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Legal Education, Justice, and Certainty: An Analysis of Suspect Determination by the Indonesian Police

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ABSTRACT

This study examined the determination of suspect status by the Indonesian justice (gerechtigkeit), human rights, and legal education. The research problem centers on the ambiguity of Article 1 point 14 of Law Number 8 of 1981 on the Criminal Procedure Law (KUHAP), which fails to define "preliminary evidence" and does not specify a time limit for maintaining suspect statusresulting in potential procedural injustice and human rights violations. Employing a normative juridical method, the study analyzes statutory, conceptual, and philosophical sources, complemented by comparative insights from European and American law enforcement education systems. Findings reveal that the absence of clear procedural boundaries in KUHAP undermines both legal certainty and justice, as individuals may remain suspects indefinitely without trial. The study underscores that effective and fair law enforcement cannot be achieved solely through statutory reform but must be supported by comprehensive legal education that strengthens ethical reasoning, human rights awareness, and professional accountability among police officers. Comparative evidence shows that human rights based and justice-oriented education enhances procedural discipline, decision-making integrity, and institutional accountability. The study concludes that achieving true legal certainty and justice requires integrating legal education reform with legislative improvement to ensure that the enforcement of criminal law upholds human dignity and due process.

Keywords: criminal procedure; education; human rights; legal certainty; legal education; police accountability; suspect determination.

INTRODUCTION

Education plays a central role in realizing justice and legal certainty within a society governed by law. Legal education, both formal and informal, serves as the foundation for developing rechtsbewustzijn (legal awareness) among citizens. Without adequate understanding of their rights and obligations, individuals are prone to becoming victims of legal uncertainty and procedural injustice. Recent research emphasizes that legal education significantly improves public awareness and compliance with legal norms, thereby strengthening the culture of law in Indonesia (Febrianty, et al, 2025).

In Indonesia, legal education is not confined to law schools or professional training for police officers, prosecutors, and judges. It must also extend to the broader community through civic education, dissemination programs, and public legal counseling (penyuluhan hukum). These initiatives enhance public trust in the justice system and ensure that the law functions not merely as a coercive instrument but as a guide toward fairness, protection, and order (Hanifah, 2025).

Universities play a strategic role in shaping critical, ethical, and humanistic reasoning among future law enforcers. The integration of courses on legal ethics, human rights, and restorative justice helps produce graduates who are not only technically competent but also morally responsible. Incorporating real-world cases such as the Hasya Attalah Syaputra incident into legal education allows students to critically analyze the tension between procedural legality, moral justice, and human dignity. This approach is vital for building future law enforcers who prioritize justice over mere formalistic certainty (Febrianty et al., 2025).

For police education specifically, curriculum reform should place greater emphasis on human rights, proportionality, and procedural fairness. Continuous training and evaluation must be conducted to ensure that officers internalize the principle that every enforcement act must harmonize rechtmatigheid (legal certainty) with gerechtigheid (justice). Strengthening such educational dimensions helps prevent arbitrary actions, abuse of authority, and misinterpretation of legal provisions that undermine justice and human rights (Hanifah, 2025).

Ultimately, reinforcing legal education both among law enforcement officials and the general public—serves as an essential preventive mechanism against violations of justice and human rights. A legally educated society is one that understands the boundaries of state power, respects the rule of law, and upholds human dignity as a nonnegotiable value in every aspect of law enforcement.

If law enforcement is carried out properly, the ultimate goals of law justice, order, and legal certainty can be realized. Effective law enforcement requires institutions responsible for enforcing the law to perform their duties, powers, and functions in a proportional and coordinated manner. This performance must be supported by a strong legal framework, public awareness of legal norms, and adequate infrastructure. At the same time, legal education plays a pivotal role in building the competence, integrity, and ethical consciousness of law enforcement officials. A sustainable justice system cannot function without law enforcers who are intellectually trained and morally grounded (Hanifah, 2025).

