



LEGAL INTERPRETATION OF THE CONSTITUTIONAL COURT OF THE DEADLINE PROVISIONS FOR IMPLEMENTING PRETRIAL DECISIONS BASED ON DECISION NUMBER 66/PUU-XVI/2018

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KEYWORDS	ABSTRACT
legal interpretation, constitutional court, pretrial.	This research contains a formulation of the problem, namely how the judge's legal interpretation of the deadline for imposing pretrial decisions is based on the Decision of the Constitutional Court of the Republic of Indonesia Number 66/PUU-XVI/2018. This research also aims to: analyze the interpretation of the law by judges regarding the deadline for imposing pretrial decisions based on the Constitutional Court Decision Number 66/PUU-XVI/2018. The research method used is normative legal research, with statutory, conceptual, and case approaches, which are analyzed using qualitative analysis techniques. This study also concluded that the judge's interpretation of the Constitutional Court Decision Number 66/PUU-XVI/2018 contains 2 (two) substances, namely the value of legal certainty, and is based on the principle of a simple, fast, and low-cost trial. The Constitutional Court Decision Number 66/PUU-XVI/2018 rejected the Petitioner's request to examine the constitutionality of Article 82, paragraph (1) letters c and d of the Criminal Procedure Code.

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INTRODUCTION

Regulations on criminal procedural law in Indonesia generally refer to the Criminal Procedure Code (KUHAP), which came into force in 1981 (Rozi, 2019). Through the provisions contained therein, a series of regulations are included, including how the government agencies in power, starting with police investigators, the prosecutor as the public prosecutor, and the court, must act to achieve the state's goals about upholding the criminal law. Through criminal procedural law, the perpetrators of crimes subject to criminal penalties receive commensurate or commensurate punishments based on the degree of guilt (Bakhri, 2014). Criminal procedural law is still related to or cannot ignore the fulfillment of human rights.

One of the arrangements intended to guarantee the fulfillment of human rights is the provision regarding monitoring the validity of the determination of suspects through pretrial (Tajudin, 2015). This was followed by Article 77 of the Criminal Procedure Code which states that the district court has the authority to examine and decide, in accordance with the provisions stipulated in this law, whether an arrest, detention, termination of the investigation, or prosecution is legal or not. However, the Constitutional Court (MK), through decision Number 21/PUU-XII/2014, then expanded the pretrial authority in Article 77 a quo, which also has the authority to examine and decide whether the determination of the suspect, search, and confiscation is valid or not. (Yuristia, 2016) . The Constitutional Court's decision is also considered to give new hope to justice seekers in order to be able to test the validity of coercive measures from law enforcement officials. This shows how legal

developments in society have led to a desire to ensure that suspects can have their rights guaranteed, including through expanding pretrial authority in conducting judicial oversight in the Indonesian criminal justice system (Afandi, 2016).

However, not long after, a request for a judicial review of the Criminal Procedure Code was again filed with the MK. The object of the judicial review being requested is Article 82, paragraph (1) letter d of the Criminal Procedure Code, which questions the content's content in the phrase "begin to be examined by the district court." This phrase has multiple interpretations because it is unclear whether the pretrial can be dismissed when the public prosecutor transfers the case file to the District Court, from being examined at the first trial or after reading the indictment. Then, the Constitutional Court, through its Decision Number 102/PUU-XIII/2015, finally decided for the sake of legal certainty and justice, the pretrial was declared disqualified when the first trial was held on the principal case on behalf of the accused/pretrial Petitioner (Prasetyo, 2020). The case regarding the death of the pretrial before arriving at a verdict has also happened to Habib Rizieq Shibab in the crowd case (health protocol) and incitement that ensnared him in 2021. The single judge at the South Jakarta District Court, Suharno, stated that Habib Rizieq's lawsuit was dropped because the trial of the first principal case had been starting at the East Jakarta District Court.

At this point, the discussion regarding the pretrial provisions requested by the suspect cannot be said to be something simple. This is because the provisions related to the pretrial contain ambiguous, brief, and ambiguous textual formulations containing legal certainty fairly. In this regard, in 2018, the request for a judicial review of the Criminal Procedure Code was again filed with the MK. The request for judicial review in question was carried out by the Indonesian Young Advocates Association (AAMSI), represented by Minola Sebayang, SH, MH, as the Chairperson of AAMSI and Herwanto, SH, MH, as Secretary General of AAMSI. The request for judicial review was made by the applicant on July 23, 2018, and received at the MK Registrar's Office on July 24, 2018, based on the Deed of Acceptance of Application Files Number 136/PAN.MK/2018. The request was then recorded in the Constitutional Case Registration Book on August 6, 2018, under Number 66/PUU-XVI/2018, which was corrected and received by the Court Registrar's Office on September 17, 2018.

