Symbolic Domination in the Regulation of the Indonesia Supreme Court Number 4 of 2016 Concerning the Prohibition of Reviewing Pre-Trial Decisions

Zulkarnain[1*] Rocky Marbun[2]

[1]*Faculty of Law (University of Widyagama Malang), Malang, Indonesia*
[2] *Faculty of Law (Pancasila University), Jakarta, Indonesia*
[*]*Corresponding author. Email: zulkarnain@widyagama.ac.id*

ABSTRACT
Pretrial, as provided for in Article 77 of the Criminal Procedure Code, as common sense, is a representation of the idea of respect for human rights and legal protection of suspects who are currently under investigation at the pre-adjudication. However, since the Constitutional Court Decision Number 021/PUU-XII/2014, pretrial as the authority of the District Court is in an anomalous position. Where, there has been a paradigm shift, which has renewed the understanding of pretrial. However, there was a legal vacuum at the technical level. Thus, the Supreme Court as the holder of authority produces knowledge by issuing Supreme Court Regulation Number 4 of 2016 which is symbolic dominance in pretrial procedural law. Therefore, the researchers propose a formulation of the problem as a limitation in this study is, "How can the Supreme Court Regulation No. 4 of 2016 has functioned as a symbolic domination through the study of Trichotomy Relation?" This study uses a legal research method using a critical sociological approach — in addition to the commonly used approach, it is based on a critical paradigm while still using secondary data. The results of this study indicate an effort to produce knowledge to maintain the formality aspect a symbolic domination. Meanwhile, the conclusions of this study indicate the existence of truth-games through the rationalization of knowledge based on the trinity of power of the Supreme Court. Thus, these regulations need to be reformulated.
Keywords: *symbolic domination; trichotomy relation; pretrial; pre-adjudication.*

1. INTRODUCTION

The idea of being accommodated by the principle of the rule of law in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945)—as contained in Article 1 paragraph (3), shows the existence of the founding father's desire so that the implementation of state and government administration does not rely on the individual-authoritative attitude, but based on authoritative texts (law)[1][2]. However, submission to an authoritative text should also consider the temporal nature of the regulation based on the mystical atmosphere at the time of its formation[3].

Based on the awareness of every legal person of the dynamic nature of the development of public thought which causes the law itself to always limp behind legal and social facts [4][5], then amendment or revocation of the existence of an authoritative text, is not a prohibition in any legal system anywhere. However, legal reform will not work, when the implementation of legal politics in a process of forming a legal system is only partially implemented[6]. This means that legal reform is only in the field of substance and structure, which is a necessity for functional legal texts. Updates in these two fields should be accompanied by a model of renewal of the accompanying science[7][8].

The paradigm shift that gave rise to the renewal of science itself is, in essence, an anomaly in the steady legal relationship[9], which in the end becomes anomie in judicial practice[10]. This anomalous and anomie situation, in the realm of criminal law, can be seen in the Indonesia Constitutional Court Decision Number 21/PUU- XII/2014 dated 28 April 2015 (hereinafter referred to as CC Decision No. 21/2014), by carrying out two new legal concepts, namely modified coercion. and potential suspects. The two legal concepts were raised within the framework of shifting the formalistic paradigm in the implementation of pretrial procedural law in the District Court.

In relation to the anomalous and anomie conditions, constitutionally and statutory regulations, the Supreme

Court has the power and authority to ensure the implementation of state justice. As an institution that has the authority, therefore, the Supreme Court produces knowledge through discovery mechanisms and laws in the Indonesia Supreme Court Regulation Number 4 of 2016 concerning the Prohibition of Reviewing Pretrial Decisions (hereinafter referred to as PERMA No. 4/2016).

