

# Legal Analysis of the Determination of Suspects by Investigators: Case Study at Polsek Medan Timur, Indonesia

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## ABSTRACT

The determination of suspects is a crucial stage that has an impact on human rights and the legitimacy of law enforcement. This study analyzes the procedure for determining suspects based on evidence, identifies challenges, and formulates solutions at the Medan Timur Police Station. The method used is qualitative empirical law. Primary data were obtained from interviews with experienced investigators, while secondary data were obtained from regulations, court decisions, and relevant literature. Normatively, the mechanism for determining suspects refers to the Criminal Procedure Code, Constitutional Court decisions, and Chief of Police regulations, which require the fulfillment of two pieces of evidence and a case title. However, empirically, three main challenges were identified: the limited technical capacity of investigators in handling technological evidence, inadequate infrastructure, and public and media pressure in high-profile cases. The findings indicate that witness testimony remains dominant, while digital evidence is not yet fully optimized. It is concluded that the case title acts as an internal filter, but does not fully counteract external pressure. Therefore, it is necessary to strengthen the capacity of investigators, optimize investigation facilities, and increase public legal awareness to ensure the professional, accountable, and fair determination of suspects.

**Keywords:** Determination of Suspects, Criminal Investigation, Evidence in Criminal Procedure, Law Enforcement Challenges, Human Rights Protection.

## I. Introduction

Indonesia, as a country based on the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, states that "Indonesia is a country based on the rule of law" (Listiani & Adhaini, 2025). This affirmation reflects the commitment that all actions of the state, its apparatus, and its citizens must be subject to the applicable laws to prevent abuse of authority. The concept of a state based on the rule of law requires full compliance with applicable regulations, thereby creating a fair, orderly, and secure system. The principle of the rule of law (*rechtstaat*) requires supremacy, equality before the law, and mechanisms to control the use of state authority (Alfidyah, 2025). Thus, the law should not be understood merely as an instrument of power, but as an instrument that limits power so that it does not violate the fundamental rights of citizens. Within this framework, law enforcement officials have a moral and legal

responsibility to ensure that every action taken is always based on the law and the principle of justice. This principle requires that the discretion of law enforcement officials be exercised in a limited, rational, and accountable manner, so as not to open the door to arbitrary actions that are contrary to the very purpose of the law.

Law, as a set of norms established by authorized institutions, is binding and accompanied by sanctions to ensure compliance. In the national legal system, criminal law occupies a strategic position because it is directly related to the restriction of individual rights through criminal sanctions. Criminal law comprises substantive criminal law, which regulates prohibited acts and their corresponding criminal penalties, and formal criminal law, which governs the procedures for enforcing criminal law (Wibowo & Warih Anjari, 2022). Therefore, the enforcement of criminal law is not only aimed at punishing criminals, but also at guaranteeing the protection of citizens' rights from arbitrary actions by law enforcement officials. In this context, criminal procedure law serves as a barrier to ensure that the state's repressive powers are exercised legally, proportionately, and in accordance with the principles of procedural justice.

The repressive nature of criminal law requires a high degree of caution in its application, because mistakes in the criminal justice process can result in the unlawful deprivation of a person's rights. The designation of a person as a suspect, for example, carries significant social, psychological, and legal consequences, so it must be done based on strict procedures and standards of proof. Therefore, the balance between law enforcement and the protection of human rights is a fundamental principle that cannot be ignored (Rasiwan, 2025). Designating a suspect who does not meet legal standards not only harms the individual concerned but also has the potential to damage public trust in the criminal justice system as a whole. The role of protecting citizens' rights in a state governed by the rule of law requires that all state authorities exercise their powers in a manner that is accountable and proportionate. Various studies demonstrate that the success of the rule of law is not only determined by the existence of regulations, but also by the quality of their implementation in practice, particularly in preventing the abuse of power and ensuring legal protection for individuals. Legal certainty and accountability of officials are fundamental elements in maintaining the legitimacy of the law in the eyes of the public. Without adequate accountability, the law risks losing its normative function and becoming merely an instrument of power (Tarigan, 2024).

The accountability of law enforcement officials is also closely related to transparency in every stage of the law enforcement process (Rahim et al., 2023). When the public understands that authority is exercised in accordance with procedures and is accountable, public trust in law enforcement institutions will increase. Conversely, closed and unaccountable law enforcement practices have the potential to create negative perceptions and public distrust of the criminal justice system. This condition highlights the high dependence of law enforcement legitimacy on consistency between legal norms and the practices of officials in the field. In the Indonesian criminal justice system, the law enforcement process begins with the investigation and inquiry stages. An investigation is a series of initial actions to determine whether an event can be classified as a criminal offense. At the same time, an inquiry aims to gather evidence to clarify the criminal offense that occurred and find the suspect (Hasibuan, 2021). Based on Article 14, paragraph (1), letter g of Law Number 2 of 2002 concerning the Indonesian National Police, the Indonesian National Police is authorized to conduct investigations and inquiries in accordance with the provisions of laws and regulations. This stage is crucial because the results of the investigation will form the primary basis for the evidence process, including the determination of suspects, which must be based on valid evidence as stipulated in Article 184 of the Criminal Procedure Code (KUHAP). Therefore, the quality of the investigation determines the validity of the entire criminal law enforcement process at the next stage.

