International Journal of Education, Vocational and Social Science
https://e-journal.citakonsulindo.or.id/index.php/IJEVSS
E-ISSN : 2963 4954
IJEVSS

Analysis Of The Judge's Considerations In Granting Pre-Trial Applications Against Blocking Company Bank Account In Processinvestigation At Lampung Regional Police (Study of Decision Number 1/Pid.Pra/2025/PN Kla)

Bambang Hartono[1]
[1]University of Bandar Lampung, Indonesia
Adek Suci Pebrianto[2]
[2]University of Bandar Lampung, Indonesia

Email: [1] bambang@ubl.ac.id, [2] Adekajah90@gmail.com.

Abstract

One of the cases related to pre-trial is Decision Number 1/Pid.Pra/2025/PN Kla. Decision Number 1/Pid.Pra/2025/PN Kla is an important reference in understanding the limits of the authority of law enforcement officers in carrying out coercive measures in the form of blocking accounts at the investigation stage. The research problem is how the judge's considerations in granting the pre-trial application for blocking a company's bank account during the investigation process at the Lampung Regional Police based on Decision Number 1/Pid.Pra/2025/PN Kla and What are the legal implications of Decision Number 1/Pid.Pra/2025/PN Kla which states that blocking a company's bank account at the investigation stage is invalid for the investigator's authority and the protection of the applicant's rights . The research method in this study is a normative juridical approach and an empirical approach and is concluded by deductive thinking so that it becomes a general picture of the answer to the problem based on the research results. The results of the study show that Decision Number 1/Pid.Pra/2025/PN Kla confirms that the cancellation of an investigation is not the object of a pretrial, but rather a consequence of declaring an investigation action invalid, such as a violation of human rights or the determination of an invalid suspect. In line with the Constitutional Court Decision No. 21/PUU-XII/2014, pretrial functions as a control mechanism against arbitrary actions by investigators, including searches, seizures, and investigations, to enforce the law and protect the rights of suspects. The implications of this decision indicate that blocking a company's bank account during an investigation is invalid if carried out without an adequate legal basis, thus providing protection for account ownership rights and the continuity of company operations. Suggestions for judges to emphasize the boundaries of the object of pretrial and distinguish between the cancellation of an investigation and actions that are the object of pretrial. Investigators need to understand the rights of suspects

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

International Journal of Education, Vocational and Social Science
https://e-journal.citakonsulindo.or.id/index.php/IJEVSS
E-ISSN : 2963 4954
IJEVSS

or defendants and legitimate legal procedures so that actions such as searches, seizures, and blocking of accounts do not give rise to legal disputes.

Keywords: Judge's Considerations; Pre-Trial; Bank Account; Investigation Process.

INTRODUCTION

In the criminal investigation process, law enforcement officials such as investigators, prosecutors, and judges have the authority to use coercive measures against parties suspected of involvement as part of measures to ensure effective law enforcement and prevent the loss of evidence related to the crime being investigated. These coercive measures are expressly regulated in the Criminal Procedure Code (KUHAP) and other laws and regulations that provide the legal basis for actions such as arrest, detention, searches, seizures, and the blocking of bank accounts.

One form of coercive measure increasingly used in handling cases of economic crimes, corruption, and money laundering is the temporary blocking of bank accounts belonging to companies or individuals to prevent the transfer, obfuscation, or concealment of assets suspected of originating from criminal activity. This measure is preventive and aims to prevent the flow of funds from changing hands, thereby unimpeding the law enforcement process. In practice, account blocking is usually carried out through coordination between investigators and financial authorities, such as the Financial Transaction Reports and Analysis Center (PPATK) or banks, taking into account the existence of sufficient initial evidence linking the funds in the account to a crime. In addition to protecting investigative interests, this action also demonstrates the state's prudence in ensuring that assets resulting from crime can be secured for the purposes of evidence in court and for the recovery of losses to the state or victims of crime.

The latest Criminal Procedure Code (KUHAP) expands the scope of pre-trial proceedings by including the blocking of bank accounts as one of the actions of law enforcement officers whose validity and legality can be tested by a pre-trial judge. This amendment strengthens the judicial oversight mechanism against coercive measures that have the potential to harm the rights of individuals or corporations. This allows any aggrieved party to not only challenge an arrest, detention, termination of an investigation, or prosecution, but also to request a judge to assess whether the blocking of an account was carried out in accordance with procedures, has a clear legal basis, and does not violate the principles of human rights protection. Thus, this expansion emphasizes that pre-trial proceedings are not merely a formality but also a means to maintain a balance between the state's authority to enforce the law and the protection of the constitutional rights of parties involved in criminal proceedings.[1]

[1] Bloomberg Technoz. 2024. New Criminal Procedure Code: Pretrial Motions Can Cancel Account Blocking . Accessed from https://www.bloombergtechnoz.com/detail-news/65873/kuhap-baru-praperadilan-bisa-batalkan-pemblokiran-rekening , August 20, 2025, 12:38 WIB.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

