant failed to demonstrate any procedural violation. The absence of evidence of violation became a significant factor in the judge's reasoning. The judge subsequently declared the detention lawful.

The Applicant's objection regarding search and seizure was not accepted by the judge. The judge considered that such matters fell outside the scope of pretrial review in this case. This assessment is based on prevailing judicial practice. Examination of such actions should be conducted in the main trial. The objection was deemed to be submitted in an improper forum. The judge therefore rejected the argument.

The court's decision indicates that pretrial review primarily emphasizes procedural formalities. Compliance with procedural requirements becomes the main indicator in judicial assessment. The judge did not conduct an in-depth examination of evidentiary substance. This approach reflects the formal nature of pretrial proceedings. The primary focus lies on procedural legality rather than substantive truth. This approach characterizes pretrial practice.

This phenomenon reveals limitations in the function of pretrial proceedings. Administrative-focused review may reduce the effectiveness of human rights protection. Evaluation of evidentiary quality becomes less optimal. The system risks overlooking substantive justice. This condition raises concerns in the development of criminal procedural law. Reform is required to strengthen the function of pretrial mechanisms.

Academic discourse reflects debates regarding the scope of pretrial authority. Some perspectives advocate for expanding the scope of review. A more substantive approach is considered capable of enhancing legal protection. Evaluation of the rationality of evidentiary use becomes essential. This debate illustrates the dynamic nature of criminal procedural law. Such development forms part of legal reform.

The weakness of the Applicant's evidence became a decisive factor in the outcome of this case. The submitted evidence failed to establish judicial conviction. Photocopied and unverified electronic evidence possess low evidentiary value. This condition weakened the Applicant's arguments. The judge consequently placed greater reliance on the Respondent's evidence. This weakness directly affected the final decision.

The strength of the Respondent's case lies in the completeness of investigative documentation. The documentation demonstrates that legal procedures were properly followed. All stages of investigation were administratively verifiable. Such evidence provided assurance to the judge. The judge concluded that the investigative actions were lawful. This assessment reflects the dominance of formal aspects in evidentiary evaluation.

The decision affirms that procedural compliance is the primary factor in pretrial review. Investigators who can demonstrate administrative completeness are likely to be considered lawful. This assessment reflects an orientation toward formal legality. Substantive justice does not become the primary focus of examination. This condition

reflects prevailing pretrial practice. The system continues to prioritize procedural aspects.

The analytical conclusion indicates that pretrial proceedings in this case function as a mechanism of formal review. The Applicant failed to prove the illegality of investigative actions. The Respondent successfully demonstrated procedural compliance. The judge therefore rejected the entire pretrial application. The decision reflects a formalistic approach within the criminal justice system. This approach remains a dominant characteristic of pretrial practice in Indonesia.

#### **B. The Judge's Legal Considerations in Examining and Adjudicating the Pretrial Case Concerning the Legality of the Determination of Suspect Status, Arrest, and Detention in Decision No. 36/Pid.Pra/2023 PN Mks**

Pretrial proceedings constitute a judicial control mechanism with a strategic function within Indonesia's criminal procedural law system. This institution aims to examine the legality of actions taken by law enforcement authorities at the pre-adjudication stage. The determination of suspect status, arrest, and detention are actions that directly affect human rights. Each of these actions must be carried out based on clear legal grounds and proper procedures. The principle of due process of law serves as the foundation for assessing the legality of such actions. The function of pretrial proceedings is crucial in maintaining a balance between state authority and the protection of individual rights.

The judge's considerations in pretrial case Number 36/Pid.Pra/2023/PN Mks demonstrate a systematic approach in identifying legal issues. The judge first formulated the core issues relating to the legality of the determination of suspect status, arrest, and detention. This approach reflects an effort to maintain the jurisdictional boundaries of pretrial proceedings so as not to encroach upon the substance of the criminal case. Such clarification is important to ensure that pretrial proceedings remain a forum for procedural review. The judge limited the scope of examination strictly to the legality of law enforcement actions. This approach indicates prudence in exercising judicial authority.