Accuracy and precision in the investigation stage determine the overall quality of law enforcement, because mistakes made in the early stages are difficult to correct in later stages. Therefore, investigators are required to possess professional competence, integrity, and a thorough understanding of criminal procedure law, ensuring that every action taken does not violate applicable legal provisions (Pujayanti, 2025). The professionalism of investigators is an absolute requirement to ensure that their authority is not abused in practice.

Based on the author's internship experience at the Criminal Investigation Unit of the Medan Timur Police Station from August 1 to September 1, 2025, the author gained empirical insight into the implementation of investigative authority at the sectoral police level. The Medan Timur Police Station, as part of the Medan Police Headquarters under the North Sumatra Regional Police, is a police institution that directly interacts with the community and plays a strategic role in maintaining security and order within its jurisdiction, which encompasses the districts of Medan Timur and Medan Perjuangan. The Criminal Investigation Unit plays a central role in handling investigations and inquiries for various criminal acts that occur in the area. The position of the police station as the spearhead of law enforcement makes it an important arena for testing the implementation of the principle of the rule of law in practice. The proximity of the Medan Timur Police Station to the community places this institution in a vulnerable position to various interests and pressures, both internal and external. This situation demands professionalism from investigators to consistently uphold the law and procedures, even in situations that require the rapid resolution of a case.

In investigative practice, one of the issues that often arises is determining the sufficiency of preliminary evidence as the basis for naming a suspect. This issue is crucial because naming a suspect not only concerns technical aspects of law enforcement but also has a direct impact on a person's human rights. Constitutional Court Decision Number 21/PUU-XII/2014 emphasizes that the designation of a suspect must be based on at least two pieces of valid evidence as stipulated in Article 184 of the Criminal Procedure Code. This decision emphasizes the importance of the principle of prudence, ensuring that the designation of a suspect is not carried out prematurely or arbitrarily. This provision emphasizes that mere suspicion cannot be used as a basis for restricting an individual's rights in criminal proceedings. The Constitutional Court's ruling marks a significant milestone in enhancing the protection of suspects' rights in criminal proceedings, while also serving as a guideline for law enforcement officials in applying objective standards of proof. With this ruling, investigators are required not only to pursue confessions or allegations, but also to ensure that the evidence they have truly meets legal requirements. In the context of the Medan Timur Police Station, the application of sufficient preliminary evidence provisions faces various challenges.

"First, in handling street crimes such as motor vehicle theft, which occur quickly and often leave limited evidence, there is pressure to resolve cases immediately. Second, limited personnel and infrastructure have an impact on the optimization of crime scene investigation and the quality of evidence collected. Third, social pressure from the community to immediately arrest the perpetrators has the potential to influence the objectivity of investigators" (Pasaribu, 2025).

This situation has the potential to raise doubts about the accuracy of the suspect's designation, primarily if the designation is based solely on circumstantial evidence that is subject to subjective interpretation, such as the testimony of a single witness without corroborating evidence. This situation highlights the dilemma between the demand for effective law enforcement and the need to maintain procedural legality. If this situation is not handled professionally, there is a risk of wrongful indictment, which could ultimately lead to pretrial hearings or lawsuits against law enforcement officials. This not only harms the individuals who are indicted, but also damages the authority of the police institution.

This dynamic is even more complex given the characteristics of the Medan Timur Police jurisdiction, which is a densely populated area with a mix of commercial, educational, and residential activities, particularly around Jalan Kapten Muchtar Basri, located near the university campus. These socio-economic conditions have implications for an increase in the potential for certain crimes, requiring investigators to balance the need for speed in handling cases with the necessity of maintaining the accuracy of evidence in accordance with legal principles. Careless law enforcement has the potential to erode public trust in law enforcement officials and expose individuals to rights violations, particularly amid heightened public pressure and demands for swift case resolution (Ahmad, 2024). Such social pressure and public expectations often become external factors that influence investigators' decision-making at the field level. In this context, investigators

are required not only to master the technical aspects of investigation but also to have social sensitivity and an understanding of the social impact of every legal decision made.

Previous studies on the determination of suspects and the collection of sufficient preliminary evidence have generally been normative in nature and have not yet examined their empirical application at the sectoral police level. In fact, the investigation and examination stages are the primary foundation of the entire criminal law enforcement process. Therefore, this study aims to analyze the determination of suspects based on evidence obtained from investigations conducted by the Criminal Investigation Unit of the Medan Timur Police, identify the obstacles faced by investigators, and formulate strategic solutions to optimize the process of determining suspects. By focusing on investigative practices at the sectoral police level, this study aims to contribute to enhancing the effectiveness, accountability, and professionalism of criminal law enforcement within the framework of the rule of law.