Account blocking is generally carried out due to indications of involvement in criminal acts, particularly economic crimes such as Money Laundering (TPPU), corruption, or other forms of financial crime that exploit the banking system. This action is usually taken when suspicious, unusual, or inconsistent financial transactions are detected, potentially disrupting the smooth process of law enforcement and efforts to trace the flow of proceeds of crime. Within the framework of preventing and eradicating TPPU, the Financial Transaction Reports and Analysis Center (PPATK) has the strategic authority to temporarily halt transactions or block accounts, either independently based on the results of its analysis or at the request of law enforcement officials conducting an investigation. This authority is regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of TPPU, which emphasizes the role of PPATK as a state financial intelligence agency in supporting investigations through a mechanism for temporarily halting transactions or blocking accounts for a certain period. This step aims to prevent the proceeds of crime from being immediately transferred, hidden, or used for other purposes, so that investigators can secure relevant financial evidence for the benefit of the judicial process.[2]

This account blocking measure is preventive in nature, as it aims to prevent funds suspected of originating from criminal activity from being diverted, hidden, or lost before law enforcement officers have a chance to secure them as evidence. By temporarily suspending access to suspected accounts, investigators can prevent attempts to obscure transaction traces or transfer assets to other parties, thus making the process of tracing the flow of funds more effective and measurable. This approach also allows law enforcement officers to ensure that funds suspected of being linked to criminal activity remain under the control of state law until legal certainty is obtained through a court decision, while simultaneously protecting the interests of victims and the state from recovering losses.

The expansion of pre-trial jurisdiction in the new Criminal Procedure Code to include bank account blocking reflects the state's recognition of the importance of protecting citizens' rights in law enforcement. This mechanism provides an opportunity for aggrieved parties to challenge the validity of law enforcement officials' actions, ensuring that no coercive measures are taken arbitrarily without a clear legal basis. With this authority, pre-trial judges can assess whether account blocking has been implemented in accordance with legal procedures, with sufficient preliminary evidence, and in line with the principle of *due process of law* , which ensures a balance between investigative interests and the protection of individual or corporate rights.[3]

This has important implications for the balance between investigative interests and the protection of the rights of the injured party, because on the one hand, the state requires sufficient authority to secure evidence and prevent perpetrators of criminal acts from covering up traces of

[2] Republika. 2023. PPATK Reveals Reasons for Blocking Accounts Concerning Panji Gumilang . Accessed from https://news.republika.co.id/berita/rxs3wh377/ppatk-ungkap-alasan-pemblokiran-rekening-menyangkut-panji-gumilang , August 20, 2025, 12:40 WIB.

[3] Bloomberg Technoz. 2024. Op. Cit .

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

crimes, while on the other hand, every individual or corporation has the right to be assured that coercive measures taken are not carried out arbitrarily or without a clear legal basis. With a pre-trial mechanism that oversees the act of blocking accounts, the principle of *checks and balances* can operate, so that the law enforcement process remains effective while remaining within the corridor of human rights protection and legal certainty.

In the local context of Lampung, there are several pretrial decisions that can be used as comparisons to understand the tendencies of judicial reasoning. One such decision is the pretrial judge's decision at the Tanjungkarang District Court, which rejected a pretrial motion against the Lampung Regional Police's determination of suspect status and asset seizure. The rejection was based on the consideration that the law enforcement officers' actions had complied with formal procedures, including the validity of the issuance of the Notice of Commencement of Investigation (SPDP) and the court's decision to seize the assets. This case demonstrates that the judge in this case placed greater emphasis on formal legality and compliance with administrative investigative procedures. Therefore, as long as the officers' actions were within the applicable procedural legal framework, the applicant's objections were not considered well-founded.[4]

This suggests that judges' considerations in pretrial cases often focus on formalities and administrative legality, such as the validity of investigative documents, compliance with procedures in accordance with the provisions of the Criminal Procedure Code, and the appropriateness of investigators' actions with the authority granted by law. As long as these formal requirements are met, for example, the existence of a valid SPDP, a seizure or blocking order that complies with procedures, and a supporting court ruling, judges tend to consider the actions of law enforcement officers legally sound, even though the substance of the alleged crime or the strength of the material evidence has not been fully tested at the pretrial stage.

Conversely, in another case, a pretrial judge in Lampung granted the applicant's request when the termination of the investigation was deemed to lack material justification. In a case involving alleged signature forgery, the judge deemed that the preliminary evidence presented by the investigator was strong enough to continue the legal process, thus deeming the decision to terminate the investigation inconsistent with proper law enforcement principles. This consideration demonstrates that the judge adhered not only to procedural formalities but also to a more in-depth assessment of the substance of the case, ensuring that the termination of the investigation was not used as a means to ignore evidence or undermine efforts to find the material truth.[5]

[4] Antara News Lampung. (2024). Judge Rejects Applicant's Pretrial Motion in Suspect Determination and Money Laundering Case . Accessed from, https://lampung.antaranews.com/berita/694896 , August 20, 2025, 12:45 WIB.

