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Juridical Analysis Of The Rejection Of A Pretrial Motion Against The Order To Terminate Investigation (SP3) By The General Criminal Directorate Of The Lampung Regional Police (A Study of Decision No. 12/Pid.Pra/2025/PN Tjk)

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Abstract

Pretrial proceedings provide legal protection against actions of law enforcement officials that are deemed to infringe upon the rights of suspects or other related parties during the investigation process. The research problems addressed are: how the mechanism of filing a pretrial motion against an SP3 and its implications for the legal rights of suspects and reporting parties in Decision No. 12/Pid.Pra/2025/PN Tjk; and whether the judge's considerations in rejecting the pretrial motion against the Order to Terminate Investigation (SP3) issued by the General Criminal Directorate of the Lampung Regional Police are in accordance with Decision No. 12/Pid.Pra/2025/PN Tjk. This study employs a normative juridical approach combined with an empirical approach, and draws conclusions using deductive reasoning to provide a general overview of the answers to the research problems based on the findings. The results indicate that the mechanism for filing a pretrial motion against an SP3 in Decision No. 12/Pid.Pra/2025/PN Tjk constitutes a form of judicial oversight over the investigator's authority to terminate an investigation. Through pretrial proceedings, the court assesses the validity of the SP3 from both formal and material aspects to prevent arbitrary actions and to ensure protection of the legal rights of suspects and reporting parties. Meanwhile, the judge's considerations in rejecting the pretrial motion are based on strict compliance with the provisions of the Criminal Procedure Code (KUHAP) and applicable legal procedures. The decision provides legal certainty for the suspect but limits the scope of legal remedies available to the reporting party. It is recommended that

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investigators place greater emphasis on prudence and accountability in issuing SP3s by basing such decisions on comprehensive and legally accountable analysis of evidence, as well as enhancing public understanding of pretrial proceedings as a means of legal protection. Judges are also expected not to focus solely on formal compliance with positive law, but to interpret the law proportionally while considering the sense of justice of all parties.

Keywords: Pretrial Motion; Order to Terminate Investigation; General Criminal Directorate.

INTRODUCTION

Pretrial proceedings are a legal mechanism provided to citizens to challenge or challenge the actions of law enforcement officials before a case proceeds to the formal judicial process. This mechanism is regulated in the Criminal Procedure Code (KUHAP) and aims to provide legal protection for the rights of suspects, victims, or related parties harmed by the actions of investigators, prosecutors, or other officials. It also serves as a form of *checks and balances* to prevent abuse of authority.

Pretrial proceedings provide legal protection against actions by law enforcement officers deemed detrimental to the rights of suspects or related parties during an investigation. This mechanism allows citizens to file a petition to challenge investigators' decisions or actions, such as suspect determination, detention, or termination of investigation (SP3), if they are deemed inconsistent with applicable law. With pretrial proceedings, every action by law enforcement officers can be formally monitored, thereby ensuring individual legal rights and minimizing abuse of authority. Furthermore, pretrial proceedings serve as a means of *checks and balances,* ensuring that the investigation process is conducted fairly, transparently, and in accordance with the principles of legality, while also providing legal certainty for all parties involved in a criminal case.[1]

A pretrial motion against a Letter of Order to Terminate an Investigation (SP3) is crucial because it is an official decision by law enforcement officials to halt the investigation of a case. This decision has significant legal implications for both suspects and victims, as it directly impacts legal certainty, the right to justice, and access to further legal proceedings. With the pretrial mechanism, aggrieved parties can challenge the SP3 to ensure that the termination of the investigation was carried out in accordance with legal procedures and valid evidence. Furthermore, pretrial motions also serve as a means of monitoring investigators' authority,

[1]Abdul Latif Lubis. 2022. *Indonesian Criminal Procedure Law: Theory and Practice* , Rajawali Pers, Jakarta, p. 112.