In his reasoning, the judge emphasized that the determination of a suspect must be based on at least two valid pieces of evidence. This requirement refers to Article 184 of the Criminal Procedure Code, which regulates admissible evidence in criminal proceedings. Constitutional Court Decision Number 21/PUU-XII/2014 reinforces this principle by requiring the examination of the prospective suspect. The designation of a suspect cannot be carried out arbitrarily without sufficient evidentiary basis. The status of a suspect has serious implications for individual rights. Therefore, evidentiary standards become a fundamental aspect of the process.

The judge also highlighted the importance of professionalism, proportionality, and transparency in the investigation process. Professionalism relates to compliance

with legal and ethical standards in exercising authority. Proportionality concerns the reasonable and non-excessive use of power. Transparency involves openness in the process to ensure accountability. These three principles serve as important indicators in assessing investigative actions. The judge positioned these principles as standards in pretrial review. This approach reflects an orientation toward good governance in law enforcement.

The judge further emphasized that suspects retain their legal rights, which must be respected. The Criminal Procedure Code places suspects as legal subjects possessing dignity and human worth. Criminal proceedings must not disregard the humanitarian aspect. Protection of suspect rights is an essential component of modern legal systems. Pretrial proceedings serve as a mechanism to ensure such protection. This consideration demonstrates that the judge took human rights aspects into account in the decision.

The assessment of the Applicant's evidence shows that the judge applied a strict evidentiary standard. Evidence in the form of photocopies and electronic documents was deemed not to meet formal and material requirements. The judge referred to Supreme Court jurisprudence requiring that photocopies be supported by other valid evidence. Electronic evidence must also comply with the provisions of the Electronic Information and Transactions Law. Authenticity and integrity of evidence are key factors in assessment. Failure to meet these requirements resulted in the exclusion of the Applicant's evidence.

The testimony of witnesses presented by the Applicant was considered insufficient to prove the illegality of investigative actions. The facts presented merely demonstrated that legal actions had occurred. The testimony did not indicate any procedural violation. This limitation reflects weaknesses in the Applicant's evidentiary construction. Pretrial proof requires a clear connection between facts and legal violations. The absence of such a connection resulted in the rejection of the Applicant's claims. This condition became one of the bases for dismissing the application.

The Respondent, in this case, successfully presented evidence that was more systematic and comprehensive. The evidence covered all stages of the investigation, from the police report to the submission of the case file to the prosecutor. This series of documents demonstrates a structured legal process. Consistency among documents strengthened their evidentiary value. The judge found that the investigative procedures had been carried out in accordance with legal provisions. Such evidence formed the primary basis for the judge's consideration. The strength of the Respondent's evidence became a decisive factor in the ruling.

The consistency between documentary evidence and witness testimony presented by the Respondent further strengthened its legal position. The principle of

coherence among pieces of evidence is an essential element in the evidentiary system. The judge concluded that the evidence supported one another. This consistency established judicial confidence in the validity of the investigative process. Such an approach reflects a rational application of the evidentiary system. Coherence of evidence serves as a key indicator in judicial assessment. This strengthens the legitimacy of investigative actions.

The judge's evaluation of the arrest indicates that the procedure was carried out in accordance with the law. The arrest warrant and arrest report served as primary evidence. The Applicant failed to demonstrate any procedural violation. The mere occurrence of an arrest is insufficient to establish illegality. The judge determined that the action had a valid legal basis. This assessment shows that formal aspects were the primary focus. The arrest was therefore declared lawful.

The evaluation of detention reflects a similar pattern. The detention warrant and detention report formed the basis of proof. The judge concluded that the procedure had been conducted in accordance with legal provisions. The Applicant failed to prove any procedural violation. The absence of evidence of violation became a significant factor in the reasoning. The judge subsequently declared the detention lawful. This assessment strengthened the Respondent's position.

The Applicant's objection regarding search and seizure was rejected by the judge. The judge determined that such matters fell outside the scope of pretrial proceedings. This assessment refers to Supreme Court Circular Letter Number 7 of 2012. Examination of such actions should be conducted in the main trial. The judge emphasized the jurisdictional limits of pretrial proceedings. This rejection reflects a restriction of authority. Such limitations characterize pretrial practice.

The ruling demonstrates the dominance of a formal approach in pretrial proceedings. Procedural legality becomes the primary focus of assessment. The judge did not conduct an in-depth examination of evidentiary substance. This approach reflects the administrative nature of pretrial review. Material truth is not the primary object of examination. This approach characterizes judicial practice. This condition indicates the limitations of pretrial proceedings.