In Indonesia, judges, prosecutors, police officers, and advocates are commonly recognized as law enforcement authorities. In addition, specialized government bodies such as the Directorate General of Taxes, the Directorate General of Customs, and the Directorate General of Immigration also carry out enforcement functions in specific domains. Among these, the Indonesian National Police (POLRI) occupy a central position, not only as protectors of public order and security but also as key agents in shaping the living law (hukum yang hidup) in society. Through their daily duties, the police transform abstract legal principles into concrete actions that affect citizens

directly. Therefore, continuous professional education—particularly in areas of legal ethics, procedural fairness, and human rights is crucial to ensure that police officers uphold both legal certainty (rechtmatigheid) and justice (gerechtigheid) in their practice (Febrianty et al., 2025).

Legal education for law enforcement officers must not only teach legal doctrines but also emphasize critical reasoning, empathy, and accountability. As Hanifah (2025) argues, the culture of law in Indonesia remains weak largely because law enforcement personnel are often insufficiently trained to internalize justice-oriented values. The reform of police and judicial education programs should therefore focus on integrating human rights education, professional ethics, and restorative justice frameworks to prevent the misuse of authority and the distortion of legal processes.

Toward the end of 2022, an incident emerged that attracted widespread attention among academics, practitioners, and the public the case of Muhammad Hasya Attalah Syaputra, a 17-year-old University of Indonesia student who died on October 6, 2022, after being struck by a vehicle driven by a retired police officer. The controversy deepened when the police later designated Hasya who was the victim as the suspect under Article 310 paragraph (4) of Law Number 22 of 2009 on Road Traffic and Transportation. Because the suspect had already passed away, the case was closed through an Order to Stop Investigation (SP3) No. B/17/I/2023/LLJS.

This action was met with public outrage. Legal and transportation experts such as Bambang Rukminto and Azas Tigor Nainggolan argued that the decision contradicted both legal reasoning and moral justice. Student organizations, including the University of Indonesia Student Executive Board (BEM UI), criticized the case as another example of systemic abuse within law enforcement institutions. Such controversies underline the urgent need to reform legal and police education to strengthen ethical awareness, procedural integrity, and public trust in law enforcement institutions (Febrianty et al., 2025).

A similar phenomenon has occurred globally, such as in the United States with the George Floyd case (2020), which prompted international calls for reforming police training and legal education. Studies following the incident revealed that deficiencies in ethics-based and de-escalation training contributed to excessive use of force by officers. In response, several police academies and law schools introduced new curricula emphasizing human rights, anti-bias education, and procedural justice, aiming to build a policing culture grounded in empathy and accountability (Terrill & Reisig, 2023; Stoughton, Alpert, & Noble, 2024). The global lesson is clear: education is the foundation of just law enforcement. Where professional and moral education of law enforcers improves, cases of abuse of authority tend to decline, and public confidence in justice institutions increases.

Furthermore, the role of legal education extends beyond the classroom; it forms the ethical and intellectual foundation of justice institutions. Research has shown that legal education significantly affects judicial performance, police accountability, and public perceptions of crime prevention in Indonesia (Heriyanto, 2023). In the broader global context, Kleygrewe et al. (2022) found that effective law enforcement education

programs in European countries are characterized by continuous training, ethical reflection, and inter-institutional collaboration. Such education equips officers to respond to complex social and legal challenges with professionalism and empathy.

In the United States, similar findings underscore that education within law enforcement whether through higher education or specialized academy programs plays a critical role in promoting professionalism and accountability (Travis, n.d.; Eastman& McCain, n.d.). These studies collectively affirm that law enforcement education should go beyond technical competence to include moral reasoning, human rights awareness, and civic responsibility. When law enforcers are educated not only as practitioners but as reflective legal thinkers, the balance between legal certainty (rechtmatigheid) and justice (gerechtigheid) becomes more achievable within both national and international frameworks.

Given the absence of scholarly discussion linking the Hasya case to the triadic legal values of justice, certainty, and utility as well as the broader role of education in shaping professional conduct—this study seeks to examine the issue through the title: "Legal Education, Justice, and Certainty: An Analysis of Suspect Determination by the Indonesian Police."