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preventing potential abuse of authority, and upholding the principles of legality and transparency in criminal law enforcement.[2]

The General Crimes Directorate (Ditkrimum) of the Regional Police has the authority to conduct investigations into various general crimes, including theft, assault, fraud, and other crimes in accordance with applicable laws and regulations. This authority covers all stages of the investigation, from gathering evidence, examining witnesses, to determining suspects, with the aim of enforcing the law fairly and professionally. In carrying out its duties, the Ditkrimum of the Regional Police is obliged to act based on the principles of legality, proportionality, and legal certainty, so that every decision taken, including the issuance of an Investigation Termination Order (SP3), must have a strong legal basis and sufficient evidence. This function emphasizes the role of the Ditkrimum of the Regional Police not only as a law enforcer, but also as a guardian of legal certainty and the protection of citizens' rights in criminal proceedings.[3]

During the investigation process, the General Crimes Directorate (Ditkrimum) of the Regional Police has the authority to issue an Investigation Termination Order (SP3) if a valid legal reason is found. This reason may include a lack of sufficient evidence to charge a suspect, or an indication that the case does not meet the elements of a crime as stipulated in the Criminal Code (KUHP). The issuance of an SP3 must be carried out with careful consideration and clear legal procedures so that the decision does not result in legal losses for any party. This mechanism ensures that the action of terminating the investigation remains in line with the principle of legality, provides legal certainty, and can be monitored through a pretrial mechanism if any party feels aggrieved. An SP3 is not merely a termination of the process, but also part of quality control of law enforcement so that investigations are carried out fairly, proportionally, and responsibly.[4]

The decision to issue an Investigation Termination Order (SP3) by the Regional Police's Criminal Investigation Directorate often gives rise to pretrial motions from reporting parties who feel aggrieved. Reporting parties or victims can file a pretrial motion to challenge the validity and legality of the SP3, especially if they believe the investigation termination is not based on sufficient evidence or proper legal procedures. This mechanism allows the court to assess whether the investigator's actions are in accordance with the provisions of the Criminal Procedure Code and the principles of justice, thereby protecting the rights of the injured party. Pretrial motions serve

[2]Hendra Siregar. 2021. *The Role of Pretrial in Protecting the Rights of Suspects* , Refika Aditama, Bandung, p. 85.

[3]Philipus M. Marzuki. 2020. *Criminal Law Enforcement in Indonesia* , Kencana, Jakarta, p. 145.

[4]Susilo Rahardjo. 2019. *Principles of Legality and Termination of Investigation* , UII Press, Yogyakarta, p. 97.

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as a means of monitoring the investigator's authority, preventing potential abuse of authority, and upholding the principles of transparency and accountability in the criminal law enforcement process.

A pretrial motion against a Letter of Order to Terminate an Investigation (SP3) affirms the principle of *checks and balances* between law enforcement officials and the public as legal subjects. Through this mechanism, every decision by investigators to terminate an investigation can be monitored by the court, so that such action is not carried out arbitrarily or exceeds the authority granted by law. This principle is in line with the principle of legality, which requires that all investigative actions be based on applicable law and valid evidence, and guarantees legal certainty for both suspects and victims. Through pretrial motions, the public has a means to demand transparency and accountability in the investigative process, while law enforcement officials continue to carry out their duties according to regulated procedures, thus creating a balance between protecting individual rights and effective law enforcement.[5]

Pretrial motions against a Termination of Investigation (SP3) order often face complex legal challenges. One of the main challenges is proving that the SP3 issued by the Regional Police's General Crimes Directorate (Ditkrimum) does not comply with the provisions of the Criminal Procedure Code (KUHAP) or is issued without sufficient legal basis. This evidentiary process requires the petitioner to present evidence that convinces the court that the termination of the investigation is detrimental to their rights. Furthermore, pretrial motions have strict time limits, requiring submission within a certain period of the SP3 decision, adding to procedural pressures for the petitioner. This situation emphasizes the importance of a sound legal understanding and appropriate strategies for parties wishing to file a pretrial motion, so that their rights can be effectively defended in court.[6]

