

Reconstruction of the Legal Standing of Pretrial Applicants Regarding Postponement of Case Handling Without Legitimate Reasons under the New Criminal Procedure Code

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Abstract: *The postponement of criminal case handling without a valid reason constitutes a new issue in Indonesian criminal procedural law following the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code, which recognizes such postponement as one of the objects of pretrial proceedings under Article 158 letter e. The issue arises because the application of this provision is closely related to the legal standing of the applicant as regulated in Article 1 number 15, while the postponement of case handling may give rise to different legal interests among suspects, victims, reporters, family members, and parties acting under power. This study aims to analyze the construction of the legal standing of the pretrial applicant regarding the postponement of case handling without a valid reason and to formulate a reconstruction of legal standing that provides legal certainty. The study employs a normative juridical method with statutory and analytical approaches. The results of the study indicate that the applicable regulations have determined the category of applicant subjects, but have not provided adequate operational parameters regarding direct legal interests in its application to Article 158 letter e. Case Number 69/PUU-XXIV/2026 at the Constitutional Court shows the actuality of this problem. The reconstruction is directed at a legal standing model based on direct legal interests, with parameters including the applicant's legal relationship, the existence of a postponement, and the direct impact on the applicant's legal rights or interests.*

Keywords: *Pretrial, Legal Standing, Case Postponement, Direct Legal Interest, New Criminal Procedure Code.*

Introduction

Delays in handling criminal cases can give rise to legal issues when a process that ought to be moving toward resolution instead remains in a state of uncertainty, lacking any legally justifiable reason (Prawira, 2025). The issue is not solely a matter of the time taken to resolve a case, as not every delay constitutes a violation of the law. Handling a criminal case requires time commensurate with the case's complexity, the need to gather evidence and examine witnesses, coordination among law enforcement agencies, and adherence to the principle of prudence when determining whether an individual can be held criminally liable (Waluyo, 2020). Legal issues arise when delays occur without a valid reason, without

explainable progress, or without certainty regarding the continuation of the case process. Such circumstances can leave suspects uncertain about the status and continuation of the legal process they face, while victims or informants may face uncertainty about the follow-up, resolution, and restoration of rights related to the crime they have experienced. Case delays, therefore, cannot be viewed solely as an administrative issue concerning the timeframe for case resolution, but can also impact the legal interests of parties directly involved in the investigation and prosecution process (Susilo, 2026). This issue becomes increasingly relevant when criminal procedural law provides a judicial oversight mechanism for the handling of cases that are delayed without justifiable reasons, because the existence of this mechanism must ultimately be able to determine the party that has the right to activate it.

The difference in legal interests between suspects and victims or informants demonstrates that delays in case handling can have multiple legal consequences. On the one hand, the suspect has an interest in obtaining certainty regarding his legal status and not being continuously involved in a legal process that has no clear direction, while the victim or reporter, on the other hand, has an interest in ensuring that the report or alleged criminal act he submitted is handled effectively and is not allowed to drag on without valid reasons (Rena Yulia, Dadang Herli, 2019). These interests show that legal protection against criminal proceedings cannot be solely placed in the perspective of protecting the suspect, but must also take into account the interests of the victim and the reporter as parties who have a legal relationship with the case (Bawole, 2021). Law Number 20 of 2025 concerning the Criminal Procedure Code then made a significant development by expanding the object of pretrial. Article 158 letter e of Law Number 20 of 2025 stipulates that the district court has the authority to examine and decide, under the law governing pretrial proceedings, "delays in handling cases without legitimate reasons." This norm is significant because delays in handling cases that were previously questionable in the context of monitoring the performance of law enforcement officers are now explicitly placed as objects that can be examined through pretrial. Pretrial no longer functions only as an instrument to test the legality of certain actions in the investigation or prosecution process, but also acquires a supervisory dimension regarding slowness or delays in handling cases that have no legitimate basis (Harahap, 2016). This expansion also demonstrates a shift in the orientation of judicial control in criminal procedure, from oversight of active law enforcement officers to oversight that can also be directed at passive actions or the failure to properly handle cases.