[5] Antara News Lampung. (2023). Judge Grants Pretrial Motion for Alleged Signature Forgery . Accessed from https://lampung.antaranews.com/berita/666447 , August 20, 2025, 12:45 WIB.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

This case demonstrates that a judge's considerations in pretrial proceedings are not solely based on formal aspects such as procedural validity or administrative completeness, but also include an assessment of the substance of the case and the strength of the evidence presented. Thus, the judge can assess whether a law enforcement officer's action, such as terminating an investigation or blocking an account, truly has a material basis, or whether it potentially ignores important facts that support the continuation of the legal process. This approach emphasizes the role of the pretrial judge as a balance between orderly legal procedures and protection of the search for material truth.

Based on these various decisions, two patterns of judges' reasoning in pretrial cases are evident: considerations that emphasize formal aspects (such as the validity of procedures, jurisdiction, and administration) and considerations that emphasize material aspects (such as the strength of evidence and the substantive reasons for the investigation). These two aspects are important to analyze in order to understand the direction of pretrial judges' decisions in cases of blocked corporate bank accounts.

One of the cases related to pre-trial is Decision Number 1/Pid.Pra/2025/PN Kla. Decision Number 1/Pid.Pra/2025/PN Kla is an important reference in understanding the limits of the authority of law enforcement officers in carrying out coercive measures in the form of blocking accounts at the investigation stage. In this decision, the pre-trial judge took into account the provisions of Law Number 8 of 1981 concerning the Criminal Procedure Code, Constitutional Court Decision Number 21/PUU-XII/2014 dated April 28, 2015, as well as Supreme Court Regulation Number 4 of 2016 and other relevant laws and regulations. The judge decided to grant the applicant's pre-trial application in part, stating that the coercive action in the form of confiscation through the blocking mechanism of BCA account Number 0200285999 in the name of PT. San Xiong Steel Indonesia, which was carried out based on Letter Number B/695/IV/RES.1.11./2025/Ditreskrimum dated April 5, 2025, during the investigation stage, is invalid and has no binding legal force. In addition, the judge ordered the respondent to revoke the seizure through the blocking mechanism, while the court costs were charged to the respondent in the amount of nil. This decision emphasizes that blocking accounts as a form of coercive measures must be carried out in accordance with applicable criminal procedural law procedures, while paying attention to the rights of legal subjects who may be harmed by the investigator's actions during the investigation stage.

METHOD

The research methods used in this study are a normative juridical approach and an empirical approach. The normative juridical approach is carried out by examining laws and regulations, legal principles, doctrines, and court decisions relevant to the problem being studied. Meanwhile, the empirical approach is used to obtain a factual picture of the application of law in practice through field data, such as interviews and document studies. Data obtained from both

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

approaches are analyzed systematically and comprehensively to identify the relationship between legal norms and the reality of their application. Furthermore, conclusions are drawn using a deductive mindset, starting from general legal provisions to specific conclusions. With this method, the research is expected to be able to provide a complete overview in answering the research problem based on the results of the analysis that has been conducted .

DISCUSSION

The Judge's Considerations in Granting the Pre-Trial Application for the Blocking of a Company's Bank Account During the Investigation Process at the Lampung Regional Police Based on Decision Number 1/Pid.Pra/2025/PN Kla

The judge's considerations in granting the pretrial motion to block a company's bank account at the Lampung Regional Police are based on the principle of protecting the applicant's legal rights and compliance with applicable legal procedures. The judge considered that the cancellation of the investigation is not the object of the pretrial motion, but rather the legal consequence of declaring an illegal act. In assessing the motion, the judge considered whether the account blocking was carried out in accordance with procedures, whether there was a violation of human rights, and whether the account constituted the sole evidence in the investigation. The judge also referred to previous pretrial decisions and Constitutional Court decisions to strengthen the basis of his considerations. Aspects of justice and propriety were also considered to ensure that the decision did not unduly disadvantage the applicant. The judge's considerations were comprehensive, encompassing legal, factual, and fair aspects.

A pretrial motion is filed by a company or its attorney as a legal remedy to challenge the legality of an account blocking action taken by an investigator. This motion outlines the chronology of the blocking, the legal basis deemed invalid , and supporting evidence. After the motion is received by the Kalianda District Court, the court clerk schedules a hearing to examine the submitted documents and evidence. The pretrial motion presents the applicant, investigator, and related parties, including the bank, to provide testimony. The purpose of this motion is to obtain legal certainty and ensure that the investigator's actions were not arbitrary. This mechanism allows the company to defend its rights and prevent further losses resulting from the account blocking.