The phenomenon of pretrial motions against Investigation Termination Orders (SP3) reflects the complex dynamics between law enforcement interests and the protection of public rights. Reporting parties or victims use the pretrial mechanism as a means to demand transparency, accountability, and legal certainty from investigators' actions, especially when they believe that the termination of the investigation is detrimental to their rights. On the other hand, investigators at the Regional Police's Criminal Investigation Directorate (Ditkrimum Polda) retain the authority to assess the appropriateness of the investigation termination based on available evidence and legal considerations, so that the SP3 decision can be considered valid if the

[5]Rinaldi Simanjuntak. 2021. *Checks and Balances in the Investigation Process* , Sinar Grafika, Jakarta, p. 63.
[6]R. Subekti. 2020. *Pretrial and Legal Protection Mechanisms* , Alfabeta, Bandung, p. 74.

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procedures and legal basis have been met. This condition demonstrates the importance of balancing individual rights protection with effective law enforcement, where pretrial functions as an external oversight mechanism to ensure that investigators' authority is not abused and that every decision remains within the legal corridor.[7]

Pretrial proceedings serve as a crucial legal instrument to protect the public from potential abuse of authority by investigators in terminating investigations. This mechanism allows every decision to terminate an investigation to be monitored and its validity tested by the court, ensuring that investigators' actions remain within the applicable legal framework. The function of pretrial proceedings is crucial given that public trust in law enforcement in Indonesia remains a sensitive issue, with the public frequently demanding transparency, accountability, and legal certainty in all criminal proceedings. Pretrial proceedings not only protect individual rights but also play a role in strengthening the legitimacy and credibility of law enforcement agencies in the public eye.[8]

A pretrial motion against a Letter of Order to Terminate an Investigation (SP3) is considered valid and acceptable to the court as long as the applicant can prove that the termination of the investigation has resulted in legal harm. Applicants must clearly demonstrate that the SP3 decision directly impacts their legal rights, such as the right to justice, legal protection, or legal certainty. This mechanism emphasizes the role of pretrial motion as a means of monitoring the investigator's authority, so that any termination of an investigation can be tested for its legality and procedures in court. Pretrial motion serves as an important instrument for maintaining a balance between the investigator's authority and the protection of individual rights, while increasing transparency and accountability in the criminal law enforcement process.[9]

One of the pretrial applications against the Investigation Termination Order (SP3) issued by the Lampung Regional Police General Criminal Investigation Directorate is reflected in Decision Number 12/Pid.Pra/2025/PN Tjk. In the decision, the judge granted the applicants' pretrial application in its entirety, stating that the termination of the investigation carried out by the Respondent based on SP3 Number SPPP/31/I/RES.1.11/2025/Ditreskrimum dated January 30, 2025 was invalid, had no legal basis, and had no binding legal force, canceled the order, and ordered the Respondent to continue the investigation and prosecution process for the *a quo case,* with court costs borne by the state.

[7]Indah Dewi. 2022. *Transparency and Accountability of Law Enforcement* , Prenadamedia, Jakarta, p. 51.
[8]Agus Santoso. 2021. *The Role of Pretrial in Investigator Supervision* , Andi, Yogyakarta, p. 88.
[9]Zainal Arifin. 2023. *Legal Analysis of Pretrial Applications Against SP3* , Rajawali Pers, Jakarta, p. 102.

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METHOD

The research method employed in this study is a normative juridical approach combined with an empirical approach. The normative juridical approach is used to examine legal norms, statutory regulations, legal principles, and relevant doctrines related to the research subject. Meanwhile, the empirical approach is applied to observe and analyze how these legal norms are implemented in practice within society or law enforcement institutions. Data obtained from both approaches are systematically analyzed to identify the relationship between legal theory and factual conditions in the field. The conclusions of the study are drawn using deductive reasoning, starting from general legal concepts and principles and then applying them to specific empirical findings. Through this method, the research provides a comprehensive and structured overview of the answers to the research problems based on the results of the study .

