Adagium: Jurnal Ilmiah Hukum
E-ISSN: 2985-5128
Volume 4 Number 2 (2026), pp. 2089-2098
DOI: https://doi.org/10.70308/az6t0853

Recontruction Article 244(5) of Indonesia's Criminal Procedure Code to Protect Defendants' Personal Liberty

Kurniawan Tri Wibowo[1*]
[1] Universitas Amikom Purwokerto, Indonesia
*Correspondence: kurniawan@amikompurwokerto.ac.id

Received: 11 September 2026	Accepted: 24 October 2026	Published: 06 November 2026

Abstrak

Penelitian ini menelaah Pasal 244 ayat (5) Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana (KUHAP) dalam hubungannya dengan hak atas kemerdekaan pribadi terdakwa yang diputus lepas dari segala tuntutan hukum. Dengan metode normatif yang didukung survei persepsi terbatas terhadap 26 responden, artikel ini membedakan putusan bebas dari putusan lepas, pengajuan banding penuntut umum dari dasar penahanan yang berdiri sendiri, serta alasan pembenar dari alasan pemaaf. Hasilnya menunjukkan perlunya menilai legalitas, kebutuhan, proporsionalitas, dan pengawasan hakim atas penahanan pascaputusan. Proporsi 76,9 persen dalam survei hanya menggambarkan pendapat responden, bukan tingkat penerapan nasional atau bukti inkonstitusionalitas. Penulis mengusulkan perubahan hukum agar banding tidak secara otomatis memperpanjang penahanan, tanpa meniadakan kewenangan hakim atas perintah penahanan baru yang memenuhi syarat hukum.

Kata Kunci: putusan lepas; hak atas kemerdekaan pribadi; penahanan; upaya hukum; proses hukum yang adil

Abstract

This article examines Article 244(5) of Law Number 20 of 2025 on the Indonesian Criminal Procedure Code and its implications for a defendant's personal liberty after a judgment releasing the defendant from all legal charges (ontslag van alle rechtsvervolging). The normative analysis distinguishes such a judgment from an acquittal, prosecutorial appeal from an independent detention decision, and lawful justification from excuse. A limited questionnaire of twenty-six participants provides only descriptive perceptions: a reported 76.9 percent opposing the rule is neither representative of national practice nor evidence of unconstitutional application. The study argues for individualized judicial assessment of the legality, necessity, and proportionality of any continued detention. It proposes a statutory amendment under which an appeal would not automatically extend detention, while preserving judicial authority to issue a new, reasoned and reviewable order where lawful conditions are met.

Keywords: *release from all legal charges; personal liberty; detention; appeal; due process of law*

Introduction

Criminal procedure must reconcile the state's authority to prosecute with the constitutional right to personal liberty. A decisive point arises when a trial court

finds that the alleged conduct occurred but that a ground excluding criminal liability or punishment applies. The resulting decision releasing the defendant from all legal charges (ontslag van alle rechtsvervolging) is legally different from an acquittal (vrijspraak), which follows a failure to prove the alleged offence. Treating both decisions as identical obscures their different factual premises and risks an incorrect account of detention and appellate remedies.[1]

The relevant positive-law provision is Article 244 of Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), which entered into force on 2 January 2026 and replaced Law Number 8 of 1981. Article 244(2) provides for acquittal when the charged crime is not proven; Article 244(3) provides for release from all legal charges when the act is proven but a ground excluding punishment applies. Article 244(4) directs release of an acquitted detainee upon pronouncement. Article 244(5), by contrast, makes release following an ontslag decision conditional on the public prosecutor not filing an appeal. This differentiation is the specific object of the present study.[2]

The normative difficulty is not resolved by assuming that an ontslag judgment proves factual innocence. It does not. The question is whether the prosecutor's procedural decision to appeal is a sufficient basis, by itself, for continuing a restriction on liberty after the trial court has declined to impose punishment. Conversely, a rule of automatic release without regard to an independently lawful detention ground might ignore a legitimate and proportionate interest in securing proceedings. The legal challenge is to distinguish continued detention as a collateral effect of an appeal from a fresh, reasoned detention order grounded in statutory criteria and judicial control.[3]