This power and authority is a grand narrative in the Indonesian Criminal Justice System which is seen as a myth or things that are assumed to be true without conceptual debate[11]. Truth-games through a process of rationalization to produce knowledge in the form of language or words (both spoken and written) as truth-telling[12], has been demonstrated by the Supreme Court in responding to the Constitutional Court of Republic Indonesia Decision Number 34/PUUXI/2013 dated March 6, 2014 (hereinafter referred to as CC Decision No. 34/2013) which states that Article 268 paragraph (3) of the Criminal Procedure Code is contrary to the 1945 Constitution of the Republic of Indonesia and has no power binding law. The convict can thus reproduce more than once to find material for courage.

The interesting thing, regarding the truth-games of the Supreme Court, to be studied in a multidisciplinary scientific manner is the phenomenon of symbolic violence (dominance) as a result of the rationalization of the trinity of power, in order to maintain the *doxas* in the Criminal Justice System, namely PERMA No. 4/2016 mentioned above. Looking from a normative juridical perspective, the inability to reach the ideology behind PERMA No. 4/2016. Scientific studies through normative juridical methods must be considered the final legal discourse when a regulation based on the trinity of power is adopted.

The throwing (*gowerfen-sein*) of the district court's authority to carry out pretrials into a formalistic-legalistic fact has been deconstructed by the CC Decision No. 21/2014 by bringing up a new legal principle/principle, namely the principle of prudence, and the principle of balance of examination, namely the examination of potential suspects before being designated as suspects. Instead of carrying out this mandate, the Supreme Court as the authority holder, is producing knowledge again—in legal science, it is known as law discovery and law creation activities, as outlined in PERMA No. 4/2016, which maintains the formalistic nature of pretrial procedural law. The researcher proposes a limitation of the problem in this study related to "How is a PERMA No. 4/2016 concerning the Prohibition of Reviewing Pretrial Decisions as a symbolic dominance in the pretrial application process in Indonesia?"

2. METHODS

This research was carried out using the normative juridical method—while still using the usual approach model in the normative juridical method, however, according to Johnny Ibrahim, one of the advantages of this method is that it is allowed to use various models of research approaches[13]. Legal discourse, in relation to disputes over the meaning of the binding and final power of a Constitutional Court decision, as stated by Sucahyono in his research [14], only suggests a comparison of the superior nature of the Constitutional Court's decision (or *erga omnes*) by comparing it to the nature of the court's decision which is superior-inferior (or interpartes). However, it does not directly contribute to how the Supreme Court should react to the decisions of the Constitutional Court. The same thing is also seen in the research conducted by Erdianto Effendi [15], where there is an attempt to make a meaningful contribution to the concept of "Prospective Suspect", however, what happens is a form of presupposition of the truth of meaning through the process of synonymizing the concept of "Reported".

3. RESULT AND DISCUSSION

I. THE CONCEPT OF SYMBOLIC DOMINATION FROM PIERRE- FELIX BOURDIEU

Bourdieu was one of the leaders of the cultural sociology, which created new ideas on the method of constructive structuralism. Through this method, Bourdieu synthesizes a theory that emphasizes structure and objectivity with a theory that emphasizes the role of actors and subjectivity[16]. To address the subjectivist-objectivist dilemma, Bourdieu focuses his attention on practices he sees as a result of the dialectical relationship between structure and agency (social) practice is neither objectively determined nor a product of free will. Bourdieu labels his orientation with the concept of constructivist structuralism, structuralist constructivism, or genetic structuralism, which is defined as an analysis of objective structures located in different arenas, inseparable from the analysis of genesis, in the biological individual, from mental structures which are to some

extent is the product of a combination of social structures; which is also inseparable from this analysis of social structure: social space, and the groups that govern it, are the product of historical struggles (in which agents participate according to their position in the social space and according to the mental structures they use to make sense of this space) [17].