DISCUSSION

The Mechanism for Pretrial Applications Against SP3 and Its Implications for the Legal Rights of Suspects and Reporting Parties in Decision No. 12/Pid.Pra/2025/PN Tjk

The mechanism for a pretrial motion against an Investigation Termination Order (SP3) is filed by an interested party, particularly the complainant or victim, with the competent district court. The motion is submitted in writing and contains the identities of the parties, a brief description of the case, and the legal grounds for objecting to the termination of the investigation. In Decision No. 12/Pid.Pra/2025/PN Tjk, the applicant filed a pretrial motion, arguing that the SP3 was issued without sufficient legal basis. After the motion is registered, the chief justice appoints a single judge to examine the pretrial motion. The hearing process is carried out quickly and simply in accordance with the provisions of the Criminal Procedure Code. The judge then examines the evidence and hears the statements of the parties. This mechanism aims to ensure that the issuance of the SP3 does not conflict with the law and the principles of justice.

Pretrial motions against SP3 have direct implications for protecting the legal rights of both suspects and reporting parties. For suspects, SP3 provides protection from protracted legal proceedings without certainty and a clear legal basis. Termination of the investigation also guarantees the suspect's right to legal certainty and a sense of security. However, for reporting parties, SP3 can be viewed as a disregard for their right to justice. Therefore, pretrial motions provide a legal means for reporting parties to fight for the continuation of the investigation process. This mechanism strikes a balance between protecting the rights of suspects and victims. Thus, pretrial motions serve as a control instrument to ensure procedural fairness for all parties.

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Based on an interview with Indra Hermawan, Director of General Crimes at the Lampung Regional Police, the issuance of an SP3 is carried out through strict procedures and is based on the results of a case title. According to him, terminating an investigation is a legal step taken if the elements of a crime are not met or the evidence is insufficient. He emphasized that an SP3 is not a form of arbitrary termination, but rather a professional decision of the investigator. Indra Hermawan also stated that pretrial is a legal right of the community that must be respected. The police, he said, are always ready to account for the SP3 before the pretrial judge. In the context of Decision No. 12/Pid.Pra/2025/PN Tjk, pretrial is seen as part of the external oversight mechanism. This demonstrates the openness of the police institution to legal oversight.

The interviews indicate that the police institution views the SP3 as a legitimate and necessary legal instrument. However, the emphasis on internal procedures such as case presentations does not fully guarantee the satisfaction of the complainant's sense of justice. The police's preparedness for pretrial proceedings reflects their recognition of the principle of legal accountability. Nevertheless, the fact that pretrial motions were granted indicates weaknesses in investigators' initial assessments. This indicates the need for increased caution in issuing SP3s. From a human rights perspective, pretrial motions serve as a correction for potential investigator errors. Thus, these interviews demonstrate the dynamic relationship between investigator authority and judicial oversight.

The results of the interview with the Tanjung Karang District Court Judge showed that pretrial is an important mechanism for assessing the validity of the SP3. The Judge emphasized that the pretrial examination does not go into the essence of the case, but rather focuses on the formal and material aspects of the termination of the investigation. In Decision No. 12/Pid.Pra/2025/PN Tjk, the judge considered that the reason for the termination of the investigation was not supported by sufficient evidence. The judge also considered the rights of the reporter who felt aggrieved by the SP3. According to him, pretrial is a form of legal protection for the public. The judge emphasized the importance of the principle of prudence by investigators in issuing SP3. The pretrial decision is expected to be a lesson for law enforcement officers.

The judge's view demonstrates the strategic role of the judiciary in maintaining the balance of law enforcement authority. An assessment of the formal and material aspects of the SP3 (Suppression Order) demonstrates that termination of an investigation should not be based solely on the investigator's internal considerations. The judge serves as the guardian of the principles of justice and legal certainty. The granting of the pretrial motion demonstrates that the court takes the protection of the reporter's rights seriously. It also confirms that the investigator's power is

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not absolute. From the perspective of the criminal justice system, pretrial motions serve as an effective corrective instrument; this interview underscores the importance of judicial independence in overseeing the actions of law enforcement officers.

