

ABSTRACT

Protection and respect for human rights is a major pillar in every legal state, if in a State the human right is neglected or violated intentionally and the suffering inflicted can not be dealt with fairly the country concerned can not be called a legal state in the real sense To give legal protection to a suspect the Criminal Procedure Code must be realized especially in the investigation of criminal cases, especially during the interrogation stage of arbitrary action from investigators to suspects allegedly committing a crime. This action is done in an attempt to gain recognition or direct information from the suspect, but the ways in which they are often can not be justified by law. Sometimes there is an act of violating human rights against the suspect, ranging from the investigation to the judgment decision stage there is a free verdict, but the suspect did not get anything.

The type of research used in this study is the research of observation research by way of survey. The nature of this research is descriptive, descriptive research aims to describe clearly and clearly about the object under study.

A form of violation both against the KUHAP itself even against the principles of the State of Law. Understanding Suspects according to the formulated in the Criminal Procedure Code. in the investigation process the investigator must make absolutely certain that a suspect should be suspected of a criminal offense based on sufficient initial evidence to serve as a proof in determining who the perpetrator of the crime in this case is a suspect. Determination of suspects committed by the investigator against the suspect is based on the evidence / fact of the beginning law.

The Criminal Procedure Code does not have a check and balance system for the act of determining the suspect by the investigator in the absence of a testing mechanism on the validity of the acquisition of evidence. The nature of the existence of pre-trial institutions is a form of oversight and an objection mechanism to the law enforcement process that is closely linked to the guarantee of the protection of human rights.

Keywords: Determination of Suspect, Legality Principle, Legal Certainty.