

JURIDICAL ANALYSIS OF THE FULFILLMENT OF SUSPECTS' RIGHTS AT THE STAGE OF HANDING OVER SUSPECTS AND EVIDENCE BASED ON LAW NUMBER 20 OF 2025 CONCERNING THE CRIMINAL PROCEDURE CODE

Ida Bagus Gede Krishna Siwananda ^{a*)}, Rahadi Wasi Bintoro ^{b)}

Universitas Jenderal Soedirman, Purwokerto, Indonesia

^{*)}Corresponding Author: ida.siwananda@mhs.unsoed.ac.id

Article history: received 19 May 2026; revised May 26, 2026; accepted 29 June 2026

DOI: <https://doi.org/10.33751/jhss.v10i2.240>

Abstract. This study aims to examine the regulation regarding the fulfillment of suspects' rights in Phase II, namely the submission of suspects and evidence based on Law Number 20 of 2025 concerning the Criminal Code, and analyze the role of the prosecutor as *a dominus litis* in ensuring its implementation. The background of this study shows that the reform of the criminal procedure law has expanded the guarantee of protection of the rights of suspects, but in practice it still poses various obstacles to implementation, especially in the administrative aspects, inter-agency coordination, and the readiness of law enforcement officials. The method used is normative juridical with an approach to laws and regulations, legal doctrines, and relevant literature studies. The results of the study show that the 2025 Criminal Procedure Code strengthens the application of the principle *of due process of law* through the expansion of the rights of suspects, although its implementation still faces obstacles in the form of gaps between norms and practices as well as coordination between institutions. The discussion emphasized that the prosecutor has a strategic position as *a dominus litis* in supervising the fulfillment of the rights of suspects and maintaining the integration of the criminal justice system. In conclusion, the effectiveness of protecting the rights of suspects is highly dependent on the consistency of implementation, the effectiveness of supervision mechanisms, and integrated coordination between law enforcement agencies.

Keywords: Criminal Procedure Code 2025, Suspect Rights, *Dominus Litis*.

I. INTRODUCTION

The reform of the national criminal law system through Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Code shows a fundamental transformation in the paradigm of criminal law enforcement in Indonesia by strengthening the protection of the rights of suspects in more detail and comprehensively at each stage of the criminal justice process.[1] One of the stages that is substantially affected is Phase II, namely the mechanism for handing over suspects and evidence from Police investigators to public prosecutors within the Prosecutor's Office, especially the District Attorney's Office. In the transition situation from the old Criminal Code and Criminal Code regimes to the new regime, the expansion and addition of the guarantee of suspects' rights that are normatively broader than the previous arrangement poses various practical obstacles for investigators and public prosecutors, especially in ensuring the optimal fulfillment of all these rights during the implementation of Phase II, both from an administrative point of view. coordination, as well as the readiness of facilities and resources in the criminal justice system.[2]

One of the crucial stages in the criminal justice system is the stage of handing over suspects and evidence from investigators to the public prosecutor (Phase II). This stage has strategic significance because it is the transition point for the responsibility for handling cases from the investigation function to the prosecution function. Article 142 of Law Number 20 of 2025 concerning the Criminal Procedure Code expressly regulates various rights of suspects, including the right to legal aid, the right to a translator, the right to accessibility for people with disabilities, and the right to receive humane treatment and freedom from discrimination.[3] The expansion of the regulation represents the strengthening of the principle of due process of law in the Indonesian criminal justice system, so that Phase II can no longer be interpreted solely as a formal administrative procedure, but as a stage that has a substantive dimension of rights protection.

One of the problems that arises is the change in the entire Official Script System related to the handling of general criminal cases, especially within the District Attorney's Office. The implementation of the new Official Script Procedure has implications for adjusting the case administration mechanism,

including the update of the Minutes of Admission and Investigation of Suspects (BA-4) which contains more detailed verification of the fulfillment of the rights of suspects. With the enactment of the new official script, the rights obtained by the suspect are increasing as stipulated in Article 142 of the New Criminal Code, so that the public prosecutor is required to ensure that all the rights of the suspect have been adequately explained and facilitated, especially during the implementation of Phase II, before the case is transferred to the court.