METHOD

This study employs a normative juridical method (yuridis normatif) to analyze the determination of suspect status by law enforcement in Indonesia through the lens of legal certainty, justice, and human rights. The research relies on statutory, conceptual, comparative, and philosophical approaches to examine both the textual and ethical dimensions of law enforcement. The statutory approach refers to the Criminal Procedure Law (Law No. 8 of 1981) and the Human Rights Law (Law No. 39 of 1999), while the conceptual and philosophical approaches draw upon the theories of Gustav Radbruch on the triadic values of law rechtmatigkeit (certainty), gerechtigkeit (justice), and zweckmäßigkeit (utility) and Utrecht's doctrine of legal certainty.

The comparative dimension includes perspectives from international practices such as European and American models of police education, which emphasize ethical reasoning and procedural fairness (Kleygrewe, Hoffmann, & Kleinmann, 2022; Stoughton, Alpert, & Noble, 2024). The study utilizes secondary data collected through library research, including legislation, scholarly articles, and expert opinions (Atmasasmita, 2014; Heriyanto, 2023; Hanifah, 2025). Data analysis is qualitative and descriptive, involving systematic and analytical interpretation of legal norms to evaluate their consistency and practical application in protecting human rights.

The study further applies a prescriptive evaluation to formulate recommendations for reforming legal and police education so that law enforcement officers can implement justice-oriented certainty. Fundamentally, this method assumes that law without educational and ethical grounding cannot realize true legal certainty or justice, and therefore, professional education must serve as the mediating force between normative law and its humane application in society.

FINDINGS AND DISCUSSION

In connection with legal certainty as one of the core objectives of law alongside justice and utility, we are reminded of the ideas of Gustav Radbruch, a prominent German legal philosopher, who formulated the concept of three fundamental values of law: (1) the principle of legal certainty (Rechtmatigkeit), viewed from a juridical perspective; (2) the principle of justice (Gerechtigkeit), viewed from a philosophical perspective, emphasizing equality before the law; and (3) the principle of legal usefulness (Zweckmäßigkeit or Doelmatigheid), understood from a sociological and practical viewpoint. Radbruch acknowledged that these three values often conflict in real-life application, as it is not always possible for legal certainty, justice, and utility to operate harmoniously. When one prioritizes certainty, justice or benefit may be sacrificed, and vice versa. Thus, reconciling these principles requires intellectual capability and ethical awareness to interpret the spirit of the law beyond its formal text.

Even though there are differences among legal scholars, two major schools of thought dominate this debate: the positivist school, which emphasizes legal certainty, and the functionalist school, which emphasizes legal usefulness. Yet, both often overlook the fact that the philosophical essence of law lies in justice. According to Utrecht, legal certainty carries two essential meanings: first, the existence of general rules that enable individuals to know what actions are permitted or prohibited; and second, protection against arbitrary state actions, as such general rules set boundaries for government authority. The doctrine of legal certainty, rooted in juridical dogmatic thought and positivism, perceives law as autonomous and independent, a system of rules designed primarily to ensure predictability. However, this rigidity can sometimes make law appear harsh or inhumane, especially when applied without moral or contextual interpretation. Therefore, as Radbruch emphasized, "law without justice becomes the most dangerous form of injustice."

While justice may not be the sole aim of law, it remains its most substantive goal. Law enforcement, therefore, must center on justice while still upholding legal certainty and benefit through a balanced priority principle. In practice, however, conflicts often emerge for example, between the principle of justice and certainty in criminal procedural law, particularly concerning the status of a suspect. In Indonesia, a person declared as a suspect may remain under indefinite suspicion without a clear time limit. This condition creates both legal and social harm, as individuals are presumed guilty by society despite the absence of judicial confirmation. Such uncertainty undermines human rights and opens the door to potential abuse, including extortion or coercion by investigators, thereby contradicting the principle of Rechtmatigkeit itself.