This phenomenon shows that pretrial proceedings have not yet fully functioned as an effective mechanism for human rights protection. A review limited to administrative aspects may overlook substantive justice. Evaluation of evidentiary quality becomes less optimal. The system risks upholding actions that are substantively problematic. Reform is required to strengthen the function of pretrial proceedings. Legal development must accommodate this need. Pretrial mechanisms need to be strengthened substantively.

Academic discourse reveals debates regarding the scope of pretrial authority. Some perspectives advocate for expanding the scope of pretrial review. A substantive

approach is considered capable of enhancing legal protection. Evaluation of the rationality of evidence becomes important. This debate reflects the dynamic nature of criminal procedural law. Such developments indicate the need for legal reform. Pretrial proceedings should be developed progressively.

The analysis indicates that the Applicant's main weakness lies in evidentiary issues. The evidence presented failed to establish judicial conviction. Photocopied and electronic evidence had low evidentiary value. Witness testimony did not support the claim of illegality. This condition weakened the Applicant's argument. The judge consequently relied more on the Respondent's evidence. This weakness directly influenced the outcome.

The Respondent's strength lies in the completeness of investigative documentation. The documentation demonstrates that procedures were properly followed. The evidence provided assurance to the judge. The judge concluded that the investigative actions were legally valid. This approach reflects the dominance of formal aspects. Administrative completeness becomes the main factor. This strengthens the Respondent's position.

The ruling affirms that procedural compliance is the primary factor in pretrial proceedings. Investigators who comply with procedures are likely to be deemed lawful. This assessment reflects an orientation toward formal legality. Substantive justice is not the primary focus of examination. This condition reflects current pretrial practice. The system remains procedurally oriented. This presents a challenge for legal reform.

The author's analysis suggests that the judge should have considered substantive aspects more deeply. Trial facts indicate potential procedural violations related to the delivery of documents to the suspect. The Criminal Procedure Code regulates the obligation to notify suspects and their families. Violations of these provisions may affect the legality of actions. The judge should have provided more comprehensive reasoning. This aspect is important for ensuring legal certainty. A substantive approach should be strengthened.

The expert testimony relied upon by the judge also deserves critical examination. The opinion that signed documents are automatically valid does not fully align with the Criminal Procedure Code. Legal provisions regulate procedures for delivering and notifying documents. Violations of such procedures cannot be ignored. The judge should prioritize applicable legal norms. This approach is essential to maintaining legal certainty. Expert testimony should not override statutory provisions.

The analytical conclusion indicates that this decision reflects a formalistic approach in pretrial proceedings. The judge emphasized procedural completeness and documentation. The Applicant failed to prove the illegality of investigative actions. The Respondent successfully demonstrated compliance with legal procedures. This decision affirms the character of pretrial proceedings as a formal review mechanism.

Protection of suspect rights depends on the strength of evidence presented. Reform is necessary to strengthen the substantive function of pretrial proceedings.

### CONCLUSION AND SUGGESTIONS

Pretrial Decision Number 36/Pid.Pra/2023/PN Mks, it can be concluded that the judge, in examining and adjudicating the case, placed greater emphasis on formal legality and procedural compliance carried out by law enforcement authorities, such that the determination of suspect status, arrest, and detention were declared lawful as they were supported by complete and consistent administrative evidence. This approach indicates that pretrial proceedings still function predominantly as a mechanism of administrative control, rather than fully evolving into a substantive review of the rationality and quality of evidence. The weakness of the Applicant's proof, which failed to concretely demonstrate procedural defects, became the primary factor leading to the rejection of the application, while the strength of the Respondent lay in the systematic and legally compliant documentation of the investigation. This condition confirms that the effectiveness of protecting suspects' rights in pretrial proceedings largely depends on the quality of evidence presented by the parties. Therefore, it is recommended that pretrial judges in the future should not merely focus on procedural formalities, but also begin to expand their review toward substantive aspects within the limits permitted by law in order to ensure more comprehensive justice. Strengthening the capacity of the parties in developing evidentiary strategies, as well as the need for regulatory reform to clarify evidentiary standards and expand the scope of pretrial authority, constitutes an important step in enhancing the effectiveness of this institution as a mechanism for the protection of human rights within the criminal justice system.

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