The main instrument used by Bourdieu in understanding social reality—which later became Bourdieu's product in the form of Social Praxis Theory, was the concept of habitus and the concept of field, as well as strategies for achieving and maintaining power[18]. Bourdieu's basic ideas crystallized in several general concepts, namely *habitus*, capital, field, distinction, power of symbols and violence of symbols. According to Bourdieu, social science must be able to analyze the mechanism of domination so that it can become an instrument of liberation for those who are dominated.[19] *Habitus*, in Latin, is something that is not natural [non- natural], a set of characters acquired as a result of social conditions and therefore can be wholly or partially the same in people who are the product of social conditions. There is another difference that follows the fact that habitus is not something natural or innate. Being a product of history, that is, of social and educational experience, means that it can be changed by history, i.e. by new experiences, education or training. Each dimension of the habitus is very difficult to change, but it can be changed through the process of awareness and pedagogical efforts.[20]

Habitus is a mental or cognitive structure with which people relate to the social world. People are provided with a set of internalized schemas that they use to perceive, understand, appreciate, and evaluate the social world. Dialectically, habitus is a product of the internalization of the structure of the social world, in fact we can think of habitus as common sense, they reflect the objective divisions in class structures.[21] A simpler and easier to understand definition, habitus are values that are internalized by humans, and are created through a process of socializing values that lasts a long time, so that they settle into ways of thinking and patterns of behavior that settle within the human being, and become patterns of physical behavior, and ways of thinking that are internalized, originating from the surrounding environment.[22]

The second concept in construct the Social Praxis Theory by Bourdieu is capital[23]. The important characteristics of capital are: capital accumulates through investment, can be given to others through inheritance, gives benefits according to the opportunity owned by the owner to operate the placement.[19] The third concept of Social Praxis Theory is a field, which Bourdieu explains, is a social space or competitive space that contains a variety of interactions, transactions, or events. In the social arena, there are positions of social agents (humans or institutions), there are limitations on what is allowed/not allowed, there are doksa (rules that are no longer questioned because they are considered natural). In the social arena too, there are competitions used by Social agents a variety of strategies to maintain or improve their position related to habitus and capital.[24]

Klinden and Binawan try to interpret the habitus initiated by Bourdieu with seven important elements[25]. First, Habitus is a historical product that produces individual or collective practices/behaviors. Second, Habitus is a structure shaped and formed by the social world. Third, Habitus is a structuring structure, cause has become an awareness and attitude that is embedded in every self. Fourth, habitus it can be transferred to other social conditions and is therefore transposable, or in other words habitus it is very possible to give birth to other social habits. Fifth, Habitus is pre-conscious. Habitus is not the result of reflection or rational consideration. Sixth, habitus is regular and patterned, but not subject to certain rules. Seventh, Habitus can be directed to the goals and results of certain actions, but without a conscious intention to achieve these results and also without the mastery of special intelligence to achieve them.

II. SUPREME COURT REGULATION NUMBER 4 OF 2016 CONCERNING THE PROHIBITION OF REVIEWING PRETRIAL DECISIONS AS SYMBOLIC DOMINATION IN PRETRIAL

Juridically-sociologically, Soerjono Soekanto articulated a law enforcement process as an effort to harmonize values in a norm (rules) through discretion that would be detected as an attitude of action (behavior) of law enforcement officers[26]. Therefore, the model of reasoning and argumentation through the mechanism of legal discovery against these legal norms will manifest into a form of legal behavior through the instrument of free authority (discretion) of each law enforcement officer. Thus, how a law enforcer behaves is very dependent on how he understands the existing legal

norms. According to J.A. Pontier, the discovery of law as an attempt to interpret in essence-is an act of a public authority (government action, *overheidshandelen*) and is a monopoly of public authority (*overheidsmonopolie*) so that it can obtain assistance by using violence—in Gramsi language style it is called domination. Thus, the entire landscape of criminal law enforcement runs in this way[27]. The two views has shown the existence of a model of the game of power (trinity of power) related to how the holder of power gives meaning to the power and authority they have. One of the efforts to interpret authoritative texts based on these powers and authorities is as shown by the Indonesian Supreme Court which issued a legal product (decision) after the Constitutional Court issued a legal product in the form of a decision.[28].