In summary, in the reasons for the petition, the applicant states that Article 82 paragraph (1) letter c of the Criminal Procedure Code is contrary to the principles of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution. From the application, which is basically as described above, the applicant also states that in numbers (2) and (3), the petite that Article 82 paragraph (1) letter c of the Criminal Procedure Code is contrary to the 1945 Constitution and has no binding legal force as long as it is not interpreted "if a request to pretrial has begun to be examined, while the examination of a case in court has not started yet, the district court must postpone the examination of a case until a pretrial decision is made.

As is well known, the applicant emphasized that the petition for judicial review he was petitioning for was not neb is in idem even though the article being reviewed was the same

which was requested in the previous Constitutional Court Decision, namely in the Constitutional Court Decision Number 102/PUU-XIII/2015 as previously mentioned above, for using different constitutional reasons. However, in contrast to the previous decision where the Constitutional Court finally granted the Petitioner's request in part (in the case of deciding that the pretrial was declared null and void when the first trial was held on the main case on behalf of the accused/pretrial Petitioner), in Decision Number 66/PUU-XVI /2018, the Constitutional Court decided to reject the applicant's application in its entirety.

Regardless of the substance of the three judicial review decisions against the Criminal Procedure Code of the 1945 Constitution, it is important to point out that in carrying out the judicial review, MK judges are required to interpret the law on the norms being tested. In the realm of legal philosophy, what MK judges do is related to the scientific point of view of legal hermeneutics (legal interpretation). Legal interpretation (interpretation) is a method of finding the law in terms of the existing rules. However, it is not clear to be applied to the event (Manan, 2013). On the other hand, the judge must examine and adjudicate cases for which no specific regulations exist. Here the judge faces a void or incomplete law that must be filled in or completed, because the judge may not refuse to examine and try a case on the pretext that there is no law or the law is incomplete. In the description of Sudikno Mertokusumo and A. Pitlo, judges find laws to fill this void by using analogical thinking methods, methods of legal narrowing, and *contrario* methods (Hidayat, 2013). The formulation of the problem to be raised in this study is how the judge interprets the law on the judicial review of the deadline for imposing pretrial decisions based on MK Decision Number 66/PUU-XVI/2018.

METHODS

This research uses the type of normative juridical research. It is said to be normative because the law is assumed to be autonomous, so its enforcement is determined by the law itself, not by factors outside the law. Normative juridical research is a literature study that is examined using secondary data. The data source as a reference for this research uses literature studies with mainly statutory approaches, conceptual approaches, and case approaches.

RESULTS AND DISCUSSION

a. Legal Interpretation in Judge's Decision

Judges are professionals that are independent in reasoning (Hidayat, 2013). This independence must still be guaranteed, even if he sits as a member of the assembly. Judges who insist on defending other alternatives beyond the decisions of their colleagues must still be respected. For this reason, the arguments put forward should also be included in the decision, either as a dissenting opinion (*contrariety of opinion*) or a concurring opinion.

The Constitutional Court (MK), which was born as a constitutional court, in interpreting the constitution, no longer sufficiently relies on considerations of verbal and grammatical meanings. As a judicial power that acts as a negative legislator, current legislators tend to prefer to form statutory products that are not casuistic and general (*flucht in die generalklausel*) (Isra & Amsari, 2019). So there is a shift from judges whom only mouthpiece the law (*normgerechtigkeit*) to free judges (*einzelfallgerechtigkeit*) (Prakoso, 2016). This understanding movement changed the direction of the way of thinking which initially referred to the system (*systemdenken*) and then shifted to a way of thinking that referred to the problem (*problemendenken*). As stated by Joachim Sanden, this means that judges no longer solely have to refer to statutory regulations but rather to how the problems of justice seekers can be resolved as fairly as possible (Isra & Amsari, 2019).

Another reason is rationalization. If the legislature passed a Draft Law (RUU), would it have to decide whether it was unconstitutional, which is doubtful? Therefore, it is necessary to understand that the duties of the legislative and judicial institutions are different. However, they are tasked with supervising and respecting each other, following the spirit of the check and balances system. Kusumadi Pudjosewojo stated clearly that the difference in duties is that judges determine the law concretely (*in concreto*) with existing events.