Blocking a company's bank accounts during an investigation is carried out by investigators as a coercive measure to safeguard assets or restrict the circulation of funds suspected of being linked to a crime. This action must have a clear and proportionate legal basis to prevent excessive losses to the company. In the case of PT. San Xiong Steel Indonesia, the account at the Lampung branch of Bank BCA was blocked, but it was not included as primary evidence in the investigation. Therefore, this blocking became the subject of a pretrial motion to test its legality. Unauthorized account blocking can result in economic losses, disruption to company operations, and potential

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

legal disputes. This demonstrates the importance of court oversight of investigators' actions to ensure they adhere to procedures.

Based on research at the Lampung Regional Police, according to AKP Hengky Darmawan, SH, MH, the judge's considerations in granting the pretrial motion emphasized the legality of the account blocking action and the protection of the company's rights. Investigators recognized that the blocking must be carried out based on a valid legal basis and with clear procedures. The judge considered that the company's account was not the only evidence in the investigation, so the blocking carried out at the investigation stage was inappropriate. Investigators also understood that the pretrial decision serves as a control to prevent arbitrary actions. According to investigators, the judge's considerations also include aspects of justice and proportionality to ensure the applicant's legal interests are protected. This emphasizes the importance of coordination between investigators and the court in any coercive action.

The interview results above demonstrate that the judge carefully considered both the law and the facts in granting the pretrial motion. The investigator recognized that blocking the account must be proportionate and not cause unnecessary harm. This demonstrates the pretrial motion's function as a check on the investigator's authority. Considering that the account is not the sole evidence, the judge emphasized the protection of the company's rights. This consideration also strengthened legal certainty and avoided potential conflicts or claims for compensation. This analysis confirms the importance of judicial oversight in maintaining a balance between the investigator's authority and the applicant's rights.

Based on the results of an interview with AKBP I Made Kartika, SH, MH, as Legal Advisor, stated that the Judge referred to the principles of protecting the applicant's rights and legal certainty in granting the pretrial motion. According to the legal advisor, the judge considered that the blocking of the account was invalid because it did not comply with proper procedures and the account was not the main evidence. The judge also considered previous pretrial decisions and aspects of fairness so that the decision would not be disproportionately detrimental to the company. The legal advisor considered the judge's decision as a form of legal control over investigators. With these considerations, the applicant can defend his rights and continue business activities without disruption. This emphasizes the importance of pretrial as a legal protection mechanism for parties who are the object of investigation.

The results of the above interviews with legal counsel indicate that the judge's considerations encompassed legal, factual, and fair aspects in a balanced manner. The judge considered the procedures used by the investigator and the relevance of the available evidence. This analysis demonstrates that the pretrial decision provides legal certainty and protects the applicant's rights. The judge's considerations also emphasize the principles of proportionality and reasonableness in the use of coercive measures. This demonstrates that the pretrial mechanism serves to balance the investigator's authority with the rights of those subject to legal action. The judge's decision serves as an important guideline for subsequent investigations.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

Based on research at the Kalianda District Court, according to Judge Galang Syafta Arsitama, SH, MH, the judge's considerations in granting the pretrial motion focused on the legality of the account blocking action, procedural compliance, and the protection of the company's rights. The judge considered that the blocked account was not the main evidence in the investigation, so the blocking could not be justified at the investigation stage. This consideration also referred to previous decisions and the principle of justice so that the decision would not be excessively detrimental to the applicant. The judge emphasized that the pretrial motion functions as a legal control over investigators to prevent arbitrary actions. In addition, the decision also considers the economic impact on the company and employees, thus the judge's considerations include legal, factual, and propriety aspects.

In making a decision, the judge not only refers to the legal aspects but also processes the trial facts, including witness testimony, the defendant's statement, and other evidence, as the basis for his conviction. This process allows the judge to comprehensively assess every element of the case, including the motive, the defendant's circumstances, and the impact of the actions on the victim and society. The resulting decision is not merely a legal formality but reflects mature and fair consideration. This approach also emphasizes that the judge's decision must be based on concrete facts proven in court, so that the legitimacy of the sentence can be legally and morally justified.[6]

In making judgments, judges often link the prosecutor's charges to the evidence presented to ensure the verdict does not exceed the scope of the charges and maintains the principles of legality and legal certainty. Furthermore, judges also consider the defendant's motives and background to ensure the sentence is proportionate to the level of culpability and the social context.

Non-legal aspects are also highly relevant considerations in handing down criminal sentences. Judges focus not only on the normative fulfillment of the elements of the crime but also assess the defendant's subjective condition as a human being with a specific social and psychological background. Mitigating factors, such as the defendant's remorse for their actions, cooperation, and polite behavior during the trial, can reflect a good intention to improve themselves. Furthermore, the defendant's social history, including their roles within the family and community, can be important indicators in assessing their character and social responsibility. These considerations allow judges to assess the defendant's potential for resocialization after serving their sentence.[7]

Interview analysis shows that judges comprehensively consider law, fact, and propriety. The legality of investigators' actions and the relevance of evidence are the primary basis for

[6] Sri Dewi Rahayu Dewi and Yulia Monita. 2021. *Judges' Considerations in Decisions on Narcotics Crimes* . PAMPAS: Journal of Criminal Law , 1(1), pp. 125-137.