## II. Literature Review and Hypothesis Development

Research on the determination of suspects in the investigative process has become a significant concern in criminal law studies, particularly because the determination of suspects is directly related to the restriction of a person's human rights and the legitimacy of law enforcement actions. Several academics have examined this issue from various perspectives, ranging from procedural aspects to the authority of investigators, the protection of suspects' rights, and control mechanisms through pretrial hearings. However, the methodological approaches and focus of analysis in these studies show significant variations in terms of the object of study, scope, and research methods used. One study examines the determination of suspects based on Regulation of the Chief of Police of the Republic of Indonesia Number 6 of 2019 through a case study of pretrial court decisions (Adawiyah & O, 2024). This research emphasizes the importance of investigators' compliance with formal procedures, particularly the case exposition mechanism and the fulfillment of legally valid evidence prior to designating an individual as a suspect. The findings indicate that negligence or violations of these procedures may have serious legal consequences, namely the annulment of the suspect designation by the court through pretrial proceedings. Nevertheless, as this study adopts a normative juridical approach with a primary focus on judicial decision analysis, it has not been able to portray how the suspect determination procedure is actually implemented by investigators at the operational level, especially within police sector units.

Several studies have also examined the authority of police investigators, particularly their power to impose detention as part of efforts to ensure legal certainty (Azli, 2022). These studies emphasize that investigators' authority to apply coercive measures must be exercised proportionally, accountably, and in accordance with the provisions of the Indonesian Criminal Procedure Code (KUHAP) to avoid human rights violations (Munandar & Agung Ngurah, 2023). While these studies make important contributions to understanding the limits of investigators' authority, their focus is primarily confined to detention as a coercive measure, rather than the initial stage of suspect determination, which serves as the legal foundation for subsequent investigative actions.

Other research highlights the principle of prudence in the determination of suspects as a benchmark for judicial review of investigators' actions through pretrial proceedings (Mukminah et al., 2025). This line of study emphasizes that a suspect designation must be based on sufficient preliminary evidence, as interpreted in judicial practice. That failure to meet this standard may result in the annulment of the suspect status. These findings are reinforced by similar studies examining suspect determination practices in corruption cases where procedures were not conducted lawfully and adequately, resulting in courts granting pretrial applications. Both studies position pretrial proceedings as an instrument of judicial control over investigative actions. However, they remain predominantly normative in nature and oriented toward decision analysis, without exploring the internal dynamics that investigators face in the decision-making process of determining a suspect. In the context of corruption offenses, certain studies specifically examine the fulfillment of the element of state financial loss as a basis for determining the suspect (Kuswandari & Umara, 2025). These

studies emphasize that the designation of suspects must be supported by transparent, measurable, and legally accountable evidence of state losses. Their contribution lies in reinforcing the strict evidentiary standards required in corruption cases. However, the scope of these studies is limited to particular types of crimes. It therefore does not adequately represent suspect determination practices in general criminal offenses, which involve different evidentiary characteristics and levels of complexity, particularly at the police sector level.

Meanwhile, other analyses focus on the determination of suspects by the Corruption Eradication Commission (KPK) based on evidence obtained during the inquiry stage (Noviantama et al., 2024). These studies reveal differences in the characteristics of inquiries and investigations conducted by the KPK and those carried out by the National Police, particularly in terms of evidentiary standards, institutional independence, and resource support. Although these studies offer valuable comparative perspectives, their findings cannot fully represent suspect determination practices by police investigators, who generally face limitations in human resources, infrastructure, and the social complexity of the communities within their jurisdictions. Additional research examining suspect determination in general criminal cases handled by National Police investigators, including theft cases, emphasizes that suspects must be designated carefully, objectively, and based on lawful evidence to prevent abuse of authority (Prabowo & Iriawan, 2022). However, these studies still tend to rely on normative analysis and localized case studies, without delving deeply into the empirical experiences of investigators in confronting pressures, evidentiary limitations, and social constraints that frequently arise in daily investigative practice.

Furthermore, there are studies analyzing pretrial decisions that grant applications because investigations were deemed unlawful. These studies emphasize the importance of procedural compliance at all stages of the investigation, from the initiation of the investigative process to the identification of suspects (Damar et al., 2023). Nevertheless, their primary focus lies on the legal consequences of procedural violations rather than on the suspect determination process itself from the perspective of investigators as frontline law enforcement officers. Based on a review of previous studies, it can be concluded that the majority of research on suspect determination is still dominated by normative juridical approaches, with a primary emphasis on statutory analysis and judicial decisions, particularly through pretrial mechanisms. Empirical studies that specifically examine the practice of suspect determination based on evidence obtained during the inquiry stage, especially at the police sector (Polsek) level, remain very limited. Therefore, this study seeks to fill this research gap by empirically analyzing the practice of suspect determination by investigators at the Medan Timur Police Sector through direct interviews. This approach is expected to provide a more comprehensive understanding of the implementation of legal provisions in investigative practice, while also revealing the factual challenges faced by investigators in determining suspects at the most basic level of the police organizational structure.