This article formulates three questions. What is the relationship between Article 244(5) and the distinct legal consequences of acquittal and release from all legal charges? How should continued detention be reviewed under constitutional protection of liberty and Article 9 of the International Covenant on Civil and Political Rights (ICCPR)? What reconstruction of the procedural rule would protect personal liberty while preserving lawful appellate proceedings? The study advances an interpretive and legislative proposal, not a finding that any identified official acted unlawfully in a particular case.[4]

Research Method

This research combines doctrinal analysis with the limited descriptive questionnaire reported by the author. The normative component examines Law No. 20 of 2025, relevant provisions of the Criminal Code, constitutional guarantees, and the ICCPR. The analysis identifies the operative wording, distinguishes stages of

[1] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, art. 244(2)–(5).

[2] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, arts. 244 and 369.

[3] Abelia Permatasari, "Legal analysis of the protection of the rights of suspects and defendants from a human rights perspective (Study of constitutional court decision number 61/PUU-XX/2022)," *Education of Law Journal* 1, no. 1 (2025): 18–27, https://doi.org/10.21831/edulaw.v1i1.2216.

[4] Dwi Putra Nugraha et al., "ICCPR dan Perlindungan terhadap Penahanan Sewenang-wenang: Tinjauan Hukum Administrasi Negara atas Kewenangan Imigrasi di Indonesia," *Jurnal Ilmu Multidisiplin* 4, no. 5 (2025): 3472–3483, https://doi.org/10.38035/jim.v4i5.1488.

detention, and separates appeal from a detention decision. Reform proposals are evaluated against proportionality, effective review, and institutional feasibility.[5]

The source study reports a questionnaire involving twenty-six participants from legal and related backgrounds. The available account does not specify a complete sampling frame, category-level counts, recruitment protocol, or systematic coding procedure. The results are therefore treated only as descriptive perceptions within the reported sample. A 76.9 percent unfavorable response does not establish constitutional invalidity or represent national opinion. Responses favoring the existing provision are considered as competing policy arguments.

Foreign systems are considered only as comparative context. Their classifications of acquittal and legal discharge, appellate remedies, and independent detention powers differ. The comparison identifies functional variables rather than asserting that Dutch, German, French, English, and American law impose a uniform rule of automatic release in every equivalent case.[6]

Results and Discussion

1. Statutory Construction of Article 244 and Its Relationship with Detention

The distinction created by Article 244 of the 2025 Criminal Procedure Code is explicit. Under paragraph (2), the adjudicator concludes that the crime as charged has not been proven beyond the required legal standard. Under paragraph (3), the act is proven but the applicable basis for imposing punishment is absent. The latter category can encompass different grounds for exclusion, which must be separately examined in light of the substantive Criminal Code. This classification determines the form of the judgment and frames the subsequent appellate issue; it does not automatically settle every question about detention.[7]

Article 244(5) states, in substance, that where a defendant is released from all legal charges and the public prosecutor does not appeal, a detained defendant is released when judgment is pronounced. The proviso linking release to the absence of a prosecutorial appeal raises the concern that the exercise of an appellate right may be treated as sufficient to sustain custody. The article should be read alongside Article 245, which allocates implementation of release orders to the prosecutor and prescribes prompt execution and reporting. The existence of an appeal must still be distinguished from an individually justified custody decision supported by the detention provisions of the Code.[8]

A justification that removes unlawfulness differs from an excuse that removes personal blameworthiness. Necessary defence (noodweer) and excessive defence (noodweer exces) must therefore be examined separately. Article 34 of the 2023 Criminal Code governs necessary defence, while Article 43 addresses excessive defence caused by severe mental disturbance arising from an unlawful attack or threat. The procedural argument concerns a ground accepted by the court, rather than the mere assertion of self-defence.[9]

---

[5] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

[6] Sina Jung et al., "Developments in German Criminal Law: The Urgent Issues Regarding Prolonged Pre-Trial Detention in Germany," *German Law Journal* 22, no. 2 (2021): 303–314, https://doi.org/10.1017/glj.2021.7.

[7] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, art. 244.

[8] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, arts. 244–245.