This situation presents its own challenges for the Public Prosecutor (JPU). On the one hand, the comprehensive fulfillment of all the rights and needs of suspects has the potential to extend the period of case settlement, while Law Number 20 of 2025 concerning the Criminal Procedure Code, which affirms the principle of due process of law, also does not require a protracted judicial process. On the other hand, if the rights of the suspect are not adequately fulfilled, this can be a finding in the implementation of the General Inspection by the inspection team from the Supervisory Assistant at the High Prosecutor's Office and from the Deputy Attorney General for Supervision (JAMWAS) of the Attorney General of the Republic of Indonesia. Therefore, a juridical analysis of the fulfillment of suspects' rights in Phase II is important to assess the balance between the effectiveness of case handling and the optimization of human rights protection in the criminal justice system.[4]

One example of an interesting case is related to a case of embezzlement that occurred in Banjar City with the suspect with the initials RR, a 36-year-old private employee of wood suppliers. The case began with an agreement between the suspect and the owner of the teak plantation to carry out logging and selling wood to Jepara, Central Java, with a revenue sharing system. However, after the wood was sold to two furniture entrepreneurs in Jepara, the sales profits were not handed over to the owner of the plantation on the grounds that it was used for the suspect's personal interests. This case was then handled by the Public Prosecutor at the Banjar City District Attorney's Office until it entered Phase II, which is the stage of handing over suspects and evidence from investigators to the public prosecutor.

This case is significant because it is one of the initial cases that was processed by implementing new provisions in Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Code along with the new official text. In the implementation of Phase II, the suspect was accompanied by a legal advisor and the process lasted quite a long time because the public prosecutor tried to fulfill all the rights of the suspect as stipulated in the latest provisions, including through administrative examinations based on BA-4. In addition, there are differences of views between the public prosecutor and legal advisors regarding the implementation of the new official script. This condition shows that there are implementing challenges in the implementation of the new Criminal Procedure Code, especially in ensuring the fulfillment of the rights of suspects without hindering the effectiveness and efficiency of handling criminal cases.

This case is one of the first cases to be processed by applying new provisions in Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the

Criminal Code along with the new official text. In the implementation of Phase II, the suspect was accompanied by a legal advisor and the process lasted quite a long time because the public prosecutor tried to fulfill all the rights of the suspect as stipulated in the latest provisions, including through administrative examinations based on BA-4. In addition, there are differences of views between the public prosecutor and legal advisors regarding the implementation of the new official script. This condition shows that there are implementing challenges in the implementation of the new Criminal Procedure Code, especially in ensuring the fulfillment of the rights of suspects without hindering the effectiveness and efficiency of handling criminal cases.[5]

Therefore, the prosecutor as a *dominus litis* has a central position in ensuring that the fulfillment of the rights of suspects in Phase II is carried out in accordance with the provisions of Law Number 20 of 2025 concerning the Criminal Code. This position contains the juridical consequence that every action in Phase II must be within a legal corridor that guarantees the protection of rights while maintaining administrative order and certainty of the criminal justice process.

Based on this background, this study focuses on a juridical analysis of the regulation of the fulfillment of suspects' rights at the stage of handing over suspects and evidence according to Law Number 20 of 2025 concerning the Criminal Code, as well as the position and role of the prosecutor as *dominus litis* in ensuring the implementation of these norms.

II. RESEARCH METHODS

This research uses a normative juridical method with the aim of analyzing laws and regulations and legal principles related to the fulfillment of suspects' rights in Phase II based on Law Number 20 of 2025 concerning the Criminal Code. This approach was chosen because the focus of the research is on positive legal studies and the interpretation of legal norms, as well as relevant to understand the position and role of the prosecutor as *dominus litis* in ensuring the implementation of the rights of suspects. The source of research data consists of primary data, namely Law Number 20 of 2025 concerning the Criminal Code, Law Number 1 of 2023 ten the Criminal Code, and its implementing regulations, including the new service script system within the Prosecutor's Office; secondary data, in the form of legal literature, journals, books, articles, and doctrines that discuss the protection of suspects' rights, principles *due process of law*, as well as Phase II practice at the District Attorney's Office; as well as tertiary data, which includes supporting documents, administrative records, and technical guidelines related to the implementation of Phase II.[6]

III. RESULT AND DISCUSSION

Arrangements regarding the fulfillment of suspects' rights at the stage of handing over suspects and evidence according to Law Number 20 of 2025 concerning the Criminal Code.