### III. Research Method

This study uses empirical legal research to describe how legal provisions regarding the determination of suspects are applied in practice by investigators at the Medan Timur Police Station. Empirical legal research is employed when researchers aim to understand the reality of law enforcement and assess the conformity between legal norms and their implementation in the field. This approach is supported by Peter Mahmud Marzuki's view that legal research involves an effort to discover legal rules, principles, and doctrines that address legal issues arising in society (Kristiawanto, 2024). Using a qualitative approach, this study aims to explore in depth the process of naming suspects, the obstacles faced by investigators, and how this mechanism should ideally be implemented in accordance with legal provisions.

The data in this study consists of primary and secondary data. Primary data was obtained through direct interviews with an assistant investigator at the Criminal Investigation Unit of the Medan Timur Police Station. Informants were selected using purposive sampling, a method that involves selecting individuals based on specific considerations to ensure they are relevant to the research objectives. The criteria for

selecting informants were assistant investigators who had at least three years of experience in handling investigations and determining suspects. The interviewees met these criteria and were therefore considered capable of providing accurate and in-depth information. The interviews were conducted in a free but focused manner (semi-structured interviews), allowing the researcher to explore the information in greater depth while still adhering to the main list of questions. This form of interview was chosen because it provided the interviewees with the flexibility to explain their experiences and practices, particularly those related to the naming of suspects.

The interview process was conducted in the investigation room of the Criminal Investigation Unit of the Medan Timur Police Station and lasted approximately 45 minutes. The timing of the interview was based on the availability of the interviewee, considering that the researcher was conducting an internship at the institution, which facilitated communication. The instruments used in the interview included a voice recorder and field notes to record important points. Some examples of questions asked were: (1) "What is the SOP for determining suspects here? Is it in accordance with the Criminal Procedure Code and the Chief of Police's Circular Letter?" (2) "What are the main obstacles in the process of determining suspects?"; and (3) "What are your suggestions for improving the process of determining suspects at the police station level?" These questions aimed to explore the current practices and measure their compliance with formal legal provisions. Secondary data was obtained through literature studies of various sources, such as journals related to the determination of suspects, criminal law books, and laws and regulations that form the legal basis for the investigation process, including the Criminal Procedure Code (KUHAP) and the National Police Chief's Circular Letter regarding standards for determining suspects. The literature was selected by ensuring that the sources used were relevant, up-to-date, and came from official publishers or platforms. The researchers ensured that the journals used had been published by credible or indexed institutions, thereby ensuring they could be used as a valid academic basis. The literature review was conducted in conjunction with the internship, specifically at the end of September, allowing for a systematic literature review process that supported the primary data collected through interviews.

The data obtained from interviews and literature reviews were analyzed using qualitative analysis techniques. This model comprises three main stages: data reduction, data presentation, and conclusion. In the data reduction stage, researchers selected and simplified data relevant to the research focus, namely the procedure for determining suspects and obstacles in its implementation. After the data were reduced, the next stage was to present the data in the form of a narrative description, making it easier for researchers to understand the relationship between the findings. The final stage involved drawing conclusions systematically based on the patterns identified during the analysis process. To ensure data validity, this study used source triangulation and method triangulation techniques. Source triangulation was conducted by comparing interview results with legal literature and official documents related to the SOP for determining suspects. Meanwhile, method triangulation was conducted by using two data collection techniques, namely interviews and literature studies, to examine the consistency of the information obtained. In addition, the researcher conducted member checks, which involved reconfirming the results of data interpretation with the sources to ensure that the information conveyed was not distorted. This study also paid attention to research ethics, particularly in maintaining the confidentiality of the sources' identities to avoid negative impacts on their positions as investigators. The limitation of this study lies in its scope, which was limited to one police station, namely the Medan Timur Police Station; therefore, the results of the study cannot be generalized broadly. However, this limitation does not diminish the value of the study, because the in-depth focus on one location provides a detailed picture of the practice of naming suspects at the sectoral police level.