[9] Indonesia, Law No. 1 of 2023 concerning the Criminal Code, arts. 34 and 43.

A conviction is not interchangeable with an ontslag judgment, and acquittal is not an umbrella expression for both categories. This terminological separation has practical consequences for the prosecution's reasons for appeal, the scope of judicial review, and the evidentiary record relevant to a renewed request for custody. It is also essential for the respondent questionnaire: participants should be told precisely which judicial outcome they are evaluating. Otherwise, apparent support for immediate release may be based on the mistaken understanding that the court found no conduct at all.[10]

2. Constitutional Liberty and International Human Rights

The right to personal security and protection from arbitrary interference is grounded in the Indonesian Constitution, including Article 28G(1), while Article 28D(1) establishes protection of fair legal certainty and equal treatment before the law. The rights must be assessed in their own terms, rather than through the vague expression 'independence of the defendant.' Detention is not necessarily unlawful simply because its purpose is prosecutorial, but it must have a valid legal basis, a legitimate objective, concrete necessity, and an opportunity for effective independent review.[11]

Article 9 of the ICCPR prohibits arbitrary arrest or detention and requires an effective means to challenge unlawful detention. The right to liberty cannot simply be labeled non-derogable in the same manner as the rights expressly listed in Article 4(2) of the Covenant. The central inquiry is instead whether the detention is lawful and non-arbitrary under the circumstances, including its duration and the availability of judicial scrutiny. An appeal by the prosecutor may be relevant to procedural risk, but it cannot answer the necessity and proportionality questions by mere reference to its existence.[12]

A careful reconstruction must also distinguish a judicial order of continued detention from the administrative execution of that order. The prosecutor may exercise a lawful appellate right while the court independently asks whether custody remains necessary. For example, an identifiable risk of flight or interference with evidence may warrant consideration under the governing statutory standard; a purely speculative fear should not be sufficient. The justification should be written, reviewable, proportionate in duration, and reassessed when circumstances change. This framework protects legal proceedings without converting a prosecutorial appeal into automatic deprivation of liberty.[13]

3. Questionnaire Findings and Limits

The questionnaire account reports twenty unfavorable responses out of twenty-six participants (76.9 percent), with six participants taking the opposing view. Those favoring release emphasized the human cost of custody after a court

[10] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, art. 244.

[11] Dwi Prasetyo and Ratna Herawati, "Tinjauan Sistem Peradilan Pidana Dalam Konteks Penegakan Hukum dan Perlindungan Hak Asasi Manusia Terhadap Tersangka di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 4, no. 3 (2022): 402–417, https://doi.org/10.14710/jphi.v4i3.402-417.

[12] United Nations, International Covenant on Civil and Political Rights, December 16, 1966, arts. 4 and 9.

[13] United Nations Human Rights Committee, General Comment No. 35, Article 9: Liberty and Security of Person, CCPR/C/GC/35 (2014).

had found a ground for not imposing punishment. The opposing view emphasized appellate review and the public interest in securing proceedings. These responses express policy preferences; neither group supplies a binding constitutional interpretation.

The two groups should be read as offering competing policy arguments. Persons favoring release stress liberty, proportionality, and protection from indefinite procedural consequences. Those favoring the existing formulation may fear that release could undermine attendance at appeal, frustrate the court's authority, or invite strategic litigation. The appropriate response is not to assume either set of concerns is decisive, but to evaluate whether individualized judicial detention decisions can meet legitimate procedural needs with a smaller restriction on liberty. The questionnaire cannot establish the empirical frequency of detention after ontslag judgments or the actual number of defendants affected nationwide.[14]

4. Comparative Criteria and a Proposed Reconstruction

A functional comparison should ask the same questions in each jurisdiction: how the judicial outcome is classified, what happens to existing custody, which prosecution remedies remain available, whether a separate detention order may be issued, and how unlawful detention may be challenged. Differences in those variables limit direct transplantation. Foreign examples are used here to frame an inquiry into safeguards rather than to establish a single comparative rule.[15]