[7] Yudis Julman Loi. 2022. *Legal Analysis of Judges' Considerations in Sentencing Trafficking Crimes* . Jurnal Panah Hukum , Vol. 3 (1), p. 253.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

assessing applications. This analysis confirms that pretrial proceedings serve as a check on investigators' actions to prevent abuse of authority. Justice and propriety are also considered to ensure that decisions do not unduly disadvantage applicants. This analysis demonstrates the importance of striking a balance between protecting applicants' rights and investigators' authority. This approach enables judges to render decisions that are fair, proportionate, and in accordance with the law.

Based on all interview results, the judge's considerations can be analyzed using Soedarto's Theory of Authority, which states that the judge's considerations are the basis for deciding a case, encompassing legal, factual, and propriety aspects. In the case of account blocking, legal considerations include legal norms and previous decisions, factual considerations include the evidence presented and the actual circumstances of the investigation, while considerations of propriety and justice emphasize the protection of the company's rights and the economic impact. The interview results show that the judge balanced these three elements comprehensively. This confirms that the judge's considerations are not merely formal, but substantive, providing legal protection and certainty for the parties subject to the investigation. Pretrial decisions can be understood as an effort to maintain a balance between the investigator's authority and the applicant's rights in a proportional and fair manner.

Judges, through pre-trial proceedings, have a dual role, not limited to examining administrative formalities but also encompassing an in-depth assessment of the substance and legal rationale behind account blocking. Thus, judges can assess whether coercive measures taken by law enforcement officials comply with legal procedures, are legitimate, proportionate, and do not cause undue harm to legal subjects. This approach allows for a harmonious balance between effective law enforcement, which is necessary to prevent misuse of assets or the diversion of proceeds of crime, and the protection of legal rights guaranteed by the constitution, thereby maintaining the principles of justice and [8]*due process of law in criminal justice practice.*

Account blocking is an administrative action taken by a bank to restrict or temporarily suspend all transaction activity on a customer's account. This action can be taken based on a legal order, a customer request, or due to suspected account misuse, such as fraud, money laundering, or delinquency on certain obligations. Account blocking is temporary until the bank revokes it or resolves the underlying issue.[9]

Based on the research results, it can be analyzed that the judge's consideration in granting the pretrial motion against the blocking of the company's bank account in the investigation process at the Lampung Regional Police based on Decision Number 1/Pid.Pra/2025/PN Kla confirms that the cancellation of the investigation is not the object of the pretrial, but rather the legal consequence of declaring a pretrial action invalid, such as gross human rights violations,

[8] Barda Nawawi Arief. 2017. Anthology of Criminal Law Policy , Prenada Media, Jakarta, p. 87.

[9] M. Yahya Harahap. 2020. Discussion of Problems and Implementation of the Criminal Procedure Code , Sinar Grafika, Jakarta, p. 123

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

illegal seizure of primary evidence, or illegal determination of a suspect. This is in line with the Constitutional Court Decision No. 21/PUU-XII/2014 which states that pretrial functions as a control mechanism against the possibility of arbitrary actions by investigators, including searches, seizures, investigations, and prosecutions, with the aim of enforcing the law and protecting the human rights of suspects or defendants. In the *a quo case* , the object of the pretrial is the confiscation through the mechanism of blocking the account of PT. San Xiong Steel Indonesia at the Lampung Branch of BCA Bank, which does not indicate any gross human rights violations and is not the only evidence in the main investigation of the case. Therefore, the applicant's second, third, and fourth petitions are considered irrelevant and must be set aside, so that the judge's considerations focus on the legality of blocking the account according to legal procedures.

Legal Implications of Decision Number 1/Pid.Pra/2025/PN Kla which Declares the Blocking of a Company's Bank Account During the Investigation Stage Invalid for the Investigator's Authority and Protection of the Applicant's Rights

The judge's reasoning in declaring the blocking of the company's bank accounts during the investigation stage invalid emphasized the importance of complying with legal procedures and protecting the applicant's rights. The judge stated that the investigator's actions must have a clear and proportionate legal basis and must not cause undue harm to the company. In this case, the blocked account was not the sole evidence in the investigation, so the blocking was unjustified. The judge also referred to previous pretrial rulings and the principle of fairness to ensure that the decision would not unduly disadvantage the applicant. The aspects of propriety and proportionality were also considered to maintain a balance between the investigator's authority and the rights of legal subjects. Thus, the judge's decision provides legal protection while upholding legal certainty for the relevant parties.