In contrast, legislators (legislature) determine the abstract norms (in the abstract) (Sugiarto, 2021). Therefore, according to Algra and K. Van. Duyvendik, judges are considered to know the law (*ius curia novit*), so the decision must contain adequate considerations, which can be accepted logically among judicial institutions, forums of legal science, the wider community, and the parties to the case (Hidayat, 2013). The judge's decision may be following or not following abstract norms. That way, judges can change or ignore existing legislation provisions to create concrete (legal) justice.

b. Pretrial Essence

Pretrial is an effort to correct irregularities during the investigation and prosecution process, especially aimed at investigators and public prosecutors, in carrying out their duties professionally to uphold the rule of law (Panjaitan, 2018). In order to carry out the interests of examinations in criminal acts, the law gives investigators and public prosecutors authority to take good action in the form of arrests, detentions, prosecutions, and a series of other actions for the sake of upholding the rule of law. However, law enforcement officials cannot be separated in practice from ordinary people. From the possibility of doing something that is wrong and not in accordance with the applicable provisions, to a series of examinations carried out with the aim of creating order and justice in society, on the contrary, it actually results in the loss of rights owned by a person, the Criminal Procedure Code regulates an institution called pretrial, which is expressly regulated in article 1 paragraph (10) jo. Article 77 of the Criminal Procedure Code. Provisions regarding pretrial are also regulated in Article 9, paragraphs (1) and (2) of Law Number 48 of 2009 concerning Judicial Power, and provisions regarding compensation for the legality of the arrest or detention are regulated in Article 30, Article 95, Article 97, Article 96 Criminal Procedure Code. The provisions regarding the failure of the pretrial examination are regulated in Article 82 (1) letter d of the Criminal Procedure Code.

The pretrial institution is a court institution that carries out horizontal supervision, meaning that in this pretrial institution, the suspect or defendant has the right as stipulated in the provisions of the law to supervise the course of a forced effort in the process of prosecution or investigation of him (Purba, 2017). The suspect or defendant referred to by the author is the victim or the relevant agency; pretrial is an institution of supervision or control throughout criminal procedural law to protect the rights of suspects and defendants (Malarangeng, 2012).

The pretrial institution in the Criminal Procedure Code is identical to the Pre Trial institution in the United States which applies the Habeas Corpus principle. Habeas Corpus gives the right to a person through a court order to demand that the investigator or public prosecutor prove that the detention is illegal in accordance with the applicable laws or it can be said that the detention violates the law (Illegal). Of Habeas Corpus): "the detainee is under your control; you are obliged to bring that person before the court and must show the reasons that led to his detention" (Adyan, 2014). The basic principle of Habeas Corpus is to inspire the creation of an institution that can provide rights and opportunities for someone who has suffered because their independence has been deprived or restricted, which can then test the truth and determination of the actions taken by the police, prosecutors, or judicial authorities.

There is also an expansion of pretrial powers as stipulated in the Constitutional Court decision Number: 21/PUU/XII/2014 dated 28 April 2015, namely adding to the determination of suspects, searches, and seizures, including pretrial objects. The Criminal Procedure Code is contrary to the 1945 Constitution of the Republic of Indonesia in so far as it is not interpreted, including the decision

of the Constitutional Court, which is the legal basis for examining whether the determination of the suspect is valid or not.

The Constitutional Court decision Number 21/PUU/XII/2014 states that the meaning of 'sufficient preliminary evidence' and 'sufficient initial evidence' contained in Article 1 point 14, Article 17, and Article 21 paragraph (1) of the Criminal Procedure Code is at least 1 (two) evidence, as referred to in Article 148 of the Criminal Procedure Code. This is because Article 1 point 14, Article 7, and Article 21 paragraph (1) does not contain a minimum limit for evidence. Such coercion is a manifestation of the principle of due process of law. The Constitutional Court made this decision by considering article 1, paragraph (3) of the Constitution of the Republic of Indonesia, which states that Indonesia is a constitutional state so that the principle of due process of law must be upheld by all law enforcement agencies in order to respect a person's human rights.

A pretrial request can be submitted to the Head of the District Court by stating the reasons for the submission. The pretrial examination program is led by a single judge and assisted by a clerk; three days after it is filed, it will immediately be examined at trial, and the judge must decide based on the reasons within a deadline of seven days later.