The proposed reconstruction is to sever the automatic relationship between a prosecutor's appeal and continued detention while preserving independent judicial authority under the Code's ordinary detention conditions. A possible legislative formulation is: 'Where the court releases the defendant from all legal charges under paragraph (3), any detention based solely on the proceedings decided by that judgment shall cease upon pronouncement. An appeal by the public prosecutor shall not, by itself, extend detention. A further deprivation of liberty may be ordered only by a competent judge in a separate, reasoned decision satisfying the statutory detention requirements and subject to prompt review.' This text is the authors' de lege ferenda proposal, not an assertion that current law already contains these words.[16]

Implementation would require the court clerk to transmit the dispositive detention order immediately; the prosecutor to execute the release within the period prescribed by Article 245 where that article applies; the detention facility to verify the existence of any independent custody order; and the defendant to have access to urgent judicial review and legally available compensation or rehabilitation for unlawful detention. A proposed change to Article 244(5) must also be reconciled with paragraphs (4) and (6), Article 245, and the Code's general detention and

[14] Dwi Putra Nugraha et al., "ICCPR dan Perlindungan terhadap Penahanan Sewenang-wenang: Tinjauan Hukum Administrasi Negara atas Kewenangan Imigrasi di Indonesia," *Jurnal Ilmu Multidisiplin* 4, no. 5 (2025): 3472–3483, https://doi.org/10.38035/jim.v4i5.1488.

[15] Sina Jung et al., "Developments in German Criminal Law: The Urgent Issues Regarding Prolonged Pre-Trial Detention in Germany," *German Law Journal* 22, no. 2 (2021): 303–314, https://doi.org/10.1017/glj.2021.7.

[16] Eny Suastuti et al., "Transformation and Effects of Human Rights Protection on Determining Corruption Suspects as a Pretrial Object under the Indonesian Criminal Justice System," *Lex Scientia Law Review* 8, no. 2 (2024): 817–858, https://doi.org/10.15294/lslr.v8i2.14667.

appellate provisions. Without that systematic consistency, deleting an isolated phrase would risk creating further procedural uncertainty.[17]

The comparative and constitutional arguments therefore support a narrower conclusion than automatic release in every conceivable circumstance. An ontslag decision gives strong reasons to terminate detention tied to the adjudicated accusation, but it does not categorically prohibit every separately justified restriction that the law authorizes. The independent judicial decision, rather than the prosecutor's unilateral appeal, should be the decisive procedural safeguard. A pilot audit of detention following such decisions could collect information on grounds, duration, appeals, judicial review, and the availability of remedies without assuming the result in advance.[18]

Table 1. Functional Criteria for Comparative Analysis

Comparative variable	Question to examine	Limit on inference
Judicial outcome	Is the outcome acquittal, legal discharge, or another category?	Domestic labels are not automatically equivalent.
Existing custody	Does the judgment terminate the current detention order?	Identify the applicable procedural provision.
Prosecution remedy	Which appeal or review route remains available?	Availability of review does not by itself establish detention power.
Independent detention	May a competent judge issue a separate custody order?	Specify grounds, duration, reasons, and review.
Effective remedy	How may unlawful detention be challenged?	Compare access and legal authority, not presumed effectiveness.

Source: Authors' analytical comparison; Law No. 20 of 2025, Articles 244–245, for the statutory formulation.

Table 2. Existing Rule and Proposed Amendment

Existing formulation	Proposed reform and safeguards
Article 244(5), Law No. 20 of 2025, links release following a judgment under paragraph (3) with the public prosecutor not appealing.	Appeal would not by itself extend detention. Any further custody would require a separate, reasoned and reviewable order satisfying the applicable statutory conditions. This is a legislative proposal.

Source: Authors' analytical comparison; Law No. 20 of 2025, Articles 244–245, for the statutory formulation.

[17] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, art. 245.

[18] M. Supian Noor, Akhmad Munawar, and Lutfi Yusup Rahmathoni, "Paradigma Baru Hukum Acara Pidana: Rekonstruksi Perlindungan Hak Asasi Tersangka dalam Proses Peradilan," *Jurnal Hukum Lex Generalis* 5, no. 12 (2025), https://doi.org/10.56370/jhlg.v5i12.821.