The comprehensive reform of the Criminal Procedure Code (KUHP) through Law Number 20 of 2025 shows that

there are very significant changes in the criminal procedure law system in Indonesia, especially in the aspect of strengthening the protection of the rights of suspects. The 2025 Criminal Procedure Code expressly expands the scope of rights that must be guaranteed to suspects at all stages of the criminal process, reflecting a paradigm shift from a purely criminalistic-oriented approach to one that focuses on the protection of human rights and the strengthening of principles *due process of law*. [7] Within the framework of theory *Due Process Model* put forward by Herbert L. Packer, the strengthening of this principle shows that criminal proceedings must always be within the control of fair procedures (*Fair Procedure*) to limit the potential abuse of authority by the state in law enforcement. [8] The most important normative changes are reflected in Article 142 of the 2025 Criminal Procedure Code which regulates the rights of suspects in more detail, including the right to legal assistance, the right to a translator, the right to be treated humanely, and the right for suspects with special needs to gain accessibility. In addition, the 2025 Criminal Procedure Code also emphasizes that suspects have the right to obtain information about their rights from the beginning of the examination, and all actions of law enforcement officials, including in Phase II, must be carried out without discrimination. [8] This provision is in line with the view *Middle Range Theory* regarding legal protection by Philipus M. Hadjon and Satjipto Rahardjo, who emphasized that the state has an obligation to provide legal protection preventively from the early stages of the process to prevent violations of individual rights. [9]

If examined more deeply, the strengthening of norms in the 2025 Criminal Procedure Code also indicates that the previous Criminal Procedure Code has fundamental weaknesses, especially in the aspect of regulation that has not provided adequate details regarding the standards for the protection of suspects' rights in the early stages of the criminal process. The old Criminal Code tended to be administrative and procedural in nature without establishing strict operational standards related to the guarantee of rights at the stage of handing over suspects and evidence, thus giving wide discretion to law enforcement officials. [10] In perspective *Due Process Model*, these conditions have the potential to cause an imbalance in the relationship between the state and individuals, because the lack of procedural control can open up opportunities for arbitrary practices (*arbitrariness*) in law enforcement. Therefore, the 2025 Criminal Procedure Code is present as a form of normative correction to these weaknesses through strengthening stricter, clearer, and measurable procedural standards. [11]

The stage of handing over suspects and evidence is a very important phase in the criminal justice process, considering that at this stage the suspect is still under the direct supervision of law enforcement officials. The 2025 Criminal Procedure Code emphasizes that suspects must always be treated humanely, accompanied by legal counsel from both legal aid institutions and personal lawyers, and provided with translators if necessary. For suspects with disabilities or special needs, the right to accessibility is a priority so that the process of handing over and transferring suspects can be adjusted to their physical, mental, and needs conditions. Regarding

evidence, the suspect has the right to obtain a copy of the minutes of submission, conduct an examination of the evidence concerned, and ensure the integrity and authenticity of the evidence, so that the principles of a fair trial (*Fair Trial*) can still be guaranteed. [12] In perspective *Due Process Model*, this stage is the *Critical stage* which determines the validity of the criminal justice process, so that any procedural violation at that stage can have an impact on the validity of the entire legal process. Meanwhile, in perspective *Integrated Criminal Justice System Theory*, this handover stage represents an important coordination point between the criminal justice subsystem, where the police and prosecutor's offices are required to work in an integrated manner to ensure the sustainability of case handling and the protection of suspects' rights consistently. [13]

If these principles are not implemented consistently, there will be various serious problems in the criminal justice system, such as legal uncertainty, weak protection of suspects' rights, and increased potential for undetected procedural violations. In the framework *Middle Range Theory*, the absence of effective legal protection will lead to the failure of the state in carrying out its preventive and repressive functions, leaving individuals in a vulnerable position to abuse of authority. Meanwhile, in perspective *Integrated Criminal Justice System*, the non-implementation of inter-agency integration can result in system fragmentation, where each institution works partially without uniform standards of protection, thereby disrupting the consistency of overall law enforcement. [14]

In this section, a more in-depth critical examination of the theoretical constructs used is required. First, it is still questionable to what extent the 2025 Criminal Procedure Code is really able to prevent violations in practice, considering that the implementation of the criminal procedure law is greatly influenced by the culture of law enforcement officials and the effectiveness of institutional supervision mechanisms. Thus, although normatively it has adopted *Due Process Model*, there is still a possibility of *implementation gap* which causes the protection of rights to be only formalistic. [15] Second, there is a potential tension between the principles *due process* with the demands of the effectiveness of law enforcement (*Crime Control*), where procedures that are too strict can be perceived as an obstacle to the acceleration of case handling, so that a dilemma arises between the speed of the law enforcement process and the protection of suspects' rights. Third, in perspective *Integrated Criminal Justice System*, it still needs to be tested whether integration between law enforcement agencies can really be realistically realized in Indonesia, considering that each institution has different structures, work cultures, and institutional interests. This shows that integration cannot always be achieved through normative arrangements alone. [16]