Based on Article 77 of the Criminal Procedure Code, the scope of the pretrial institution is to examine and decide following the provisions stipulated in the Criminal Procedure Code, as well as those contained in the Constitutional Court Decision Number: 21/PUU/XII/2014 regarding whether the determination of the suspect, search, and confiscation are legal or not.

Furthermore, as explained in Articles 79 to 81 of the Criminal Procedure Code, pretrial decisions must contain reasons. Also related to what matters that must be included in the pretrial decision are regulated in Article 82 paragraph (3) of the Criminal Procedure Code. The process of examining the pretrial hearing uses a fast procedure, and this is based on the principle above. The form of pretrial is also simple without reducing the contents of clear considerations based on laws and regulations (Sebayang, 2020). The content of pretrial decisions, in general, is regulated in Article 82, paragraphs (2) and (3), Article 96, paragraph (1) of the Criminal Procedure Code. In addition to the pretrial stipulation which contains the basic reasons for legal considerations, it also contains a judgment. The injunction included in the determination must follow the reason for the request for the examination, which forms the basis of the injunction (KARIMAH, nd).

As for pretrial applicants, the provisions of Articles 79 and 80 of the Criminal Procedure Code regulate who is authorized to submit pretrial requests. As is well known, Article 79 of the Criminal Code states that "A request for an examination regarding whether or not an arrest or detention is legal is submitted by the suspect, his family, or his attorney to the head of the district court by stating the reasons" (Darne, 2013).

c. Judge's Legal Interpretation of the Deadline for Imposing a Pretrial Decision Based on the Constitutional Court's Decision Number 66/PUU-XVI/2018

Pretrial is a new institution regulated in the Criminal Procedure Code (from now on referred to as the Criminal Procedure Code) to protect the human rights of suspects (Kaurow, 2015). Since Law Number 8 of 1981 concerning Criminal Procedure Law was promulgated, this pretrial institution began to be formed to avoid law enforcement officials' arbitrariness, especially investigators and public prosecutors.

Thus it can be concluded, as also emphasized by HMA Kuffal, that the existence of pretrial aims to protect human rights, which at the same time functions as a means of horizontal supervision, or in a more assertive sentence, it can be said that the holding of pretrial has the intention of being a

means of supervision horizontally to protect human rights, especially the rights of suspects and defendants (Parikesit & Eko Sopyono, 2017).

In this regard, on the object of the author's research, the Constitutional Court (MK), through its decision, namely Decision Number 66/PUU-XVI/2018, again decided on pretrial cases which specifically questioned the provisions of the norms of Article 82 paragraph (1) letter c and letter d of the Criminal Procedure Code. The Petitioner assessed the provisions of the quo norms causing the Petitioner to be unable to carry out his professional duties to the fullest in carrying out the task of providing legal services in the framework of law enforcement, equal opportunity to obtain justice and legal protection because the norms of the article a quo had resulted in delays for the Petitioner in seeking formal truth through pretrial. Strictly speaking, the Petitioner stated that the provisions of the norm a quo in the Criminal Procedure Code were contrary to Article 1 paragraph (3), Article 28D paragraph (1), and 28G paragraph (1) of the 1945 Constitution.

As is well known, Article 82 paragraph (1) letter c of the Criminal Procedure Code contains provisions regarding the deadline for examining pretrial requests, which is no later than 7 (seven) days. This arrangement is considered to cause problems because, in practice, the pretrial judge can postpone the trial beyond the pretrial examination deadline, either because the respondent is not present or at the respondent's request to postpone the trial. Absence or postponement of pretrial hearings is often used, especially by investigators, to buy time so the main case can begin the trial. Meanwhile, Article 82 paragraph (1) letter d of the Criminal Procedure Code determines that if a case has already begun to be examined by the District Court, while the examination regarding a request to pretrial has not been completed, then the request is dismissed.

This is reflected in the Habib Rizieq case, where the pretrial he filed regarding the crowd (health protocol) and sedition case was declared invalid by judge Suharno at the South Jakarta District Court. The judges aborted Habib Rizieq's pretrial that the first principal case at the East Jakarta District Court had started. From this case, we can see how the pretrial system is unable to be a solution for justice seekers because the parties who should be present at the pretrial hearing can be absent without a clear reason so that the 7 (seven) day deadline stated in Article 82 paragraph (1) letter c The Criminal Procedure Code just passed before the suspect (plaintiff) received a decision testing the validity of the suspect's determination. In connection with this, John Rawls once said that justice is honesty, fairness, and decency. This theory is also known as justice as fairness. Is it appropriate for a justice seeker who comes before the court to fight for justice instead of being dropped by a decision based on a thorough and thorough examination of the case but being aborted even before the decision is received?