Conclusion

Article 244 of the 2025 Criminal Procedure Code differentiates acquittal from release from all legal charges and makes detention following the latter judgment dependent, in its fifth paragraph, on the absence of a prosecutorial appeal. The provision is correctly analyzed as a matter of criminal procedure, not as an article of the substantive Criminal Code. A release from all legal charges does not mean that the charged act was factually unproven, and the precise ground for excluding criminal punishment must remain legally identified.[19]

The proportionality objection arises when a prosecutor's appeal is taken to justify continuing custody without a separate assessment of necessity. The proposed reform is therefore a statutory clarification that appeal does not by itself extend detention, coupled with individualized judicial authorization where independent detention grounds exist and with prompt execution and review safeguards. The small questionnaire reflects the preferences of twenty-six participants, not representative proof of national practice. Further work should verify full case files, the actual operation of Article 245, and the legal text governing comparable appellate situations before any broader empirical generalization is made.

References

Abyan, M. M., and Gunawan, B. P. "Pembelaan Diri Menurut Undang-Undang Nomor 1 tahun 2023 mengenai Kitab Undang-Undang Hukum Pidana." *Jurnal Reformasi Hukum: Cogito Ergo Sum* 8, no. 2 (2025): 22–29.

Anindyajati, T., Rachman, I. N., and Onita, A. A. D. "Konstitusionalitas Norma Sanksi Pidana sebagai Ultimum Remedium dalam Pembentukan Legislatif." *Jurnal Konstitusi* 12, no. 4 (2016): 872–892.

Aprita, S., and Hasyim, Y. Hukum dan hak asasi manusia. Bogor: Mitra Wacana Media, 2020.

Ashidiqqie, J. Hukum Konstitusi dan Pilar Demokrasi. Jakarta: Penerbit Mahkamah Konstitusi, 2005.

Atmaja Nr, Ig Punia. "Penyiaran Beritakriminal Dalam Kerangka Perlindungan Hak Tersangka/Terdakwa." *Yuridika* 32, no. 3 (2017): 415. https://doi.org/10.20473/ydk.v32i3.4853.

Azmi, Chairul, Jamaluddin, Budi Bahreisy, and Hamdani. "ANALISIS PUTUSAN HAKIM TERHADAP PUTUSAN LEPAS DARI SEGALA TUNTUTAN PADA TINDAK PIDANA PENGANIAYAAN (Studi Putusan Nomor 63/Pid.B/2021/Pn Skm)." *Suloh:Jurnal Fakultas Hukum Universitas Malikussaleh* 11, no. 2 (2023): 457. https://doi.org/10.29103/sjp.v11i2.13236.

Berutu, E. S. "Penangkapan dan penahanan tersangka sesuai dengan Kitab Undang-Undang Hukum Pidana terkait Hak Asasi Manusia." *Lex Crimen* 6, no. 6 (2017).

Daswanto. "Legal Policy of Pretrial Arrangements in Criminal Procedure Law in Indonesia by the Constitutional Court." *Interdiciplinary Journal and Hummanity (INJURITY)* 3, no. 11 (2024): 755–767. https://doi.org/10.58631/injurity.v3i11.1309.

Dwi Putra Nugraha, Rachel Matthew, Liandry Tanu Wijaya, and Gabriella Jazzy Jason Junior. "ICCPR dan Perlindungan terhadap Penahanan Sewenang-wenang: Tinjauan Hukum Administrasi Negara atas Kewenangan Imigrasi di

[19] Indonesia, Law No. 20 of 2025 concerning the Criminal Procedure Code, arts. 244–245.

Indonesia." *Jurnal Ilmu Multidisiplin* 4, no. 5 (2025): 3472–3483. https://doi.org/10.38035/jim.v4i5.1488.

Fatimah, Muhammad Hatta, and Arif Rahman. "ANALISIS HUKUM TERHADAP PEMBELAAN TERPAKSA (NOODWER EXCES) YANG MELAMPAUI BATAS TERHADAP PELAKU TINDAK PIDANA PENGANIAYAAN YANG MENYEBABKAN KEMATIAN (Studi Putusan Nomor 33/Pid.B/2024/PN.BIR)." *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 8, no. 3 (2025). https://doi.org/10.29103/jimfh.v8i3.23541.