The very basic difference between the decisions issued by the Constitutional Court and other judicial institutions is regarding further legal remedies for their decisions. The Constitutional Court's decision requires follow-up actions to realize it and create another institution for the assessment, but the final and binding power of the Constitutional Court's decision cannot be implemented concretely (cannot be executed) and only floating execution. Likewise, when the Constitutional Court issued its legal product in the form of the CC Decision No. 21/2014, the Supreme Court immediately issued PERMA No. 4/2016 [29].

It is interesting to trace the basic intentions of PERMA No. 4/2016 is related to the legal considerations of the CC Decision No. 21/2014 which emphasizes:

> "That the nature of the existence of pretrial institutions is as a form of supervision and objection mechanism to the law enforcement process which is closely related to guaranteeing the protection of human rights so that in its time the pretrial rules were considered as part of the masterpiece of the Criminal Procedure Code. Along the way, it turns out that the pretrial institution cannot function optimally because it is unable to answer the problems that exist in the pre-adjudication process. The supervisory function played by the pretrial institution is only posted facto so that it does not arrive at the investigation and the examination is only formal in nature which prioritizes the objective element, while the subjective element cannot be monitored by the court. This actually causes pretrials to be trapped only on matters that are formal in nature and are limited to administrative problems so that they are far from the essence of the existence of pretrial institutions."

When observing the legal considerations in the CC Decision No. 21/2014, then at least there are several novelties as a form of renewal of pretrial procedural law. First, there is an affirmation of the paradigm that pretrial is a legal instrument that guarantees the protection of human rights. Second, pretrial, at the time of the CC Decision No. 21/2014 is pronounced, only formal. Third, the Constitutional Court wants the examination in the pretrial process not to be post facto. Fourth, the consequence is that the Constitutional Court ordered that the object of the pretrial examination must reach the realm of investigation. Fifth, the subjective element also becomes the object of pretrial. Sixth, violation of the precautionary principle becomes the object of pretrial. Seventh, the inspection process must be carried out in a balanced manner.

Referring to the paradigm shift (pattern of thinking) in interpreting the pretrial object, then normatively, there are several valid reasons for the sake of law. First, article 24 paragraph (1) of the Indonesia Constitution in conjunction with Article 1 number 1 of Law no. 48/2009 has given power to the Supreme Court, equivalent to the Constitutional Court, to administer state courts. Second, article 2 paragraph (3) of Law no. 48/2009 by basing it on the theory of authority, then the Supreme Court has the right and obligation to make an appropriate and appropriate rule to be applied to all judicial environments under the Supreme Court, including the District Court. Third, article 1 number 10 of the Criminal Procedure Code in conjunction with Article 77 of the Criminal Procedure Code emphasizes that pretrial is a form of authority that is attribution owned by the District Court. Fourth, article 8 paragraph (2) of Law Number 12 of 2011 concerning the Establishment of Legislation, as last amended by Law Number 15 of 2019 confirms that "The laws and regulations as referred to in paragraph (1) are recognized for their existence and have binding legal force as long as they are ordered by higher laws and regulations or are formed based on authority". Fifth, the PERMA No. 4/2016 has been included in the State Gazette of the Republic of Indonesia Year 2016 Number 596, so that it has binding legal force.

Novelty in the CC Decision No. 21/2014 is a paradigm shift in pretrial procedural law, however, in Article 2 paragraph (4) PERMA No. 4/2016 emphasizes "…the proof only checks the formal aspects". The

Supreme Court as the owner of the authority, in producing the knowledge contained in PERMA No. 4/2016, seeks to maintain the logic of common sense that grows and develops in the realm of criminal justice practice. Procedural law in pretrial is civil procedural law, so that the object examined in the pretrial is administrative in nature, cause due to the fact that pretrial submissions are petitions, and the absence of clear legal norms in the Criminal Procedure Code[30].