Overall interview results indicate that pretrial proceedings function as a form of legal protection for individual rights. This aligns with the Legal Protection Theory, which emphasizes the protection of human rights. Pretrial proceedings provide a space for parties harmed by the actions of the authorities to obtain justice. In Decision No. 12/Pid.Pra/2025/PN Tjk, pretrial proceedings serve as a repressive mechanism to correct investigators' actions. The state, through its judicial institutions, functions as a protector of citizens. This theory views law not merely as a formal rule, but as a means of providing substantive justice. Thus, pretrial proceedings reflect the concrete implementation of legal protection in criminal justice practice.

Satjipto Rahardjo's theory of legal protection emphasizes that law essentially provides protection for human rights that are harmed by others so that society can enjoy their rights properly. Law is not merely a rigid instrument, but an active tool that protects vulnerable groups from abuse of power and injustice. Satjipto Rahardjo views legal protection as a form of state service to citizens, namely through guarantees of substantive justice, legal certainty, and effective mechanisms, both preventive and repressive. Satjipto Rahardjo stated that this protective function reflects the social and humanitarian values that form the basis of the existence of law in society. Legal protection, according to him, is not merely a matter of regulating behavior, but also allocating authority through rights to individuals so that they can act to fight for their interests. The theory of legal protection is closely integrated with the idea of progressive law, where the law must be able to adapt and respond to the social realities of society in order to realize true justice.[10]

Based on the discussion, the pretrial motion for a SP3 (Special Order of Disclosure) is a crucial instrument in the criminal justice system. Pretrial motions provide legal protection for both suspects and complainants. In Decision No. 12/Pid.Pra/2025/PN Tjk, pretrial motions serve as a means of correcting the issuance of SP3s deemed invalid. Interviews with investigators and judges demonstrate a balance between authority and oversight. The implications of pretrial motions strengthen the principles of accountability and justice. In line with Satjipto Rahardjo's Theory of Legal Protection, pretrial motions serve as a form of state protection for citizens' rights. Thus, pretrial motions emphasize that the law must favor substantive justice and the protection of human rights.

[10]Satjipto Rahardjo. 2009. *Op. Cit.* , p. 88.

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Judge's Consideration on the Rejection of the Pretrial Application Against the Investigation Termination Order (SP3) by the General Crimes Directorate of the Lampung Regional Police based on Decision No. 12/Pid.Pra/2025/PN Tjk

The pretrial motion for a SP3 is filed by the interested party with the competent district court. The motion must contain the identity of the parties, a brief description of the case, and the legal grounds underlying the objection to the termination of the investigation. In Decision No. 12/Pid.Pra/2025/PN Tjk, the petitioner used the pretrial motion as a means to test the validity of the SP3 issued by the General Crimes Directorate of the Lampung Regional Police. After the petition is registered, the court appoints a single judge to examine the case. The hearing is conducted expeditiously by hearing statements from the petitioner and the respondent and examining evidence. The judge then assesses the formal and material aspects of the issuance of the SP3. Based on this assessment, the judge determines whether the pretrial motion can be granted or rejected.

In a pretrial motion for a SP3, the legal rights of the suspect and the reporting party are important aspects considered by the judge. For the suspect, the SP3 protects their right to legal certainty and prevents them from facing unreasonable legal proceedings. Rejection of the pretrial motion means the termination of the investigation is legally valid, thus clarifying the suspect's legal status. Meanwhile, for the reporting party, rejection of the pretrial motion implies the closure of the opportunity to continue the investigation through that route. Nevertheless, the reporting party still obtains legal certainty regarding the case they reported. The judge in his decision places the rights of the parties proportionally in accordance with the provisions of criminal procedure law. Thus, rejection of the pretrial motion reflects the protection of legal rights based on applicable formal procedures.