Furthermore, the relationship between theory and problems in this discussion is still at the stage of "addition" as a reinforcement of the definition of norms, not yet fully reaching the level of dialectical "contradiction". In other words, the theory used functions more as an instrument of normative justification for the provisions of the 2025 Criminal Procedure Code, not as an analytical tool to test contradictions, limitations, or potential implementation failures. In fact, in a critical legal analysis approach, theory not only acts as a norm

reinforcer, but also as an instrument to test the extent to which a norm experiences deviations, ineffectiveness, or distortions in practice. Therefore, there is still room to develop a more conflictual analysis between the ideality of theory and the reality of law enforcement implementation.[17]

Compared to the previous Criminal Procedure Code, the 2025 Criminal Procedure Code brings substantial updates because the regulation of suspects' rights at the previous handover stage is still general without details of the mechanism for handing over suspects and evidence. The 2025 Criminal Code requires detailed documentation procedures, including the identity of the suspect, a list of evidence, and the signatures of the parties who submitted and received, while encouraging the involvement of legal counsel or independent supervisory institutions to ensure the protection of suspects' rights.[18] The implementation of this provision requires law enforcement officials' understanding of the rights of suspects as well as adequate administrative and documentation capabilities so that the minutes of submission can be recorded accurately and can be accounted for, while minimizing the potential for disputes in court related to the integrity of evidence or the procedure for handing over suspects. These provisions also reflect the *Middle Range Theory* in the form of repressive legal protection, where the documentation and supervision mechanism functions as a corrective instrument in the event of a violation of rights in the submission process.[19]

At the implementation level, the 2025 Criminal Code requires the readiness of law enforcement officials in understanding the rights of suspects as well as the procedures for handing over suspects and evidence. Orderly documentation management and accurate administrative procedures are very important so that the minutes of submission can be accounted for, while minimizing the potential for disputes in court related to the integrity and authenticity of evidence. In addition, the 2025 Criminal Procedure Code also encourages the involvement of supervisory agencies and legal advisors to ensure transparency, accountability, and protection of suspects' rights throughout the handover process. Some of the challenges that arise include the awareness of law enforcement officials, the availability of adequate facilities for suspects with special needs, and the administrative ability to document the entire process in detail and comprehensively.[20] In the framework *Integrated Criminal Justice System Theory*, these challenges show the importance of effective coordination between law enforcement agencies so that the criminal justice system can run in an integrated manner and does not cause fragmentation of authority that can harm suspects.[21]

Overall, the 2025 Criminal Procedure Code regulation at the stage of handing over suspects and evidence emphasizes that this stage is not just an administrative formality, but an important instrument in ensuring the fulfillment of suspects' rights, strengthening legal protection, increasing transparency, and ensuring fair, humane, and accountable law enforcement practices. This transformation reflects a paradigm shift in criminal procedural law in Indonesia from an approach that is solely oriented towards criminalistic aspects to an approach that places human rights and *due process of law* as a fundamental principle in every stage of law enforcement, as well as strengthening legal certainty and public trust in the criminal

justice system. In a theoretical perspective, this confirms the synergy between *Due Process Model*, *Middle Range Theory*, and *Integrated Criminal Justice System Theory* which collectively forms a criminal procedural law system that better guarantees procedural justice, protection of individual rights, and institutional integration.[22]

In addition, the implementation of the 2025 Criminal Procedure Code has broad implications both theoretically and practically. Theoretically, this reform emphasizes that the rights of suspects must be the main focus in every criminal process, so that the criminal procedure law system is not only oriented to the aspects of proof and law enforcement, but also to respect for individual rights as emphasized in the *Due Process Model* and *Middle Range Theory* regarding legal protection. From a practical perspective, this mechanism has the potential to reduce the risk of rights violations, improve the quality of case administration, and strengthen the legitimacy of law enforcement officials in the eyes of the public. Meanwhile, *Integrated Criminal Justice System Theory* emphasized that the successful implementation of the 2025 Criminal Procedure Code is highly dependent on integrated coordination between law enforcement agencies. Thus, the 2025 Criminal Procedure Code not only improves the procedural aspects of the law, but also builds a new paradigm in criminal law enforcement that is more humane, fair, transparent, and integrated.