The determination of the Supreme Court's position is not without basis, apart from the existence of an argument in which the Criminal Procedure Code does not explicitly contain pretrial procedural law and refers to the nomenclature of pretrial submissions as petitions-which incidentally the nomenclature of the petition is known in civil procedural law, it has become common sense that the choice of civil procedural law is the most logical. However, this logical choice, if it is related to the philosophical basis in the Considerations Letters a and c of the Criminal Procedure Code, is a fallacy.

The choice of civil procedural law, as procedural law in pretrial, cannot be separated from the phenomenon of anachronisms (historical deviations) that occur, namely with efforts that should also be assumed to have the seeds of hedonistic-egoistic ethics by rejecting the discourse of "Judges Commissioner" who was promoted in the 1974 Draft Criminal Procedure Code as a preliminary examining judge against all legal actions of investigators and public prosecutors. The indication is the emergence of rejections from the two law enforcement institutions. Where the biggest rejection came from the prosecutor's office who objected to the existence of a commissioner judge. The police also strongly object to the concept of the commissioner judge, especially as a preliminary examination, where the object of supervision is the authority of the Prosecutor's Office in accordance with the existing regulations in HIR, the Basic Police Act, and the Basic Prosecutor's Act[31]. In fact, to this day, rejection of the "Preliminary Examining Judge" discourse still occurs, especially by the Police.

These refusal it becomes one of the reasoning bases to maintain common sense, that pretrial judges—normatively, are able to avoid conceptual debates in the realm of investigation. Andi Hamzah, who explained that the obstacles and delays occurred due to several factors, especially psychological factors faced by law enforcement officials [30]. Thus, the Supreme Court has consciously absorbed habitus, namely procedural law pretrial is civil procedural law as a part of criminal law praxis. This means that the vacuum of procedural law in the Criminal Procedure Code against pretrial has been internalized and externalized in the form of a doxa that pretrial procedural law is Civil Procedure Law.

This shows that there is a shift in the ideological aspect (interest) when there is a habitus intersection—because of its transposable nature, in the same field. Thus, the agents—in this case are individual judges, using the legal discovery mechanism—which are normatively recognized in Article 5 paragraph (1) of Law no. 48/2009 and based on the principle of independence and independence of judges, as a strategy to shift the existing doxa. Therefore, as long as there is no habitus intersection, PERMA No. 4/2016, is a form of legal communication based on the trinity of power in producing knowledge through truth-games to defend doxa and ideology (interests) by eliminating their emancipatory nature.

In the study of the Relationship Trichotomy[32], the behavior of the Supreme Court—as the holder of judicial power, shows a pattern of rationalization in the knowledge production process as outlined in the regulation. Thus, the regulation will appear legitimate, because it is packaged in a normative juridical manner based on its power and authority. The power to produce such knowledge—besides being legal, has been designed in such a way that no legal action can be taken against the rule. Thus, PERMA No. 4/2016 is not only hegemony, but at the same time also dominates the pattern of legal thought that is directed like this[33][34].

The Supreme Court, instrumentally, places itself in the position of "the central" in the discourse of criminal procedural law. This shows that certainty and order in the practice of criminal justice are only in its own interest to maintain the status quo. The binary opposition of "the central", makes the other party into the binary opposition of "the other". Thus, when the Supreme Court rationalizes the production of knowledge as truth-games, then he has objectified. The Supreme Court has thought and looked at "the other" in material terms (reification), and not as Indonesian people who deserve to be protected by their legal rights and human rights.

4. CONCLUSION

The issuance of PERMA No. 4/2016 concerning the Prohibition of Reviewing Pretrial Decisions is an attempt to dominate doxa in pretrial procedural law, namely the

Civil Procedure Code. Thus, the process of examining pretrial objects still relies on a habitus, namely a formal pretrial examination. This symbolic domination as a production of knowledge based on the trinity of power from the Supreme Court which has become a rationalized truth- game. The Supreme Court takes the position as "the central" and the community as "the other" in the pretrial process. It is important to come up with a legal instrument as a legal remedy that can test PERMA No. 4/2016, in the framework of thinking on the fulfillment of respect for human rights in the realm of criminal justice.