#### IV. Results and Discussion



#### 4.1. Procedures and Mechanisms for the Determination of Suspects Based on Investigative Evidence by Investigators at Polsek Medan Timur

##### a. Procedures

The procedure for naming suspects is a fundamental and crucial stage in the criminal investigation process, as it determines the legitimacy and direction of the subsequent legal proceedings. The designation of suspects that is not carried out in accordance with legal procedures has the potential to render investigations ineffective, lead to human rights violations, and contribute to a decline in public trust in the criminal justice system (Rohmat, 2024). Therefore, discussion of the legal basis and procedures for determining suspects is important to ensure that every investigative action is carried out in accordance with the principles of justice and due process of law. In addition to serving as a normative guideline, clear and measurable procedures also act as an internal control mechanism over the authority of investigators so that every decision made can be legally accounted for. In this context, analysis of evidence should not be carried out partially or based on a single assumption (Keatley, 2025). Research shows that an excessive focus on a single piece of evidence or a single hypothesis in an investigation can lead to cognitive bias and steer investigators toward erroneous conclusions. Therefore, the procedure for determining suspects must ensure an objective, rational, and structured assessment of evidence to prevent errors in determining a person's legal status. As a normative basis for understanding this procedure, the definition of a suspect must be examined in light of applicable criminal procedural law. A proper understanding of the concept of a suspect is important to avoid misclassifying a person's legal status during the investigation process, particularly in the early stages before further legal action is taken (Candra, 2025).

Based on the Criminal Procedure Code (KUHP) Number 8 of 1981, specifically Article 1 point 14, a suspect is defined as a person who, due to their actions or circumstances, based on preliminary evidence, is reasonably suspected of committing a criminal offense. This formulation indicates that the status of suspect cannot be arbitrarily attached but must be based on objective and rational legal considerations. Preliminary evidence in the context of criminal procedure law is not interpreted as final proof, but rather as a strong initial indicator that gives rise to a reasonable suspicion regarding a person's involvement in a criminal act (Lufsiana, 2025). This evidence serves as an objective basis for investigators to upgrade a person's status from witness to suspect, so it cannot be based on subjective assumptions or external pressure. Thus, preliminary evidence serves as an initial filter, distinguishing between speculative allegations and those with a legally accountable basis. Thus, the concept of preliminary evidence cannot be separated from the system of evidence that is strictly regulated in criminal procedure law. This connection confirms that preliminary evidence must come from types of evidence that are explicitly recognized by law.

This definition emphasizes that the designation of a suspect must be based on objective and sufficient preliminary evidence, not merely on suspicion. The concept of preliminary evidence is realized through the evidence system as stipulated in Article 184 of the Criminal Procedure Code, which includes witness testimony, expert testimony, documents, clues, and defendant testimony (Korah, 2025). This evidence system is closed, so investigators are not permitted to use evidence outside of what is specified by law. To prevent abuse of authority in the application of this evidence system, criminal procedure law also sets minimum requirements for evidence. To designate someone as a suspect, the provisions require at least two pieces of valid evidence. This requirement is a form of implementation of the principle of presumption of innocence and protection of human rights. Constitutional Court Decision Number 21/PUU-XII/2014 further emphasizes that the determination of suspects must be carried out transparently, honestly, and with consideration for the protection of human rights (Amin, 2020). The Constitutional Court emphasizes that preliminary evidence must be legally and factually accountable, not merely based on speculation or assumptions.

The decision also strengthens the legal position of suspects by establishing the standard of proof as a safeguard against potential arbitrary actions by law enforcement officials. To effectively apply these

normative principles in investigative practice, operational technical guidelines are necessary. These guidelines are necessary to avoid differences in interpretation at the implementation level that could potentially lead to legal uncertainty. To provide technical clarity on these principles, Regulation of the Chief of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigation serves as an operational guideline (Kamba et al., 2024). This regulation is a crucial instrument that bridges the normative framework in the Criminal Procedure Code with practical needs in the field, thereby providing investigators with a clearer legal basis for taking investigative steps. Thus, this Chief of Police Regulation ensures that investigators not only adhere to abstract norms but also have measurable and legally accountable technical guidelines (Sudarmono, 2025). The existence of this regulation also strengthens the accountability of the police institution in exercising its investigative authority in accordance with the principles of the rule of law.

#### b. Mechanisms

If the procedure for determining suspects explains the normative basis, then the mechanism for determining suspects focuses on the technical stages that investigators must follow in practice. In other words, the mechanism serves as an operationalization of normative provisions, allowing them to be applied concretely and systematically in the investigation process. The mechanism for determining suspects is further regulated in Article 25 paragraph (1) of the Regulation of the Chief of the Indonesian National Police Number 6 of 2019, which states that the determination of suspects must be supported by a case review mechanism and at least two pieces of valid evidence, as well as supporting evidence (Adawiyah & Wulan, 2024). This provision indicates that the determination of suspects is not only the result of individual assessments by investigators but also an institutional decision that must undergo a collective evaluation process. The forum, often referred to as a case hearing forum in police practice, refers to a case review, which is an official internal investigation forum that serves to examine the formal and material completeness of evidence before strategic legal decisions are made, including the naming of suspects. The existence of case reviews is an important instrument in ensuring that every investigative decision is made objectively and in a controlled manner (Jason, 2022). Through this forum, investigators are required to openly present all evidence and investigation results that have been obtained.