The presence of pretrial proceedings as a judicial mechanism plays a strategic role in testing the legality and validity of any coercive measures taken by law enforcement officials, including the blocking of accounts. Through pretrial proceedings, judges can assess whether investigators' actions complied with applicable legal procedures and had a valid legal basis, thus preventing abuse of authority.[10]

The Criminal Procedure Code provides a normative basis for the implementation of pre-trial proceedings, while Constitutional Court Decision No. 21/PUU-XII/2014 broadens the scope of pre-trial proceedings, including administrative measures such as account blocking, as part of protecting citizens' rights. Furthermore, Supreme Court Regulation No. 4 of 2016 affirms the position of pre-trial proceedings as an effective means of judicial oversight of investigators'

[10] Bambang Hartono, Zainudin Hasan and Ismi Rahmawati . 2022. *Legal Consequences of Pre-Trial Decisions on the Determination of Suspects for Alleged Corruption Crimes at the Tulang Bawang DPRD Secretariat (Decision Study Number: 6/Pid. Pra/2020/PN. Tjk)* , Jurnal Pro Justitia (JPJ), Vol. 3(2), p. 29.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

authority, ensuring that legal actions by authorities do not arbitrarily harm the parties being investigated and remain within clear legal boundaries.[11]

A pretrial motion is filed by a company or its attorney to challenge the legality of an account blocking action taken by an investigator. The motion should outline the chronology of the blocking, the legal basis for the action deemed invalid, and relevant supporting evidence. After the motion is received by the Kalianda District Court, the court clerk schedules a hearing to examine documents and statements from relevant parties. This hearing will present the applicant, investigator, and bank representatives to provide testimony. The purpose of the motion is to ensure that the investigator's actions were not arbitrary and that the applicant's rights are protected. This process provides the company with an opportunity to obtain legal certainty before further action is taken.

Blocking a company's bank account during an investigation is carried out by investigators as a coercive measure to restrict the circulation of funds suspected of being linked to a crime. This action must have a clear legal basis and be carried out proportionally to avoid harming the applicant. In the case of PT. San Xiong Steel Indonesia, the account at the Lampung branch of Bank BCA was blocked, but this account was not the main evidence in the investigation. Unlawful blocking can cause economic losses and disrupt company operations. This demonstrates the need for judicial oversight to ensure that every investigator's actions comply with legal procedures. Thus, the pretrial mechanism is an important tool for assessing the legality of blocking.

Based on research at the Lampung Regional Police, according to AKP Hengky Darmawan, SH, MH, the legal implications of the ruling emphasize the limits of investigators' authority to take coercive action. Investigators recognize that account blocking must be based on legitimate and proportionate legal procedures. This ruling also protects companies' rights from being harmed by inappropriate actions. Investigators stated that unauthorized blocking can have legal consequences for law enforcement officials. Furthermore, the ruling strengthens the pretrial supervisory function as a control mechanism for investigators' actions. Thus, investigators understand the importance of coordination and caution in taking legal action.

The interview results above indicate that judges emphasized the principles of proportionality and procedural compliance in assessing investigators' actions. Investigators recognized that unauthorized account blocking could result in losses for companies and impact the credibility of law enforcement officials. This demonstrates the effectiveness of the pretrial mechanism as a legal oversight tool. This analysis also emphasizes the importance of transparency and proper documentation in any coercive action. With this understanding, investigators can exercise their authority appropriately without violating the rights of the parties involved. Furthermore, judges' decisions serve as guidelines for investigators in similar cases in the future.

[11] Lilik Mulyadi. 2016. Pre-trial: Theory and Practice , Alumni, Bandung, p. 102.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

Based on the results of an interview with AKBP I Made Kartika, SH, MH, as Legal Advisor, stated that the legal implications of this decision affirm the protection of the applicant's rights and legal certainty. The legal advisor assessed that the unauthorized blocking of accounts could harm the company financially and operationally. This decision also limits the authority of investigators so that coercive measures are carried out in accordance with applicable legal norms and procedures. According to the legal advisor, the decision confirms that pretrial functions to prevent abuse of authority by law enforcement officers. In addition, the decision provides guidelines for companies and banks in dealing with the blocking of accounts that are not legally valid. Thus, the decision increases transparency and legal certainty for parties who are the object of investigation.

The analysis of the interviews with legal counsel above shows that the implications of the ruling cover aspects of investigators' authority, protection of applicants' rights, and legal certainty. The judge emphasized that every investigator's action must comply with legal procedures and be proportionate to avoid causing harm. This ruling demonstrates the importance of balancing the authority of law enforcement officers with the rights of legal subjects. The analysis also demonstrates that the pretrial mechanism serves as an effective check on investigators' actions. With the ruling, companies can be better protected from unauthorized actions. This ruling serves as a guideline for investigators and other legal parties in conducting similar investigations.