It is important to note that the existence of pretrial aims to provide guarantees for the protection of human rights and, at the same time, functions as a means of horizontal oversight. However, in its journey after more or less 40 years of the Criminal Procedure Code, in upholding justice for suspects in the aspect of protecting human rights, the Pretrial institution in reality and practice in the field has not fulfilled the thirst of justice seekers. The case of the death of Habib Rizieq's pretrial was an example of the unprofessionalism of the investigators in carrying out their duties so that the proposed pretrial was aborted without a court decision regarding the validity of the suspect determination. Therefore, if pretrial is linked to the principles of human rights (HAM), precisely article 3 paragraph (2) of the Human Rights Law, which reads "guarantees recognition, guarantees, protection, and fair legal treatment and obtains legal certainty and equal treatment in before the law for everyone." So the pretrial in the enforcement process is not in line.

To support this, citing what was conveyed by John Rawls in social justice theory, justice must be fought for in two ways, including: first, correcting and improving the condition of inequality experienced by the weak by presenting social, economic, and social institutions. And empowering politics. Moreover, second, every rule must position itself (Nurbani, 2014).

Reconnecting with the lawsuit filed by the applicant, the phrase "begins to be examined by the district court" is considered by the Petitioner to have multiple interpretations because it can mean that the pretrial can be dismissed from the time the case file is transferred by the public prosecutor to the District Court, from being examined at the first trial, or from after reading of the indictment. However, as is known in the previous Constitutional Court Decision Number 102/PUU-XIII/2015, which also challenged the provisions of Article 82 paragraph (1) letter da quo, it is known that the judge decided that for the sake of legal certainty and justice, the pretrial was dismissed when the first trial was held. Based on the case on behalf of the accused/pretrial Petitioner. In other words, the Panel of Judges of the Constitutional Court in Decision Number 102/PUU-XIII/2015 previously confirmed the interpretation of Article 82 paragraph (1) letter d of the Criminal Procedure Code, which limits that a pretrial can be declared null and void after the case has been delegated and the first trial has started, whatever the agenda of the first session.

The provision that limits the process of examining pretrial requests for 7 (seven) days referred to is then considered by the judge to reflect the principle of speedy trial, bearing in mind the nature of pretrial requests is only to test the formal legitimacy of the process carried out by investigators or public prosecutors about the provisions of Article 77 of the Criminal Procedure Code juncto Decision Constitutional Court Number 21/PUU-XII/2014 dated 28 April 2015. This provision has provided certainty by explicitly limiting the length of time a pretrial petition is examined. According to the judge, if the norm is declared unconstitutional, or if the condition is given that the main trial of the case can only begin after a pretrial request has been decided, it will trigger legal uncertainty that is not following the previous Constitutional Court Decision Number 102/PUU-XIII/2015.

Regarding these considerations, the authors agree that Decision Number 102/PUU-XIII/2015, which confirms the provisions of Article 82 paragraph (1) letter d of the Criminal Procedure Code, is contrary to the 1945 Constitution and does not have binding legal force as long as the phrase "a case has begun to be investigated" is not interpreted "The pretrial request is dropped when the principal case has been delegated, and the first trial of the principal case has begun on behalf of the accused/pretrial petitioner," in fact it is clear that the provisions for the pretrial petition are declared invalid when the first trial of the principal case begins. It can also be said that the pretrial request is declared invalid if the public prosecutor has delegated the principal case on behalf of the accused/pretrial Petitioner to the district court, which has been registered and then begins the first trial examination regardless of the agenda.

Concerning Decision Number 102/PUU-XIII/2015, there is an additional period that is sufficient because if it is calculated by the time between registration of the case to the first trial of examining the main case in judicial practice so far, it is not less than 7 (seven) days and can even more. Therefore, if there is a problem, as argued by the Petitioner, where the pretrial petition has already begun its examination, then there should be no concern that the pretrial will not be decided before the first session of the main case. This is because, considering that the pretrial petition has already begun its examination, within 7 (seven) days, the pretrial petition must have been terminated.

This is also in line with the grace period the Panel of Judges used to carry out the first session after the public prosecutor to the District Court delegated the main case. Registration has been

carried out, which also requires an average time of not less than 7 (seven) days, some even more. . Because the time to determine the first trial depends, among other things, on the domicile of the witnesses who will be examined at the first trial which is very much related to the distance between the witnesses' residence and the grace period for summoning witnesses to appear at trial by following the applicable summons procedural law. Meanwhile, if the examination of the pretrial petition begins ahead of the main trial of the case, then this becomes the authority of the pretrial petition judge and the panel of judges who hear the main case to consider the sense of justice without interfering with their respective authorities and harming the suspect's rights.