The case hearing serves as a forum for the critical evaluation of the completeness and validity of evidence before the suspect's status is officially determined. With this forum in place, the process of determining suspects has an internal oversight system that can minimize procedural errors. Additionally, case hearings serve as a mechanism to prevent potential abuse of authority in the investigation process (Kasidin, 2021). To support the effectiveness of case hearings, the process of gathering evidence must be carried out in a structured manner from the early stages of the investigation. The method of gathering evidence in the investigation mechanism is carried out systematically so that each stage has transparent and accountable standards. This process begins with witness examination, followed by the collection and analysis of clues and evidence, and, if necessary, involves expert testimony to strengthen the construction of evidence. This systematic work pattern aims to establish a logical and interrelated chain of evidence connecting one piece of evidence to another. Each stage of the investigation must be carried out meticulously because evidence obtained without following legal procedures has the potential to weaken the legitimacy of the suspect's indictment. Therefore, neat and structured documentation is a crucial aspect for strengthening the legal position of investigators, while also fostering transparency and accountability to the public. Good documentation also serves as a control tool if the validity of the investigation is tested through a pretrial mechanism in the future (Prawoko, 2024). In this context, the case hearing once again serves as a final testing ground before suspects are named. To ensure the validity of the evidence obtained, the case hearing forum plays a crucial role as an evaluation mechanism (Fajar Sudariyanto & Helvis, 2021). The case review involves a team of investigators, investigative supervisors, and heads of investigative units to assess the strength, consistency, and suitability of the evidence in relation to applicable legal provisions. The involvement of various elements in the case review reflects the principle of prudence (prudential principle) in criminal law

enforcement. Through this forum, potential weaknesses in the evidence can be identified early on, allowing for improvements to be made before a person is officially named a suspect. Thus, the case review mechanism serves not only as an administrative formality but as a substantive instrument to ensure that the naming of suspects is carried out professionally, objectively, and in accordance with the principles of justice.

c. Implementation of the Mechanism for Determining Suspects at Polsek Medan Timur.

The procedural provisions and mechanisms for determining suspects can then be analyzed through investigative practices carried out at the sectoral police level. The implementation of the mechanism for determining suspects is evident in investigative practices at Polsek Medan Timur. The initial stage of the investigation focuses on identifying witnesses who witnessed, were aware of, or directly experienced the criminal incident. This shows that witness testimony is the dominant evidence used in the initial stage of the investigation. Based on interviews with investigators from the Criminal Investigation Unit of the Medan Timur Police, witness statements are considered the main gateway to constructing a criminal case, especially in cases of general crimes that occur spontaneously and with minimal documentation. In practice, investigators first identify witnesses who were near the scene of the crime or have a direct connection to it, in order to obtain an initial picture of the chronology of events (Pasaribu, 2025). However, not everyone who has indirect knowledge of an event can be considered a witness with substantial evidentiary value, so investigators must assess the relevance and consistency of the information provided. Therefore, selecting the quality of witnesses is an important part of the investigators' evidence strategy. Furthermore, investigators at Polsek Medan Timur emphasize that the ideal witness has direct knowledge of the criminal incident, either as an eyewitness or a witness who was present at the scene. This approach aims to ensure that the minimum requirement of two pieces of valid evidence is met before the case is escalated to the stage of naming a suspect.

The assessment of witness credibility is conducted through cross-examination of witness statements, consistency with other evidence, and consistency of statements from the initial investigation stage to the follow-up investigation. Investigators emphasize that significant differences in witness statements can weaken the case and be a consideration for postponing the naming of suspects until additional evidence is obtained. In addition to witness statements, investigators also seek to supplement the evidence with other evidence, such as clues, letters, and evidence obtained from the crime scene. However, in practice at the police station level, the availability of such evidence often depends on field conditions, such as the speed with which the perpetrator flees or the limitations of investigative support facilities. These conditions require investigators to be more careful in optimizing the available evidence so that it continues to meet the standards of proof set by criminal procedure law.

The entire process demonstrates that the mechanism for determining suspects not only depends on the quantity of evidence, but also on the quality and consistency of the evidence. Ultimately, the effectiveness of the suspect determination mechanism at the Medan Timur Police Station is primarily determined by internal coordination among investigators, the objectivity of witnesses, the relevance of evidence, and the quality of case presentation. For suspect determination to be not only legally valid but also morally and substantively valid in accordance with the principles of justice, these elements must support and reinforce one another (Simarmata, 2020). These findings indicate that the implementation of the suspect determination mechanism at the Medan Timur Police Station has generally attempted to follow the provisions of the Criminal Procedure Law, but still faces practical challenges of a technical and structural nature. Therefore, increasing the capacity of investigators, strengthening internal coordination, and optimizing investigative support facilities are crucial factors in maintaining the quality of suspect determination, ensuring it does not have the potential to cause legal problems in the future, particularly through the pretrial process.