From an educational perspective, these problems highlight the urgent need to strengthen the ethical and philosophical foundation of legal education among law enforcement officers. Without proper education, law enforcement becomes mechanical focused solely on procedural legality rather than substantive justice. As Heriyanto (2023) notes, the absence of continuous legal education and ethical training among police and prosecutors contributes to arbitrary decision-making in suspect determination. Meanwhile, comparative studies in Europe show that integrating legal philosophy,

human rights, and procedural fairness into law enforcement training significantly enhances professionalism and consistency in applying the law (Kleygrewe, Hoffmann, & Kleinmann, 2022). Similarly, reforms in the United States following the George Floyd case demonstrate that legal and ethical education helps bridge the gap between legal certainty and moral legitimacy (Stoughton, Alpert, & Noble, 2024).

Hence, legal certainty cannot be achieved through codified law alone it requires educated, ethical, and reflective law enforcers who can interpret and apply legal rules within a just framework. The integration of legal education, professional ethics, and human rights awareness into law enforcement curricula is therefore essential to ensure that certainty does not transform into rigidity, but rather serves as a stable foundation for justice and human dignity.

Based on the provisions of Article 1 point 14 of Law Number 8 of 1981 concerning the Criminal Procedure Law (Kitab Undang-Undang Hukum Acara Pidana or KUHAP), a suspect is defined as "a person who, because of his actions or circumstances, based on preliminary evidence, is reasonably suspected of being the perpetrator of a criminal act." This provision implies that the determination of a suspect occurs when investigators have obtained sufficient preliminary evidence (bukti permulaan yang cukup). However, this stage raises interpretive challenges, since the term "preliminary evidence" lacks precise legal parameters and largely depends on the subjective interpretation of the investigator. Consequently, disparities may arise between the investigator's assessment and the defense's perspective, creating room for dispute over what constitutes sufficient evidence.

The investigator's decision to designate a person as a suspect follows the investigation process as defined in Article 1 point 5 of KUHAP, which describes investigation as "a series of investigative actions to search for and discover an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out." The crucial question, therefore, lies in determining the criteria used by investigators to conclude that an act constitutes a criminal offense (tindak pidana) warranting investigation. In principle, such qualification requires adequate knowledge of criminal law, as investigators must be capable of identifying the legal elements that distinguish unlawful acts from those permissible under the law (Atmasasmita, 2014).

In general, a criminal act refers to an act prohibited by law or the neglect of a duty required by law, which, if committed, is subject to punishment. Such an act must contain an element of unlawfulness (unsur melawan hukum), either intentional or negligent, that violates statutory prohibitions. Once investigators conclude that an event meets these elements, the process escalates into the investigative phase, as described in Article 1 point 2 of KUHAP: "Investigation is a series of investigator's actions, according to methods regulated in this law, to collect evidence and to identify the suspect."

However, neither this article nor Article 7 paragraph (1) of KUHAP specifies when an investigation officially begins, leaving ambiguity in legal practice. Article 109 paragraph (1) provides that once an investigation begins, investigators must notify the public prosecutor. Yet, it fails to define the exact starting point of an investigation. This ambiguity has significant implications for suspects' legal protection, as it affects their

ability to defend themselves against unlawful actions or delays. Before the judicial review at the Constitutional Court, KUHAP's provisions on the quality and quantity of evidence necessary for suspect determination lacked clarity, resulting in legal uncertainty and inconsistent application.

The ambiguous wording of KUHAP allows broad discretion for investigators, leading to different interpretations between law enforcement and defendants. In practice, individuals may hold the status of "suspect" for prolonged periods without clear procedural progress. This prolonged status often results in psychological distress, social stigma, and human rights violations, as the law provides no time limit on how long a suspect can retain such status. The absence of procedural deadlines not only undermines legal certainty (rechtmatigheid) but also creates opportunities for abuse, such as coercion or extortion during investigations (Hanifah, 2025).

From an educational and professional perspective, this issue underscores the importance of enhancing law enforcement education in Indonesia. Investigators must not only understand procedural law but also internalize ethical principles, human rights awareness, and legal reasoning skills. Studies show that deficiencies in police education and professional training contribute to procedural inconsistencies and overreach in suspect determination (Heriyanto, 2023). Educational reform within POLRI's Lemdiklat (Education and Training Institute) emphasizing critical thinking, fairness, and accountability can help bridge the gap between law in books and law in action. Furthermore, comparative experiences in Europe and the United States demonstrate that continuous professional education in criminal procedure and ethics significantly enhances the fair and consistent application of suspect designation (Kleygrewe, Hoffmann, & Kleinmann, 2022; Stoughton, Alpert, & Noble, 2024).