The role of the prosecutor as a *dominus litis* in ensuring the fulfillment of the rights of suspects at the stage of handing over suspects and evidence according to Law Number 20 of 2025 concerning the Criminal Code.

Within the framework of criminal procedure law in Indonesia, prosecutors have a very strategic position as *Dominus Litis* or "case controller", which is not only in the position of a public prosecutor, but also as a party who controls and supervises the entire series of criminal justice processes from the investigation stage to prosecution in court. Principle *Dominus Litis* as affirmed in the 2025 Criminal Procedure Code, it gives the prosecutor the authority to assess the feasibility of a case so that it can proceed to the trial stage, as stipulated in Article 140 paragraph (2) of the Criminal Procedure Code which allows the termination of prosecution based on valid legal considerations. Thus, the prosecutor occupies a central position in the criminal law enforcement system while carrying out a strategic responsibility in ensuring optimal protection of suspects' rights. In perspective *Authority Theory*, this authority is a form of legal authority legitimized by the state to ensure the order, effectiveness, and accountability of the criminal justice system. This authority is institutional, so that every action of the prosecutor in controlling the case represents the authority of the state within the framework of the state of law. Therefore, *Dominus Litis* It is not only understood as a procedural concept, but also as an instrument of state power distribution that demands strong responsibility and legitimacy.[23]

Authority *Dominus Litis* It also includes the prosecutor's responsibility to ensure that the process of handing over suspects and evidence is carried out in accordance with procedural provisions, adequately documented, and does not

violate the rights of suspects as stipulated in Articles 142-143 of the 2025 Criminal Procedure Code. These rights include the right to legal assistance, the right to be treated humanely, the right to a translator, and the right for suspects with special needs that must be met proportionately. In its implementation, the prosecutor is required to actively verify the case file and evidence submitted by investigators to ensure the legality, integrity, and validity of the evidence. In addition, the prosecutor is also obliged to prevent procedural violations that can harm the suspect and hinder the trial process. [24] This shows that the role of the prosecutor is not passive as a recipient of the file, but an active role as a *Case Controller* which ensures the quality of the case from the initial stage. Thus, *Dominus Litis* It serves as a substantive oversight mechanism in maintaining a balance between the interests of law enforcement and the protection of human rights.

Theoretically, the concept strengthens the doctrine *Dominus Litis* as stated by Andi Hamzah and Marwan Effendy who affirmed the position of the prosecutor as the main controller of cases in the criminal justice system. This view is also in line with modern prosecutorial practices as conveyed by officials of the Attorney General's Office, including Prof. Asep Nana Mulyana, Prof. Reda Manthovani, and Prof. Narendra Jatna, who emphasized the importance of controlling the quality of cases from the early stages to prevent procedural defects and violations of suspects' rights. In this perspective, the prosecutor not only functions as a prosecutor, but also as a *Quality Controller* to the entire process of handling cases. This role is becoming increasingly relevant in the context of the 2025 Criminal Procedure Code which requires higher and more systematic standards for the protection of suspects' rights. [25] Thus, *Dominus Litis* It shows the transformation of the role of the prosecutor from just a prosecutor to a systemic controller in criminal justice. This also affirms the position of the prosecutor as a key institution in maintaining the integrity of the criminal justice system.

In addition, the principle *Dominus Litis* It also emphasizes the urgency of coordination between law enforcement agencies, namely the police, prosecutor's office, and courts, in order to maintain the consistency and sustainability of the criminal justice process. The prosecutor has the obligation to assess the completeness of the case file, provide correction instructions if deficiencies are found, and ensure that the suspect's submission documents and evidence contain the suspect's identity, a list of evidence, and the signatures of related parties. This mechanism not only increases transparency and accountability, but also reduces the practice of returning files (P-19) which has been a structural obstacle in the criminal justice system. Thus, the coordination contributes to accelerating the handling of cases while strengthening the application of the principle *due process of law*. In this perspective, *Dominus Litis* It serves as an institutional liaison that ensures that the integration between the criminal justice subsystems runs effectively. Therefore, the role of the prosecutor is very important in maintaining the sustainability of a fair and efficient legal process. [26]