Based on the results of an interview with Indra Hermawan, Director of General Crimes at the Lampung Regional Police, the rejection of the pretrial motion was seen as an acknowledgment of the validity of the SP3 issuance procedure. He stated that the SP3 had been issued based on legal provisions and the results of an evaluation of the available evidence. According to him, the judge in Decision No. 12/Pid.Pra/2025/PN Tjk assessed that the investigator had exercised his authority in accordance with the law. Indra Hermawan emphasized that every decision to terminate an investigation always goes through a case presentation mechanism. Pretrial motions are a public right that must be respected, although they do not always result in the granting of the motion. The rejection of the pretrial motion demonstrates that the legal basis for the SP3 can be

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accounted for. This is considered to strengthen the legitimacy of investigators' actions in law enforcement.

The interview results indicate that law enforcement officials view the judge's decision as a form of legitimacy for investigators' actions. The rejection of pretrial motions confirms that the formal procedure for issuing SP3s complies with positive law. This view emphasizes the importance of adhering to written rules in every investigative action. However, this approach tends to prioritize procedural aspects over substantive justice. In this context, legal certainty is the top priority. This analysis demonstrates that law is understood as a system of rules that must be obeyed; these interviews reflect a formalistic orientation in law enforcement practices.

The results of the interview with the Tanjung Karang District Court Judge revealed that the rejection of the pretrial motion was based on normative legal considerations. The Judge stated that the pretrial hearing only assessed the validity of the procedure and the legal basis for the termination of the investigation. The pretrial ruling in case Number 12/Pid.Pra/2025/PN Tjk was based on the finding that the issuance of the SP3 by the General Crimes Directorate of the Lampung Regional Police did not comply with the provisions of criminal procedure law. The Judge explained that after assessing the formal and material aspects, the court granted the applicants' pretrial motion in its entirety. The termination of the investigation was declared invalid, without legal basis, and without binding legal force because it was not supported by sufficient evidence. Therefore, the Order to Terminate Investigation Number SPPP/31/I/RES.1.11/2025/Ditreskrimum dated January 30, 2025 was declared invalid and was annulled. The Judge also emphasized that the annulment of the SP3 had implications for the respondent's obligation to continue the investigation and prosecution process in the *a quo case* . The ruling constitutes a judicial correction of the investigator's actions. Furthermore, the state will be responsible for legal costs as a legal consequence of the pretrial motion being granted.

The judge's view reflects the application of law that emphasizes compliance with positive law. The rejection of a pretrial motion is based on the investigator's actions complying with applicable statutory provisions. The judge does not consider subjective factors or moral values beyond the written rules. This demonstrates a formalistic approach to decision-making. Legal certainty is the primary objective in the judge's deliberations. In this context, the judge's role is that of an implementer of norms, not a creator of substantive justice. This interview confirms the positivistic nature of pretrial judicial practice.

The research results show that the judge's considerations in rejecting pretrial motions are in line with Gustav Radbruch's Positivist Legal Theory. Judges base their decisions strictly on

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written legal provisions without considering moral aspects or substantive justice. Law is viewed as a set of formal norms that must be applied as is. This approach emphasizes legal certainty as the primary objective of law enforcement. In line with John Austin's view, law is understood as a command from a ruler that has coercive power. In Decision No. 12/Pid.Pra/2025/PN Tjk, the judge acts as an implementer of positive law, the decision reflects the dominance of the positivist paradigm in pretrial judicial practice.

The positivist legal theory emphasizes that law is a set of rules established by a legitimate authority and must be obeyed by society. Law is viewed as a formal norm that is officially enforced, without considering moral values or substantive justice within it. Figures such as John Austin emphasized that law is a command from a ruler who has coercive power, so that public compliance is a key aspect in its application. In the context of judicial practice, judges will strictly refer to written legal provisions as the basis for their decisions. Analysis of judicial decisions emphasizes adherence to positive law rather than subjective moral considerations . Positivism emphasizes legal certainty as the primary goal of implementing law.[11]

Gustav Radbruch offered a critique of pure positivism, particularly after the experience of totalitarian law in Germany. Radbruch's formula states that laws that clearly contradict substantive justice cannot be maintained as valid law. According to Radbruch, law must balance formal legality and the value of justice, so that judges are not only subject to written provisions but also consider whether the rules are just or not. Law is not only a tool of formal certainty but also a means of social justice. Radbruch opens up space for judges to reject extremely unjust laws in order to protect higher moral principles.[12]