ACKNOWLEDGMENT

The researcher expresses his gratitude for the support given by the Dean of Faculty of Law, Widyagama Malang University and the Dean of the Faculty of Law, Pancasila University, as well as to fellow lecturers who helped provide many suggestions.

References

[1] J. M. Gaffar, *Demokrasi Konstitusional. Praktik ketatanegaraan Indonesia Setelah Perubahan UUD 1945*. Jakarta: Konstitusi Press, 2012.
[2] M. Muntoha, "Demokrasi Dan Negara Hukum," *J. Huk. Ius Quia Iustum*, vol. 16, no. 3, pp. 379–395, 2009.
[3] P. Wahjono, *Indonesia Negara Berdasarkan Atas Hukum*. Jakarta: Ghalia Indonesia, 1986.
[4] K. N. Hansel and H. Firmansyah, "Urgensi Sistem Hukum Berbasis Legal Community Empowerment Dalam Upaya Meminimalisasi Korban Perdagangan Untuk Tujuan Seksual Terhadap Perempuan Di Indonesia," *Era Huk.*, vol. 2, no. 2, pp. 234–266, 2017.
[5] S. Raharjo, "Reformasi menuju Hukum Progresif," *Unisia*, vol. 27, no. 53, pp. 238–241, Sep. 2004.
[6] Y. A. Fajrin and A. F. Triwijaya, "Pencegahan Korupsi Melalui Pencabutan Hak Politik Sebuah Telaah dari Perspektif Pembaruan Hukum Pidana Indonesia," *Pandecta Res. Law J.*, vol. 15, no. 1, pp. 53–63, 2020.
[7] B. N. Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: Citra Aditya Bakti, 1998.
[8] S. Sudarto, *Pembaharuan Hukum Pidana di Indonesia*. Jakarta: Bina Cipta, 1986.
[9] M. Ali, "Sistem Peradilan Pidana Progresif; Alternatif dalam Penegakan Hukum Pidana," *J. Huk. IUS QUIA IUSTUM*, vol. 14, no. 2, pp. 210–229, Mar. 2007.
[10] R. Syahra, "Anomie di tengah perubahan sosial," *Masy. dan Budaya*, vol. 3, no. 1, pp. 1–19, 2000.
[11] R. Marbun, "Narasi Tunggal (Grand Narrative) Penegakan Hukum Terhadap Tindak Pidana Korupsi: Suatu Keterlemparan dalam Simulacra," *Soumater Law Rev.*, vol. 3, no. 1, pp. 93–106, 2020.
[12] K. Kebung, "Michel Foucault: Intelektual Spesifik Versus Intelektual Universal," *Diskurs. - J. FILSAFAT DAN Teol. STF DRIYARKARA*, vol. 16, no. 2, pp. 138–157, Dec. 2017.
[13] J. Ibrahim, *Teori dan Metodologi Penelitian*. Malang: Bayumedia Publishing, 2005.
[14] S. Sucahyono, "Erga Omnes Terhadap Putusan Mahkamah Konstitusi Dalam Perspektif Pembentukan Peraturan Perundang-Undangan," *SALAM J. Sos. dan Budaya Syar-i*, vol. 6, no. 4, pp. 331–342, Dec. 2019.
[15] E. Effendi, "Relevansi Pemeriksaan Calon Tersangka sebelum Penetapan Tersangka," *Undang J. Huk.*, vol. 3, no. 2, pp. 267–288, Dec. 2020.
[16] M. Siregar, "Teori 'Gado-gado' Pierre-Felix Bourdieu," *J. Stud. Kult.*, vol. 1, no. 2, pp. 79–82, 2016.
[17] M. Adib, "Agen dan Struktur dalam Pandangan Piere Bourdieu," *BioKultur*, vol. I, no. 2, pp. 91–110, 2012.