Furthermore, the 2025 Criminal Procedure Code provides space for prosecutors to uphold the principle of substantive justice through the application of the principle *Dominus Litis*. In this context, the prosecutor not only assesses the formal aspects of the case file, but also ensures the fulfillment of the suspect's rights, including the right to provide information and clarification before the indictment is prepared. Thus, the function of controlling cases by prosecutors acts as a protective mechanism that balances the interests of law enforcement and the protection of human rights. This role requires a high level of professionalism so that procedural justice and legal certainty can be realized simultaneously. [23] Nevertheless, in a critical perspective, strengthening *Dominus Litis* also has the potential to pose a risk *over-concentration of power* if it is not balanced with an effective supervision mechanism. This shows that there is a tension between the authority of the prosecutor and the principle of protecting the rights of suspects which needs to be always balanced.

When viewed from the perspective of *Authority Theory* and *Due Process Model*, there is a dynamic of attraction between the need for effective case control by prosecutors and the guarantee of protection of suspects' rights in the criminal justice system. On the one hand, *Authority Theory* emphasizing the importance of centralization of authority to maintain the effectiveness of the system, while *Due Process Model* demand restrictions of authority to prevent abuse of power. The tension shows that there is a *Trade-offs* between the efficiency of law enforcement and the protection of human rights in criminal justice practice. In addition, critical questions also arise about whether strengthening the role of the prosecutor as a *Dominus Litis* has the potential to reduce the independence of investigators at the investigation stage. In this context, integration between institutions does not always take place ideally as regulated in the norms, but is greatly influenced by institutional dynamics in the field. [27] Therefore, the relationship between theories is not always harmonious, but also shows potential structural conflicts that require further study.

At the implementation level, it is still questionable whether coordination between prosecutors and the police is really effective in the practice of the criminal justice system in Indonesia. Problems such as the return of case files (P-19) still occur frequently and show structural problems in the coordination mechanism between institutions. This indicates that strengthening the norms in the 2025 Criminal Procedure Code does not automatically guarantee the effectiveness of implementation in the field. In addition, there are questions about the extent to which the regulated integration system can be applied consistently, given the differences in organizational culture and institutional interests between law enforcement institutions. [28] Thus, the implementation of *Dominus Litis* still faces significant challenges in operational aspects. This strengthens the argument that there is a possibility *implementation gap* between legal norms and empirical practice.

Overall, the 2025 Criminal Procedure Code emphasizes that the principle *Dominus Litis* Giving an increasingly broad responsibility to the prosecutor as a case controller in the criminal justice system. Through thorough supervision of the investigation stage, the handover of suspects, the management of evidence, and coordination between law enforcement agencies, the prosecutor plays a role in maintaining a balance between law enforcement and the protection of suspects' rights. This role also strengthens the legitimacy of law enforcement officials and improves the quality of justice in the criminal justice system as a whole. However, critically it is still necessary to evaluate the potential abuse of authority, the effectiveness of institutional coordination, and the reality of implementation in the field. [29] Thus, *Dominus Litis* It is not only understood as a normative concept, but also as a dialectical space between power, law, and the protection of human rights in the modern criminal justice system.

IV. CONCLUSION

Law Number 20 of 2025 concerning the Criminal Procedure Code shows that there are significant reforms in regulating the fulfillment of suspects' rights at the stage of handing over suspects and evidence through strengthening the principles of human rights protection and *due process of law* in the criminal justice system in Indonesia. The regulation not only expands, but also clarifies and emphasizes the guarantee of suspects' rights, including the right to legal assistance, the right to an interpreter, the right to be treated humanely, and the right for suspects with special needs, while placing the handover stage as a very important phase that requires the implementation of strict procedures, complete documentation, and effective coordination between law enforcement officials. Although normatively there has been a substantial strengthening compared to the previous Criminal Procedure Code, in practice there are still various challenges, such as the readiness of law enforcement officials, differences in organizational culture, and potential gaps between legal norms and their implementation in the field. Therefore, the effectiveness of the protection of suspects' rights is highly dependent on the consistency of implementation, the existence of effective supervision mechanisms, and the integration of the criminal justice system as a whole so that the goals of justice, legal certainty, and human rights protection can be optimally realized. The prosecutor as *Dominus Litis* has a very strategic position in the Indonesian criminal justice system, not only as a public prosecutor, but also as a party that controls and supervises the course of the case process from the initial stage to the prosecution in court, including at the stage of handing over suspects and evidence. This authority requires the prosecutor to ensure compliance with procedures, the validity of evidence, and the fulfillment of the rights of suspects optimally, while carrying out an active role as a *Case Controller* in maintaining the quality of cases and balancing the interests of law enforcement with the protection of human rights. However, the implementation of this role still faces various challenges, including the need for coordination