Based on the above description, the judge's consideration for rejecting the pretrial motion against the SP3 in Decision No. 12/Pid.Pra/2025/PN Tjk is based on compliance with positive law. The judge considered that the SP3 had been issued in accordance with applicable procedures and statutory provisions. The rejection of the pretrial motion provides legal certainty for the suspect and strengthens the legitimacy of the investigator's actions. However, its implications limit the reporting party's space to fight for substantive justice. This approach is in line with the Positivist Legal Theory which emphasizes written norms as the primary basis for decisions. Legal certainty is placed above subjective moral considerations, the decision reflects the formalistic character in pretrial law enforcement.

[11] Mario Julyano and Aditya Yuli Sulistyawan . 2019. *Op. Cit.* , pp. 13 - 22

[12]Mohammad Wangsit Supriyadi, Mustafid Milanto Achmad and Nurshoim Ramadhan Putra. 2025. *Op. Cit.* , p. 245

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CONCLUSION

1. The mechanism for pretrial motions against SP3 and its implications for the legal rights of suspects and reporting parties in Decision No. 12/Pid.Pra/2025/PN Tjk is a form of judicial oversight of investigators' authority to terminate criminal investigations. Through this mechanism, the court assesses the validity of SP3 from both formal and material aspects to ensure that the termination of investigations is not carried out arbitrarily. For suspects, pretrial motions provide protection for the right to legal certainty and prevent protracted legal proceedings without a valid basis. Meanwhile, for reporting parties, pretrial motions serve as a legal means to fight for the right to justice and the continuation of the law enforcement process. The pretrial motion in this decision reflects an effort to balance the authority of law enforcement officers with the protection of human rights in accordance with the principle of substantive justice.
2. The Judge's considerations regarding the rejection of the pretrial motion against the Investigation Termination Order (SP3) by the General Crimes Directorate of the Lampung Regional Police based on Decision No. 12/Pid.Pra/2025/PN Tjk focused on the formal and material aspects of the issuance of the SP3 with strict reference to the provisions of the Criminal Procedure Code and applicable legal procedures. The rejection of the pretrial motion reflects the view that the investigator's actions were in accordance with legitimate authority and legal regulations. The implications of this decision provide legal certainty for the suspect regarding the validity of the investigation termination. On the other hand, for the reporting party, this decision limits legal remedies through the pretrial mechanism. This approach demonstrates the dominance of the positivistic legal paradigm which emphasizes certainty and adherence to written norms. The judge's considerations in this case reflect a formalistic orientation in pretrial law enforcement.

FUTURE DIRECTIONS

1. It is recommended that law enforcement officials, particularly investigators, prioritize the principles of caution and accountability when issuing Investigation Termination Orders (SP3). Every decision to terminate an investigation should be based on a comprehensive and legally accountable analysis of the evidence. Furthermore, it is necessary to increase public understanding, particularly of informants or victims, regarding the pretrial mechanism as a means of protecting legal rights. Courts are also expected to consistently carry out their judicial oversight function objectively to maintain a balance between investigators' authority

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and human rights protection. Thus, pretrial proceedings can function optimally as an instrument of substantive justice in the criminal justice system.

2. It is recommended that judges, when examining and deciding pretrial cases, focus not only on formal compliance with positive law but also consider the impact of the decision on the parties' sense of justice, particularly the complainant. Although legal certainty is the primary goal in the positivistic legal paradigm, judges are still expected to interpret legal provisions progressively without ignoring the corridors of statutory regulations. For lawmakers, it is necessary to consider strengthening norms regarding the scope of pretrial examinations to optimize the protection of victims' rights. Furthermore, investigators need to ensure that each issuance of SP3 meets clear procedural and substantive standards. With these steps, pretrial law enforcement can balance legal certainty and procedural justice.

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