4.2. Legal Challenges in the Determination of Suspects Based on Investigative Evidence and the Efforts to Address Them by Investigators at Polsek Medan Timur

The determination of suspects based on evidence obtained during investigations depends not only on the adequacy of the legal norms governing it, but is also greatly influenced by various challenges faced by investigators in practice. These challenges arise both within the police institution and from external factors outside the institution, each with its own characteristics and implications for the quality and effectiveness of the investigation process. Therefore, these challenges can be classified into internal and external challenges to facilitate systematic analysis.

a. Internal challenges

Internal challenges are obstacles that originate from within the police institution, including human resource capacity, limited facilities and infrastructure, and budgetary support. These internal factors directly affect investigators' ability to collect, manage, and assess evidence as the basis for determining suspects.

1. Human Resource Capacity

One of the most significant internal challenges is the capacity of human resources. In some cases, investigators' technical capabilities have not kept pace with the increasingly complex modus operandi of modern crime. One investigator revealed that "one of the main obstacles in gathering evidence is technical capabilities that have not been able to fully keep up with developments in modern crime modus operandi (Pasaribu, 2025)." This statement reflects the gap between the demands of case handling and the technical competencies possessed by some investigators at the sectoral police level. These obstacles are evident in the handling of cybercrime cases, such as online fraud and electronic data misuse, which require a deep understanding of digital traces, electronic device analysis, and digital forensics techniques. In practice, these competency limitations mean that the process of collecting electronic evidence takes relatively longer and often requires the involvement of specialized units or experts. As a result, suspects cannot be named quickly despite pressure to resolve cases immediately (Dwi et al., 2023). These delays often create a dilemma for investigators, who are required to act quickly in the interests of law enforcement, but must also uphold the principle of caution so that suspects are not named prematurely. In addition to technical aspects, the limited availability of human resources is also related to the lack of ongoing training specifically focused on the development of technology-based crime. In fact, the dynamics of modern crime necessitate that investigators continually update their knowledge and skills to keep pace with the increasing sophistication of criminals. This condition aligns with research findings, which indicate that the competency gap among investigators in dealing with technology-based crimes has a significant impact on the effectiveness of evidence and the accuracy of suspect identification. Therefore, increasing human resource capacity through technical training, continuing education, and strengthening cooperation with specialized units and digital forensic experts is an urgent need to improve the quality of investigations and prevent errors in suspect identification (Fajarudin et al., 2024).

2. Limited Resources and Budget

In addition to human resources, limited resources and supporting infrastructure also pose significant internal challenges. The lack of technological infrastructure, such as the absence of surveillance cameras (CCTV) in strategic locations, makes it difficult for investigators to obtain objective and accurate visual evidence. In fact, visual evidence plays a crucial role in strengthening the construction of evidence because it can provide a more objective and factual picture of criminal events, minimizing subjective interpretation. In several cases of motor vehicle theft, for example, the absence of CCTV footage around the scene of the crime meant that investigators had to rely more on witness statements. Such witness statements are often limited or inconsistent, which prolongs the evidence-gathering process and increases the risk of weak grounds for naming suspects (Andriyana & Suniyah, 2025). Heavy reliance on witness statements

also has the potential to cause problems with evidence if witnesses have limited memory, are reluctant to provide complete statements, or are influenced by social pressure from their surroundings. This situation is exacerbated by budget constraints for the procurement of modern forensic equipment and investigation technology systems, which pose a serious obstacle in dealing with increasingly sophisticated crimes. These budget constraints not only result in a lack of supporting equipment but also affect investigators' ability to conduct forensic laboratory examinations independently, forcing them to rely on higher-level facilities that require additional time and procedures. As a result, the investigation process becomes less efficient and has the potential to hinder the application of the principles of speed, simplicity, and low cost in criminal law enforcement. In the context of determining suspects, these limitations in resources and budget can result in delays in gathering sufficient evidence, making it impossible to immediately identify suspects, even when indications point to specific perpetrators.

#### b. External Challenges

External challenges are obstacles that originate outside the police institution and are closely related to the social and cultural environment, as well as community dynamics. These challenges include public pressure and media influence, difficulties in presenting witnesses, and low public awareness of legal issues. These factors, both directly and indirectly, can influence the course of the investigation process.

##### 1. Public and Media Pressure

The phenomenon of "no viral no justice" creates intense public pressure on law enforcement officials. In certain situations, investigators are faced with public demands to immediately name suspects, even though the available evidence is not yet complete and legally sound. For example, in a case of motorcycle theft involving a student victim that went viral on social media, investigators faced intense pressure from the public to resolve the case immediately. This pressure prompted investigators to work under high public expectations, despite the ongoing evidence-gathering process. This pressure is even more pronounced in cases that receive widespread attention on social media. In such circumstances, investigators often face pressure to quickly resolve cases and name suspects in order to quell public opinion. This situation has the potential to encourage a hasty investigation process and compromise the thoroughness in assessing evidence, thereby reducing the objectivity of investigators. Several studies have shown that public and media pressure in high-profile cases can compromise the independence of law enforcement officials and increase the likelihood of procedural errors in identifying suspects.