Hallett, Nicholas, Nadine Smit, and Keith Rix. "Miscarriages of justice and expert psychiatric evidence: lessons from criminal appeals in England and Wales." *BJPsych Advances* 25, no. 4 (2019): 251–264. https://doi.org/10.1192/bja.2019.11.

Hiariej, E. O. S., dkk. Anotasi Kitab Undang-Undang Hukum Acara Pidana (Undang-Undang No. 20 tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana). Depok: Rajawali Pers, 2026.

Ibrahim, J. Teori dan metode penelitian hukum normatif. Malang: Bayumedia, 2005.

Indonesia. Law No. 1 of 2023 concerning the Criminal Code.

Indonesia. Law No. 20 of 2025 concerning the Criminal Procedure Code.

Irawati, A. C., and Da Silva, E. B. "Melampaui Formalitas dalam Hukum Pra-Persidangan Indonesia: Reformasi Kuhap, Hak Asasi Manusia, dan Hukum Islam." *Al-Ahkam* 35, no. 2 (2025): 261–286.

Irawati, Arista Candra. "The Formal Criminal Law Renewal: Due Process of Law in Pre-trial for Legal Assurance." *Advances in Social Science, Education and Humanities Research* (2023): 298–310. https://doi.org/10.2991/978-2-38476-024-4_32.

Jung, Sina, Carolin Petrick, Eva Maria Schiller, and Lukas Münster. "Developments in German Criminal Law: The Urgent Issues Regarding Prolonged Pre-Trial Detention in Germany." *German Law Journal* 22, no. 2 (2021): 303–314. https://doi.org/10.1017/glj.2021.7.

Kansil, C. S. T. Tentang hak asasi manusia saat ini. Jakarta: Djembatan, 2003.

Karomah, A. Perlindungan Hak-hak Narapidana dalam Perspektif Kitab Undang-Undang Hukum Pidana. Al Ahkam, 13(2), 1–35. Https: //Doi.Org/10.37035/Ajh.V13i2.1763, 2017.

Kayla Andini Putri and Kuswandi. "Implementation of Compulsory Defence In The Indonesian Criminal Justice System: A Normative Analysis and Study of Court Decisions." *Indonesian Journal of Law and Justice* 3, no. 2 (2026): 14. https://doi.org/10.47134/ijlj.v3i2.5273.

Maia, Fernanda De Jesus. "Rekonstruksi Konsep Pembelaan dalam Hukum Pidana Kajian atas Dilema Hukum Suami yang Menolong Istri namun Terjerat Proses Pidana." *JUSTITIABLE - Jurnal Hukum* 8, no. 2 (2026). https://doi.org/10.56071/justitiable.v8i2.1758.

Margo Hadi Pura and Hana Faridah. "Asas Akusator Dalam Perlindungan Hukum Atas Hak Tersangka Berdasarkan Undang-Undang Nomor 8 Tahun 1981 Tentang Kitab Undang-Undang Hukum Acara Pidana." *Jurnal Hukum Sasana* 7, no. 1 (2021): 79–95. https://doi.org/10.31599/sasana.v7i1.536.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2011.

M. Rizki Yudha Prawira. "Mechanism Of Immediate Judicial Review After Detention At The Investigation Stage: A Human Rights Perspective." *Qaumiyyah: Jurnal Hukum Tata Negara* 6, no. 2 (2025): 181–210. https://doi.org/10.24239/qaumiyyah.v6i2.284.

Muhaimin. Metode penelitian hukum. Mataram: Penerbit Universitas Mataram, 2020.

Mulgrew, Róisín. "The costs of suspicion: a critical analysis of the compensation scheme established by Article 85(3) of the Rome Statute." *Research Handbook on the International Penal System* (2016). https://doi.org/10.4337/9781783472161.00033.

Noor, M. Supian, Akhmad Munawar, and Lutfi Yusup Rahmathoni. "Paradigma Baru Hukum Acara Pidana: Rekonstruksi Perlindungan Hak Asasi Tersangka dalam Proses Peradilan." *Jurnal Hukum Lex Generalis* 5, no. 12 (2025). https://doi.org/10.56370/jhlg.v5i12.821.