between institutions, the potential for excessive concentration of authority, and the possibility of gaps in implementation in the field. Thus, the effectiveness of the prosecutor's role as a *Dominus Litis* It is highly determined by the professionalism of law enforcement officials, the effectiveness of supervision mechanisms, and the integration of the criminal justice system that runs consistently based on the principles of *due process of law*.

REFERENCES

- [1] N. D. Irmawanti, B. N. Arief, F. Hukum, And U. Diponegoro, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," Vol. 3, Pp. 217–227, 2021.
- [2] A. Sahtia, "Akomodasi Hukum Yang Hidup Dalam Kuhp Baru Indonesia Menurut Perspektif Hukum Progresif," Vol. 20, No. 02, Pp. 115–127, 2023.
- [3] S. El Et Al., "Perubahan Sistem Dan Praktik Hukum Pidana Indonesia Sebagai Akibat Berlakunya Kuhp Baru," Pp. 494–507.
- [4] I. Suwandi, "Problematisasi Pengaturan Kewenangan Aparat Penegak Hukum Dalam Kuhp 2025 Ditinjau Dari Prinsip Due Process Of Law," Vol. 2, No. 2, Pp. 53–65, 2025.
- [5] E. K. Tarigan, E. Darmayanti, D. S. Amaniarsih, And B. D. Simatupang, "Tinjauan Yuridis Perbandingan Kuhp Lama Dan Kuhp Baru," Vol. 18, Pp. 590–604, 2026.
- [6] D. L. Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum Depri," *Fiat Justisia J. Ilmu Huk.*, Vol. 8, No. 1, Pp. 15–35, 2014.
- [7] D. Dinanti, D. Universal, H. Asasi, And H. A. Manusia, "Perlindungan Hukum Atas Hak-Hak Tersangka Pada Proses Penyidikan Perkara Pidana Dalam Perspektif Hak Asasi Manusia," 1981.
- [8] W. Contributors, "Herbert Leslie Packer," 2026. [Online]. Available: https://id.wikipedia.org/wiki/Herbert_Leslie_Packer
- [9] T. Hukumonline, "Teori Perlindungan Hukum Menurut Para Ahli," 2022, *Hukumonline.Com*. [Online]. Available: <https://www.hukumonline.com/berita/a/teori-perlindungan-hukum-menurut-para-ahli-lt63366cd94dcbc>
- [10] A. E. Gerungan, "Perlindungan Hukum Terhadap Rahasia Dagang Ditinjau Dari Aspek Hukum Perdata Dan Pidana Di Indonesia," *J. Huk. Unsrat*, Vol. 22, No. 5, Pp. 69–84, 2016, [Online]. Available: <https://ejournal.unsrat.ac.id/V3/Index.php/Jurnalhukumunsrat/Article/View/10758/10346>
- [11] A. C. Rasina Padeni Nasution, Swity Milen, Kahyun Irgi Ramadhan, Kamilatunnisa Sitorus, "Praktek Due Process Of Law Dalam Sistem Peradilan Pidana Indonesia Di Tinjau Dari Putusan Pengadilan Negeri Medan Tahun 2022-2023," *J. Begawan Huk.*, Vol. 2, No. 1, 2024.