Ultimately, ensuring legal certainty in the determination of suspects under KUHAP requires not only legislative precision but also educational competence among law enforcers. When investigators are intellectually and ethically equipped to interpret legal provisions responsibly, the criminal justice system can uphold justice without sacrificing certainty or human dignity.

Human Rights, Legal Certainty, and the Role of Education in the Determination of Suspects

Human rights are fundamental entitlements inherent in every person since conception, bestowed by Allah SWT as a divine gift, and therefore apply universally. They are not privileges granted by the state but inalienable moral and legal rights that the government must protect and regulate to ensure balance between one individual's rights and another's. Historically, the global struggle for human rights has been a struggle for justice and restraint on arbitrary power. This began in England with the Magna Charta (1215), which limited the monarchy's authority and introduced the principle that no person may be detained or punished except by due process of law. Subsequent documents such as the Petition of Right (1628), Habeas Corpus Act (1679), and Bill of Rights (1689) further solidified legal safeguards against arbitrary arrest and unfair

prosecution, setting the intellectual foundation for modern rule of law and human rights doctrines.

These principles influenced later democratic revolutions in the United States and France. In the U.S., John Locke's theory of natural rights life, liberty, and property became the moral foundation of the Declaration of Independence (1776), asserting that all humans are created equal and endowed with inalienable rights by their Creator. Similarly, the Declaration des Droits de l'Homme et du Citoyen (1789) in France proclaimed the rights of liberty, equality, and fraternity (liberté, égalité, fraternité). These ideas culminated in the Universal Declaration of Human Rights (UDHR) of 1948, adopted by the United Nations, which in Article 9 affirms that "no one shall be subjected to arbitrary arrest, detention, or exile."

In Indonesia, the 1945 Constitution (Articles 28A–28J) and Law No. 39 of 1999 on Human Rights establish the legal foundation for the protection of human rights, including the right to life, liberty, and equal treatment before the law. Article 3 paragraph (2) of Law No. 39/1999 guarantees that every person has the right to legal protection and fair treatment under the law. However, the implementation of these rights remains closely tied to the quality of legal education and professional competence among law enforcement institutions. When law enforcement officers fail to uphold procedural fairness or misuse their authority, it signifies not only a violation of legal certainty (rechtmatigheid) but also a failure of educational formation a lack of ethical and human rights awareness within the justice system (Heriyanto, 2023; Hanifah, 2025).

A case illustrating this tension is the pretrial motion filed by Muspani (2010) regarding the prolonged suspect status of Bengkulu Governor Agusrin M. Najamudin. Although he had been named a suspect since 2008, the case was left stagnant for nearly two years before the Central Jakarta District Court intervened. Judge Supraja's decision in November 2010 ordered the Prosecutor's Office to promptly submit the case to court, emphasizing that prolonged suspect status without procedural progress undermines legal certainty and violates human rights. Nevertheless, the absence of a deadline in the decision highlights the systemic weakness in Indonesia's procedural education among law enforcers reflecting gaps between formal legality and the humane enforcement of justice.

The consequences of such legal uncertainty extend beyond law to psychological well-being. Individuals who remain suspects for years experience severe social anxiety, stigmatization, and depression, which may escalate to mental health crises or suicide. This reality underscores that legal certainty is also a form of psychological and moral protection, and that human rights violations can occur not only through physical coercion but also through prolonged uncertainty and institutional neglect. Addressing this requires more than procedural reform it requires transformational education for law enforcement personnel that integrates legal knowledge, ethics, and empathy.