Apart from being factual, the judge's considerations regarding the 7 (seven) day deadline also depart from the principle of a simple, fast, and low-cost trial. Referring to Law Number 48 of 2009 concerning Judicial Powers, precisely in Article 2 paragraph (4), it has stated that: "Judicial are carried out simply, quickly and at low cost," and the affirmation in Article 4 paragraph (2) of the Judicial Powers Law. The MK judges emphasize such a judicial principle in their considerations regarding the 7 (seven) day deadline for imposing a pretrial decision.

In terms of considering the constitutionality of the norms of Article 82 paragraph (1) letters c and d of the Criminal Procedure Code, the judge emphasized that the two norms are provisions which, in essence, order to expedite the process of delegation of cases in terms of criminal trial proceedings. According to the judge, this matter is related to two important things, namely: first, is the implementation of the principle of a fast, simple, and low-cost trial, which is one of the principles of justice mandated by Article 2 paragraph (4) of the Judicial Powers Law. As is known, the trial process, especially in criminal cases, should be carried out as quickly as possible to implement the principle of legal certainty without compromising the principle of justice. Thus, promptness in resolving criminal cases is an obligation for the state, in case law enforcement officials. Second, the acceleration of the settlement of cases is one of the suspect's rights and aims to protect the suspect from the arbitrariness of law enforcers who delay the settlement of cases. The time for settlement of cases impacts the length of detention, which is appropriate to be assessed as a deprivation of liberty for the suspect.

However, the protracted examination of cases will lead to various detrimental consequences for the suspect being examined. This is in accordance with the general adage in upholding justice, namely, "Justice delayed, justice denied", or "delayed justice is justice denied" (Sudarmono, 2018). In other words, delaying the implementation of the process of upholding justice by law enforcers can cause injustice. At the same time, the limitation of pretrial time and provisions that abort pretrial when the trial begins regarding the main case is, in essence, related to the implementation of the principle above.

This can be drawn from at least 2 (two) important substances in the interpretation of MK judges on Decision Number 66/PUU-XVI/2018 in examining the constitutionality of Article 82 paragraph (1) letters c and d of the Criminal Procedure Code, namely: first, if the norm is declared unconstitutional, or given the condition that the main trial of the case can only begin after a decision on a pretrial request triggers legal uncertainty that is not following the previous Constitutional Court Decision Number 102/PUU-XIII/2015. This is also in line with the grace period used by the Panel of Judges to carry out the first session after the main case has been delegated by the public prosecutor to the District Court. Registration has been carried out, which also requires an average of not less than 7 (seven) days, some even more. Because the time to determine the first trial depends, among other things, on the domicile of the witnesses who will be examined at the first trial which is very

much related to the distance between the witnesses' residence and the grace period for summoning witnesses to appear at trial by following the applicable summons procedural law. Meanwhile, if the examination of the pretrial petition begins ahead of the main trial of the case, then this becomes the authority of the pretrial petition judge and the panel of judges who hear the main case to consider the sense of justice without interfering with their respective authorities and harming the suspect's rights.

Second, the judge's interpretation emphasizes simple, fast and low-cost trial principles. Referring to Law Number 48 of 2009 concerning Judicial Power, to be precise in Article 2 paragraph (4) it states that: "Judgment is carried out simply, quickly and at low cost," and Article 4 paragraph (2) also states, "The court helps justice seekers and try to overcome all obstacles and obstacles in order to achieve a simple, fast and low-cost trial. This judicial principle was emphasized by the MK judges regarding setting a 7 (seven) day deadline for imposing a pretrial decision, which was considered constitutional.

CONCLUSION

The decision of the Constitutional Court Number 66/PUU-XVI/2018, which rejected the Petitioner's petition in examining the constitutionality of Article 82 paragraph (1) letters c and d of the Criminal Procedure Code, contains the interpretation of the MK judges, which contains 2 (two) substances: first, the value of legal certainty for maintaining the provisions of the deadline 7 (seven) days on the imposition of the pretrial decision for the suspect. Moreover, secondly, the interpretation of the quo Constitutional Court Decision is based on the principles or principles of a simple, fast, and low-cost trial, as stated in Article 2 paragraph (4) and Article 4 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power.

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