- [12] M. Latifah And P. J. Hairi, "Pengaturan Pedoman Pemidanaan Kuhp Baru Dan Implikasinya Pada Putusan Hakim," Vol. 15, No. November, Pp. 25–51, 2024.
- [13] E. Kurniawan, Y. O. S. J. Utama, And R. Herawati, "Integrated Criminal Justice System Model In Indonesia," *Seybold Rep.*, Vol. 8, No. 2022, Pp. 2362–2372, 1ad, Doi: 10.17605/Osf.Io/6u9fe.
- [14] R. Muhammad, "Penyelenggaraan Peradilan Pidana (Studi Tentang: Model-Model Dan Faktor-Faktor Yang Berperan Dalam Peradilan Pidana)," *J. Huk.*, Vol. 20, No. 9, Pp. 42–54, 2002.
- [15] N. Tolingguhu, R. Al Asfah, T. Meutia, And N. Auliya, "Penerapan Asas Due Process Of Law Dalam Hukum Acara Pidana Di Indonesia," *J. Huk. Bisnis*, Vol. 4, No. 1, Pp. 16–27, 2026.
- [16] Juan Daud Putra Siahaan And I. G. N. N. K. Yudiantara, "Penerapan Nilai-Nilai Crime Control Model (Ccm) Dan Due Process Model (Dpm) Dalam Sistem Peradilan Pidana Di Indonesia Oleh:," *J. Media Akad.*, Vol. 3, No. 7, Pp. 1–10, 2025, Doi: 10.62281.
- [17] Marulak Pardede, "Penegakan Hukum Vs Budaya Hukum Indonesia," *Rechtsvinding Online J.*, Vol. العدد الحادى, Pp. 1–11, 2017, [Online]. Available: <http://www.Helpa-Prometheus.Gr/Διαγνώσεις-Εξετάσεις-Για-Τον-Καρκί/>
- [18] J. Hukum, "Perlindungan Terhadap Hak-Hak Tersangka Dalam Proses Penyidikan Tindak Pidana Ditinjau Dari Aspek Hak Asasi Manusia," Vol. 10, Pp. 13–30, 2024.
- [19] R. E. Turnip, "Konsep Dasar Terkait Due Process Of Law," *J. Huk. Justice*, Vol. 3, No. 2, Pp. 221–231, 2026.
- [20] R. B. Widiyantoro, "Harmonisasi Paradigma Kuhp Dan Kuhap Baru : Menuju Sistem Hukum Pidana Nasional Yang Progresif," *J. Huk. Inklusi Indones.*, Vol. 1, No. 1, Pp. 57–66, 2026.
- [21] A. B. Waskito, "Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi," *J. Daulat Huk.*, Vol. 1, No. 1, Pp. 287–304, 2018.
- [22] S. Mh. Supriyanto, "Perkembangan Sistem Peradilan Pidana Oleh," 2020.
- [23] M. Emirsya, "Penerapan Asasdominuslitisoleh Jaksapenuntut Umum Dalam Tindak Pidana Umum Berdasarkan Undang-Undang Republik Indonesia Nomor 11 Tahun 2021 Tentang Perubahan Atas Undang- Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia," *J. Ilm. Mhs. Fak. Huk.*, Vol. 8, No. 3, Pp. 1–17, 2025.
- [24] L. A. Z. Muhammad Azzrul Radhiansyah, "Kewenangan Dominus Litis Jaksa Dalam Peradilan Pidana Indonesia: Problematika Bolak-Balik Berkas Dan Implikasinya Terhadap Perlindungan Hak Asasi Manusia Muhammad," *Lex J. Kaji. Huk. Keadilan*, Vol. 9, No. 4, Pp. 903–939, 2025, Doi: <https://doi.org/10.25139/Lex.V9i4.11115>.
- [25] Adery Ardhan Saputro, "Peran Kejaksaan Ri Sebagai Dominus Litis Dalam Kekisruhan Kpk Vs Polri," 2025.
- [26] F. Hukum, U. Udayana, N. N. Adiyaryani, F. Hukum, And U. Udayana, "Sistem Peradilan Pidana Indonesia," Vol. 15, No. 10, 2025.
- [27] A. Firmansy, "Tinjauan Hukum Kewenangan Jaksa Dalam Pemeriksaan Tambahan Menurut Asas Dominus Litis Berdasarkan Kuhap," *Jurisdicte*, Vol. 2, No. 1, Pp. 55–80, 2020.
- [28] M. M. Dedy Chandra Sihombing, Alvi Syahrin, Madiasa Ablisar, "Penguatan Kewenangan Jaksa Selaku Dominus Litis Sebagai Upaya Optimalisasi Penegakan Hukum Pidana Berorientasi Keadilan Restoratif," *Locus J. Konsep Ilmu Huk. E-Issn*, Vol. 3, No. 2, Pp. 64–75, 2023.
- [29] V. Wati, M. C. Umam, And K. El Hf, "Eksistensi Dominus Litis Dalam Peradilan Koneksitas: Rekonstruksi Peran Kejaksaan Pasca-Pembentukan Jam-Pidmil," *Jmandia Cendikia J. Ilm. Penelit. Multidisiplin Ilmu*, Vol. 4, No. 3, Pp. 10–28, 2021.