[18] H. Haryatmoko, "Menyingkap Kepalsuan Budaya Penguasa: Landasan Teoretis Gerakan Sosial menurut Pierre Bordieau," *Majalah Basis*, pp. 11–12, 2003.
[19] E. P. Wuriyani, "Mengenal Pemikiran Pierre Bourdieu Untuk Sastra," *J. Edukasi Kult. J. Bahasa, Sastra dan Budaya*, vol. 7, no. 1, pp. 7–11, 2021.
[20] P. Bourdieu, "Habitus: Sebuah Perasan atas Tempat," *J. Kaji. Ruang Sos.*, vol. 1, no. 2, pp. 153–159, 2018.
[21] G. Ritzer and D. J. Goodman, *Teori Sosiologi : Dari Teori Sosiologi Klasik Sampai Perkembangan Mutakhir Teori Sosial Postmodern*. Yogyakarta: Pustaka Pelajar, 2012.
[22] F. Faiz, "'Pierre Bourdieu,' Masjid Jendral Soedirman," *Media Koentji*, 2017. .
[23] N. Krisdinanto, "Pierre Bourdieu, Sang Juru Damai," *KANAL J. Ilmu Komun.*, vol. 2, no. 2, p. 189, Oct. 2016.
[24] N. I. Fatmawati, "Pierre Bourdieu Dan Konsep Dasar Kekerasan Simbolik," *Madani J. Polit. dan Sos. Kemasyarakatan*, vol. 12, no. 1, pp. 41–60, Feb. 2020.
[25] N. Husni, "Mengenal Habitus dan Interaksi Sosial," *PADEBOOKS*, 2018. [Online]. Available: http://padebooks.com/blog/2018/03/21/mengenal-habitus-dan-%0Ainteraksi-sosial/.
[26] S. Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakkan Hukum*. Jakarta: Raja Grafindo Persada, 2014.
[27] J. . Pontier, *Rechtsvinding (Penemuan Hukum)*. Jakarta: Jendela Mas Pustaka, 2008.
[28] M. A. Maulidi, "Problematika Hukum Implementasi Putusan Final Dan Mengikat Mahkamah Konstitusi Perspektif Negara Hukum," *J. Huk. Ius Quia Iustum*, vol. 24, no. 4, pp. 535–557, Oct. 2017.
[29] Mahkamah Konstitusi Republik Indonesia, "Putusan Mahkamah Konstitusi Nomor 21/PUU-XII/2014." Mahkamah Konstitusi, Jakarta, 2015.
[30] D. Nurahman, "Kebijakan Rekonstruksi Pengaturan Hakim Pemeriksa Pendahuluan Dalam Kitab Undang-Undang Hukum Acara Pidana Tahun 2015," *Pranatan Huk.*, vol. 10, no. 2, pp. 158–180, 2015.
[31] S. W. Eddyono and E. Napitupulu, "Prospek Hakim Pemeriksa Pendahuluan dalam Pengawasan Penahanan Dalam Rancangan KUHAP," *Policy Pap.*, vol. 3/2014, no. Institute for Criminal Justice Reform, pp. 1–46, 2014.
[32] R. Marbun, "Komunikasi Instrumental Berbasis Trikotomi Relasi: Kewenangan Interpretasi Penyidik DalamMenetapkan Seseorang Sebagai Tersangka," *J. Huk. Pidana Kriminologi*, vol. 2, no. 1, pp. 20–33, 2021.
[33] R. Marbun, "Trikotomi Relasi dalam Penetapan Tersangka: Menguji Frasa 'Pemeriksaan Calon Tersangka' Melalui Praperadilan," *Undang J. Huk.*, vol. 4, no. 1, pp. 159–190, Jun. 2021.
[34] R. Marbun, W. Oedoyo, and D. M. Sinaga, "Logika Monolog Dalam Trikotomi Relasi Pada Proses Pra-Adjudikasi," *J. USM Law Rev.*, vol. 4, no. 1, pp. 1–26, 2021.