Based on research at the Kalianda District Court, Judge Galang Syafta Arsitama, SH, MH, stated that the legal implications of this ruling are limiting investigators' authority and protecting the applicant's rights. The judge emphasized that unauthorized account blocking can cause economic losses and disrupt company operations. This ruling also emphasizes the importance of clear legal procedures, relevant evidence, and proportionality of action. According to the judge, the pretrial mechanism serves to maintain a balance between investigators' authority and the protection of the rights of legal subjects. The ruling also serves as a guideline for law enforcement officials in taking coercive action. Thus, the ruling strengthens legal certainty and controls over investigators' authority.

The interview results above indicate that the judge emphasized the principles of legality, proportionality, and protection of the applicant's rights. The decision limits the investigator's authority to prevent arbitrary account blocking. This analysis demonstrates the effectiveness of the pretrial mechanism as a legal oversight tool. The aspects of propriety and justice are also considered to ensure the decision does not unduly disadvantage the applicant. This analysis emphasizes the importance of balancing the investigator's authority with the rights of legal subjects. Thus, the decision provides legal certainty and protection for those subject to investigation. Soedarto argues that a judge's considerations are the rationale or reasoning used by a judge to decide a case. These considerations are not only formal but also substantive, encompassing legal considerations, factual considerations, and considerations of justice and fairness. According to Soedarto, a judge's considerations can be divided into three main elements:

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

1. Legal considerations , namely legal norms that form the basis of decisions
2. Consideration of the facts , namely the evidence and real circumstances found in the trial; and
3. Considerations of propriety and justice , namely the moral aspects and values of justice that are relevant to the case at hand.

With this approach, Soedarto emphasized that judges do not only apply the law mechanically, but also consider the social, moral and concrete factual contexts in making decisions.[12]

According to Moeljatno, a judge's considerations are the reasons or basis put forward by a judge in deciding a case, whether in an interim decision or a final decision. These considerations reflect the judge's thought process, which is based on the facts of the trial, applicable legal norms, and a sense of justice. Moeljatno emphasized that a judge's considerations are not limited to the strict application of the law, but also take into account the principles of justice, propriety, and the specific circumstances of each case. In other words, a judge's considerations serve as a bridge between abstract legal norms and the concrete facts of a particular case.[13]

Based on all the interview results, the legal implications of the verdict can be analyzed through the Theory of the Rule of Law (*Rechtsstaat*), which emphasizes that every action by law enforcement officers must comply with the law. The unauthorized blocking of accounts demonstrates the need for procedural compliance and proportionality to protect citizens' rights. The pretrial ruling emphasizes that investigators' powers cannot be exercised arbitrarily and must be legally accountable. In this context, the balance between investigators' authority and the protection of the rights of legal subjects is crucial.

The theory of the rule of law emphasizes that every judicial decision must be based on the principles of legal certainty, justice, and the protection of the rights of legal subjects from illegal or arbitrary actions. In the context of blocking a company's account during the investigation stage, the judge's decision not only assesses the legality of the investigator's actions but also ensures that the applicant's economic and operational rights are not unduly impaired. Thus, the judge's decision serves as an important instrument for upholding the rule of law, monitoring the authority of law enforcement officials, and maintaining a balance between investigative interests and protecting the rights of individuals or legal entities. Furthermore, this decision provides guidance for investigators, banks, and related parties in implementing legitimate legal procedures, ensuring that coercive measures such as blocking accounts are carried out proportionally, transparently, and accountably. More broadly, the application of this principle strengthens public trust in the judicial system and emphasizes that state power must always be exercised within the law to protect the public interest and prevent abuse of authority. The granting of a pretrial motion does not immediately stop the investigation or inquiry process originating from the same police report, because pretrial motion is essentially a means of judicial oversight of the validity of the

[12] Soedarto. 2009. Law and Justice in Judges' Decisions , Liberty, Yogyakarta, pp. 45-47.
[13] Moeljatno. 2002. Principles of Criminal Law , Bina Aksara, Jakarta, p. 45.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

investigator's coercive measures, not an instrument to assess the substance of the case or stop the entire law enforcement process. However, regarding the action of blocking the account that has been carried out by the Regional Police investigator, the pretrial decision that grants the applicant's motion has legal consequences in the form of an obligation to stop the action, because blocking the account is a restriction of civil rights that must be carried out based on a legal basis and valid procedures and upholds the principle *of due process of law* . With the granting of the pretrial motion, the applicant's right to use the company's BCA account must be restored, so that the account can be used again as it should for the company's operational activities, as long as there is no new legal basis that legally limits its use.

Based on the research results, it can be analyzed that the legal implications of Decision Number 1/Pid.Pra/2025/PN Kla, which stated that the blocking of a company's bank account during the investigation stage was invalid, emphasizes the limitations of investigators' authority to take coercive action before there is adequate legal certainty. This decision provides legal protection for the applicant's rights, including the right to account ownership and the continuity of company operations, so that blocking actions cannot be carried out arbitrarily or without a valid legal basis. More broadly, this decision emphasizes the principle of pretrial supervision as a control mechanism for the actions of law enforcement officers, while strengthening legal certainty and protecting the human rights of parties who are the object of investigation.