In this regard, education plays a strategic role in realizing human rights within law enforcement. Institutions such as Lemdiklat POLRI and the National Law Development Agency (BPHN) must embed human rights and moral reasoning into their curricula, ensuring that officers understand not only how to enforce the law but also why the law

exists to protect human dignity. Comparative research supports this. Kleygrewe, Hoffmann, and Kleinmann (2022) found that structured legal education and ethical reflection in European police academies significantly reduce procedural misconduct. Similarly, Stoughton, Alpert, and Noble (2024) observed that after the George Floyd incident, integrating human rights and procedural justice into American police education improved accountability and fairness. These findings echo Indonesia's own POLRI Presisi transformation, which emphasizes "predictive, responsible, and transparent policing with justice" as a product of professional education and continuous learning

Thus, the enforcement of human rights and legal certainty cannot rely solely on statutes or institutions it must be built upon educational foundations that cultivate justice-oriented professionalism. Law enforcers who are intellectually competent, ethically guided, and empathetically aware can balance certainty with humanity. Conversely, when education neglects these dimensions, law becomes rigid, procedural, and susceptible to abuse. In essence, legal education is not merely a career requirement but a moral duty, the process through which justice, certainty, and humanity converge in the living practice of law.

CONCLUSION

The determination of suspect status for individuals alleged to have committed a criminal act by the police is governed by Law Number 8 of 1981 on the Criminal Procedure Law (KUHAP). According to Article 1 point 14, a suspect is a person who, based on preliminary evidence, is reasonably suspected of committing a crime. However, this provision has long been criticized for its ambiguous interpretation, as it does not clearly define what constitutes "preliminary evidence" nor establish a time limit for how long someone may hold the status of a suspect.

Recognizing this ambiguity, the Constitutional Court, through its Decision No. 21/PUU-XII/2014, provided a more concrete interpretation of Article 1 point 14, Article 17, and Article 21 of KUHAP, affirming that the determination of a suspect must be supported by at least two valid pieces of evidence (minimum dua alat bukti yang sah). This decision strengthened the evidentiary standard to prevent arbitrary designation of suspects and uphold due process. However, despite this advancement, the law still does not stipulate a maximum duration for holding suspect status. The absence of such a time limit creates a legal vacuum (rechtsvacuum), allowing individuals to remain in legal limbo for indefinite periods, which poses a serious risk of human rights violations.

From the perspective of legal certainty (rechtmatigheid), this indefinite status undermines one of the fundamental objectives of criminal procedure law—ensuring fair and timely justice. Prolonged suspect status deprives individuals of social and psychological security, stigmatizes them within society, and violates the right to liberty and human dignity guaranteed by Law No. 39 of 1999 on Human Rights and Article 28D paragraph (1) of the 1945 Constitution, which guarantees fair legal treatment. In addition, this uncertainty contradicts the Universal Declaration of Human Rights (1948), which prohibits arbitrary arrest or detention.

To address this, future legal reforms should establish a definite statutory time limit for suspect status, ensuring that investigations proceed efficiently while protecting the rights of individuals. Yet, regulation alone is insufficient. The effectiveness of legal certainty also depends on the education and ethical formation of law enforcement officials. Investigators and prosecutors must be trained to interpret and apply procedural law responsibly, guided by principles of justice and human rights. As Heriyanto (2023) emphasizes, the lack of sustained legal and ethical education among police officers contributes to procedural irregularities and weak enforcement of legal safeguards.

Comparative studies reinforce this view. In Europe, the integration of human rights education and ethical reasoning into police training has proven effective in improving investigative discipline and minimizing arbitrary detentions (Kleygrewe, Hoffmann, & Kleinmann, 2022). Likewise, in the United States, Stoughton, Alpert, and Noble (2024) found that professional education emphasizing procedural justice and human rights accountability following the George Floyd case led to improved public trust and fairness in policing. Such examples demonstrate that education serves as the bridge between law and morality, ensuring that procedural laws like KUHAP are applied with both precision and humanity.

Therefore, in the Indonesian context, the absence of a time limit for suspect status under KUHAP must be addressed through a dual approach: legislative reform and educational transformation. Legal certainty cannot be achieved by statutory amendment alone; it requires competent, ethical, and well-educated law enforcers who internalize justice as the ultimate purpose of law. Integrating these values into the national legal education curriculum particularly within POLRI's Lemdiklat and law faculties will help create a generation of law enforcers capable of upholding both legal certainty and human dignity in every stage of the criminal justice process.

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