##### 2. Difficulty in Presenting Witnesses

In addition to public pressure, the difficulty in presenting witnesses who are willing to testify is also an external challenge that investigators often face. Many witnesses are reluctant to get involved in legal proceedings because they fear legal consequences or threats of retaliation from certain parties. In cases of abuse or interpersonal conflict, for example, witnesses who were near the scene often choose not to testify because they are worried about further conflict. As a result, investigators often struggle to meet the minimum evidence requirements necessary to identify a suspect.

##### 3. Low Public Awareness of the Law

Another external challenge is the low level of public awareness of the law, particularly regarding the importance of reporting criminal acts, which poses a significant obstacle to the investigation process. In practice, many people still prefer to resolve issues informally outside of formal legal mechanisms, often through family mediation or other informal agreements. This choice often

results in delays in reporting criminal acts to law enforcement officials. As a result, important evidence may be lost or damaged, making it difficult for investigators to collect and construct complete and convincing evidence from the early stages of the investigation. This condition ultimately affects the effectiveness of the law enforcement process and the quality of evidence used to determine suspects.

### c. Solution Efforts

#### 1. Operational Strategy

A community policing approach involving collaboration with the community and neighborhood leaders is implemented to overcome difficulties in obtaining evidence and information. Strict and immediate securing of crime scenes is a crucial step in preserving the integrity of evidence. Case reviews are also held regularly as internal discussion forums to ensure the validity of evidence before naming suspects, while also maintaining the quality of investigations.

#### 2. Long-Term Strategy

Improving investigators' capacity through ongoing training and specialization is an important agenda item to address competency gaps. Investment in surveillance technology, such as adding CCTV cameras in vulnerable locations as requested by investigators, continues to increase. Reforming the budget system to procure adequate technical equipment is an urgent need.

#### 3. Cross-Institutional Coordination

Cooperation with specialized units, such as cybercrime units, has been developed as a strategic solution for cases requiring special expertise in dealing with the complexity of modern crime. Synergy with various stakeholders in the criminal justice system has also been continuously improved.

## V. Conclusion

Based on the results of the analysis of the procedures and mechanisms for determining suspects based on evidence obtained from investigations, it can be concluded that, normatively speaking, the determination of suspects has a relatively comprehensive legal basis, both in the Criminal Procedure Code, Constitutional Court Decision Number 21/PUU-XII/2014, and Regulation of the Chief of the Indonesian National Police Number 6 of 2019. These provisions clearly state that the designation of suspects must be based on objective preliminary evidence, at least two pieces of valid evidence, and through a case review mechanism as a form of internal oversight. Findings from research conducted at the Medan Timur Police Station show that this mechanism has essentially been implemented in accordance with applicable normative provisions, particularly through an emphasis on witness testimony as the primary evidence in the early stages of investigation and the implementation of case hearings prior to the naming of suspects. However, the effective implementation of this mechanism still faces several concrete obstacles, both internal and external. Internally, the limited technical capacity of investigators, particularly in addressing technology-based crimes, combined with inadequate support facilities and budgets, has led to slow evidence collection and analysis processes. Externally, public and media pressure, difficulties in presenting witnesses, and low public awareness of the law directly affect the quality and accuracy of investigations.

Compared to previous literature, these findings align with Fajarudin's opinion, which states that the quality of suspect determination is not only determined by the adequacy of legal norms, but also by institutional capacity and the social environment in which the law is applied. However, this study enriches previous studies by empirically demonstrating that at the sectoral police level, the case review mechanism plays a strategic role as a final filter to maintain the objectivity of suspect designation, even though it is not

yet fully capable of eliminating the influence of external pressures. Compared to the ideal practices described in Perkap No. 6 of 2019, implementation in the field still shows gaps, especially in the stage of strengthening the quality of non-witness evidence, such as digital and forensic evidence.

Based on these conclusions, practical and targeted recommendations can be made. First, at the stage of gathering preliminary evidence, investigators should strengthen their use of technology-based evidence through structured and ongoing training in digital forensics. This training can be implemented operationally by police units in collaboration with specialized units or police training institutions. Second, at the stage of evaluation prior to naming suspects, the case review mechanism needs to be strengthened with more detailed written assessment standards regarding the quality and relevance of evidence, so that this forum is not merely administrative in nature but truly functions as a substantive testing instrument. Third, externally, public legal awareness needs to be raised through ongoing legal education programs conducted by the police in collaboration with local governments and community leaders, particularly regarding the importance of promptly reporting crimes to preserve the integrity of evidence. Further research could focus on comparative analysis between police stations or police districts to assess the consistency of the application of suspect determination mechanisms in various regions. In addition, further research could also examine the role of digital evidence in meeting the standards for sufficient preliminary evidence in greater depth, as well as test the effectiveness of the case review mechanism in preventing errors in suspect designation from a human rights protection perspective. Thus, further studies are expected to make a broader contribution to strengthening professional, accountable, and fair investigation practices.

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