CONCLUSION

1. The judge's consideration in granting the pretrial motion against the blocking of a company's bank account during the investigation process at the Lampung Regional Police based on Decision Number 1/Pid.Pra/2025/PN Kla emphasized that the cancellation of the investigation is not the object of the pretrial, but rather a legal consequence of declaring a pretrial action invalid, such as a gross human rights violation, illegal seizure of primary evidence, or illegal determination of a suspect. This is in line with Constitutional Court Decision No. 21/PUU-XII/2014 which states that pretrial functions as a control mechanism against the possibility of arbitrary actions by investigators, including searches, seizures, investigations, and prosecutions, with the aim of upholding the law and protecting the human rights of suspects or defendants.
2. The legal implications of Decision Number 1/Pid.Pra/2025/PN Kla, which declared the blocking of a company's bank account during the investigation stage invalid, emphasize the limitations of investigators' authority to take coercive action before adequate legal certainty is achieved. This decision provides legal protection for the applicant's rights, including the right to account ownership and the continuity of company operations, so that blocking actions cannot be carried out arbitrarily or without a valid legal basis. More broadly, this decision emphasizes

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

the principle of pretrial supervision as a control mechanism for the actions of law enforcement officials, while strengthening legal certainty and protecting the human rights of those subject to investigation.

FUTURE DIRECTIONS

1. Judges are advised to consistently define the scope of pretrial proceedings and distinguish between the cancellation of an investigation and the actions that constitute the subject of a pretrial motion. Furthermore, investigators need to be provided with a deeper understanding of the rights of suspects or defendants and legal procedures to ensure that actions such as searches, seizures, and account freezes do not give rise to legal disputes. Relevant parties are also encouraged to maintain proper documentation and coordination during every investigative action to reduce the potential for human rights violations.
2. Investigators are advised to always comply with legal provisions before taking coercive action, such as blocking an account, by ensuring a clear and proportionate legal basis. Banks and third parties involved in blocking actions also need to understand the pretrial mechanism to ensure the applicant's rights are protected. Furthermore, police agencies can conduct internal outreach regarding the latest pretrial rulings as a guideline for more transparent investigations and to avoid harming the parties involved.

REFERENCES

Antara News Lampung. (2023). Judge Grants Pretrial Motion for Alleged Signature Forgery . Accessed from https://lampung.antaranews.com/berita/666447 , August 20, 2025, 12:45 WIB.

Antara News Lampung. (2024). Judge Rejects Applicant's Pretrial Motion in Suspect Determination and Money Laundering Case . Accessed from, https://lampung.antaranews.com/berita/694896 , August 20, 2025, 12:45 WIB.

Bambang Hartono, Zainudin Hasan and Ismi Rahmawati . 2022. *Legal Consequences of Pre-Trial Decisions on the Determination of Suspects for Alleged Corruption Crimes at the Tulang Bawang DPRD Secretariat (Decision Study Number: 6/Pid. Pra/2020/PN. Tjk)* , Jurnal Pro Justitia (JPJ), Vol. 3(2).

Barda Nawawi Arief. 2017. Anthology of Criminal Law Policy , Prenada Media, Jakarta.

Bloomberg Technoz. 2024. New Criminal Procedure Code: Pretrial Motions Can Cancel Account Blocking . Accessed from https://www.bloombergtechnoz.com/detail-news/65873/kuhap-baru-praperadilan-bisa-batalkan-pemblokiran-rekening , August 20, 2025, 12:38 WIB.

Lilik Mulyadi. 2016. Pre-trial: Theory and Practice , Alumni, Bandung.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

M. Yahya Harahap. 2020. Discussion of Problems and Implementation of the Criminal Procedure Code , Sinar Grafika, Jakarta.

Moeljatno. 2002. Principles of Criminal Law , Bina Aksara, Jakarta.

Republika. 2023. PPATK Reveals Reasons for Blocking Accounts Concerning Panji Gumilang . Accessed from https://news.republika.co.id/berita/rxs3wh377/ppatk-ungkap-alasan-pemblokiran-rekening-menyangkut-panji-gumilang , August 20, 2025, 12:40 WIB.

Soedarto. 2009. Law and Justice in Judges' Decisions , Liberty, Yogyakarta.

Sri Dewi Rahayu Dewi and Yulia Monita. 2021. *Judges' Considerations in Decisions on Narcotics Crime Cases* . PAMPAS: Journal of Criminal Law , 1(1).

Yudis Julman Loi. 2022. *Legal Analysis of Judges' Considerations in Sentencing Trafficking Crimes* . Jurnal Panah Hukum , Vol. 3 (1).

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License