Oegrosoeno, Arif Havas. "Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rlghts/ICCPR (Kovenan Internasional tentang Hak-Hak Sipil dan Polltik)." *Indonesian Journal of International Law* 4, no. 1 (2021). https://doi.org/10.17304/ijil.vol4.1.136.

Prasetio, Rizki Bagus, Renny Waskita, Jody Imam Rafsanjani, and Zaihan Harmaen Anggayudha. "Zero Overstaying: Harapan Baru Pasca Lahirnya Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan." *Jurnal Ilmiah Kebijakan Hukum* 17, no. 2 (2023): 111–134. https://doi.org/10.30641/kebijakan.2023.v17.111-134.

Prasetyo, Dwi and Ratna Herawati. "Tinjauan Sistem Peradilan Pidana Dalam Konteks Penegakan Hukum dan Perlindungan Hak Asasi Manusia Terhadap Tersangka di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 4, no. 3 (2022): 402–417. https://doi.org/10.14710/jphi.v4i3.402-417.

Quirk, H. (2023). Kompensasi untuk Vonis Salah di Inggris dan Wales. Routledge.

R, RM Bagus Trisardono. "Sejarah Perkembangan Perlindungan Hak Asasi Manusia Pada Tersangka/Terdakwa Di Indonesia." *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 4, no. 4 (2020). https://doi.org/10.58258/jisip.v4i4.1416.

Saleha, Nur, Kiki Kristanto, and Hilyatul Asfia. "The Problem of Interpreting the Defense of Compulsory (Noodweer and the Defense of Compulsory Exceeding the Limits (Noodweer Excess) in the Indonesian Criminal Legal System." *Eduvest - Journal of Universal Studies* 6, no. 3 (2026): 3883–3891. https://doi.org/10.59188/eduvest.v6i3.52391.

Simamora, J. "Kepastian Hukum Pengajuan Kasasi oleh Jaksa Penuntut Umum terhadap Putusan Pembebasan." *Jurnal Yudisial* 7, no. 1 (2014): 1–17.

Suastuti, Eny, Lalu Muhammad Hayyanul Haq, Yudi Widagdo Harimurti, and Deni Setya Bagus Yuherawan. "Transformation and Effects of Human Rights Protection on Determining Corruption Suspects as a Pretrial Object under the Indonesian Criminal Justice System." *Lex Scientia Law Review* 8, no. 2 (2024): 817–858. https://doi.org/10.15294/lslr.v8i2.14667.

Sugiarto, A., Hermawan, A., and Irianto, Y. "Rekonstruksi Otoritas Hakim dalam Penahanan Anak Berdasarkan Nilai Keadilan." *Jurnal Reformasi Hukum* 10, no. 2 (2023): 316–326.

Suhariyanto, Budi. "Kedudukan Perdamaian Sebagai Penghapus Pemidanaan Guna Mewujudkan Keadilan Dalam Pembaruan Hukum Pidana." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 1. https://doi.org/10.33331/rechtsvinding.v6i1.127.

Susilo, Erwin and Eddy Daulatta Sembiring. "Kewenangan Hakim Melakukan Penahanan Terhadap Terdakwa Yang Dalam Perkara Sebelumnya Keberatan Terdakwa/Penasihat Hukum Diterima." *Jurnal Yuridis* 11, no. 1 (2024): 64–77. https://doi.org/10.35586/jyur.v11i1.7271.

Suwarno, and Wahyuningsih, S. E. "Urgensi Penentuan Tersangka Dalam Proses Investigasi Berdasarkan Perspektif Hak Asasi Manusia." *Law Development Journal* 2, no. 2 (2020): 241–248.

United Nations Human Rights Committee. General Comment No. 35, Article 9: Liberty and Security of Person. CCPR/C/GC/35. 2014.

United Nations. International Covenant on Civil and Political Rights. December 16, 1966.

Wahyudi, A. A. "Analisis Pertimbangan Hakim dalam Memutuskan Ontslag van alle Rechtsvervolging dalam Keputusan Nomor: 2/Pid." *C/2021/Pn.Slk. Jurnal Warta Dharmawangsa* 17, no. 2 (2023): 621–631.