This expansion of the scope of pretrial proceedings raises new issues when linked to the legal standing of those eligible to file a petition. Article 1, number 15 of Law Number 20 of 2025 stipulates that pretrial proceedings are within the jurisdiction of the district court to examine and rule on objections filed by the suspect or the suspect's family, the victim or the victim's family, the complainant, or an advocate or legal aid provider authorized to represent the suspect's or victim's legal interests, regarding the actions of investigators in conducting investigations or the actions of the public prosecutor in conducting prosecutions, in accordance with the procedures stipulated in the law (Febryan Alam Susatyo, Husnia Hilmi Wahyuni, 2026). This formulation indicates that the legislators have actually determined the subjects who can file a pretrial motion in general. The legal issue

lies in whether the construction of the subject in Article 1 number 15 can automatically be applied to all objects specified in Article 158, including the new object in the form of delays in handling cases without valid reasons, and how to determine the limits of the legal interests of each subject when such delays occur. Article 158 letter e specifically only determines the object of examination without repeating who the parties can file it, so the relationship between the definitional norm in Article 1 number 15 and the authority norm in Article 158 letter e requires systematic interpretation. This issue becomes more complex because delays in cases can have different consequences for each party. The suspect may be interested in ending the uncertainty of the legal process, while the victim or reporter may be interested in the immediate continuation of the case handling process (Bela Adinata, Andika Wijaya, 2026). This situation raises fundamental questions about whether the applicant's legal standing is sufficiently determined based on their formal status in a case or whether it must also be determined based on the existence of a direct legal interest that is clearly impacted by the delay in case handling.

This issue has developed into a current constitutional issue in the judicial review of Article 158 letter e of Law Number 20 of 2025 through Petition Number 69/PUU-XXIV/2026 at the Constitutional Court. The Petitioners argue that Article 158 letter e does not provide clarity regarding the legal subjects who have the right to file a pretrial motion against the postponement or non-follow-up of a case and request that the norm be interpreted as granting rights to parties who have a legal interest in the handling of the case, including the suspect or the suspect's family, the victim or the victim's family, the reporter, advocates or legal aid providers who are authorized to represent the legal interests of the suspect or victim, and other parties whose constitutional rights are harmed due to the postponement. This view has received different responses from the related parties. The Indonesian National Police in the Constitutional Court hearing on June 24, 2026, held the view that Article 158 letter e cannot be read separately, but must be read systematically with Article 1 number 15, so that parties who have a direct legal interest in the postponement of the case can have legal standing to file a pretrial motion. The Police also emphasized that this limitation is necessary so that the pretrial motion is not used by parties who do not have a direct legal relationship with the case. The Supreme Court, the Prosecutor's Office, and the Corruption Eradication Commission (KPK) also provided testimony during the trial, while subsequent experts presented by the Petitioner advocated for a broader definition of the subjects eligible to file a pretrial motion concerning case postponement. These differing views indicate that the primary issue lies not simply in the existence of norms governing the subjects of the petition, but in the absence of sufficiently objective parameters for determining the relationship between party status, direct legal interest, losses resulting from the delay, and the right to invoke the pretrial mechanism.

The ambiguity of these parameters has the potential to cause problems in the application of criminal procedural law if a more measurable construction is not immediately obtained. Judges may face challenges when determining whether the victim or complainant has legal standing to file a pretrial motion against a postponement of case handling, particularly when the postponement is directly related to the victim's interests but not explicitly addressed to the victim as the subject of law enforcement action (Sihotang, 2026). The suspect may also be in a different position if the delay creates uncertainty about their

legal status, while the suspect's family, the victim's family, advocates, or legal aid providers acquire standing through legal relationships established by law (Amin, 2024). This issue can lead to differing interpretations regarding who is considered to have a direct legal interest and the extent to which that relationship must be proven in a pretrial hearing. The absence of objective parameters can lead to inconsistent application of procedural law, either by accepting applications from parties deemed to have a direct interest or by rejecting them because those parties are deemed to lack legal standing. This situation can ultimately impact legal certainty for suspects, victims, informants, and law enforcement officials, while also creating the risk that a proportional expansion of access to oversight mechanisms will not accompany the expansion of pretrial objects through Article 158 letter e. This debate must also be placed within the boundaries of the pretrial function as a control mechanism, not as a means for judges to take over investigative or prosecutorial authority (Hafidah, 2026). The testimony in the Constitutional Court hearing even emphasized that if the judge finds the delay unjustified, the pretrial decision should remain corrective and not usurp the authority of the investigator or public prosecutor.

Reconstructing the legal standing of pretrial applicants regarding unjustified delays in case handling is crucial to ensure that the expansion of pretrial proceedings in Law Number 20 of 2025 consistently ensures legal protection. This reconstruction is not aimed at opening pretrial proceedings to everyone without limit, as pretrial proceedings still require a relevant legal relationship with the object being examined. However, it should also not limit access solely based on formal status if the case delay clearly causes harm or uncertainty to parties with a direct legal interest. The ideal construction of legal standing requires reconciling two potentially conflicting interests: protection for parties genuinely harmed by the delay and preventing the use of pretrial proceedings by parties without a legal relationship to the case. These parameters can be established through a direct relationship between the applicant and the case, the existence of a real legal interest, the existence of an identifiable legal impact resulting from the delay, and the authority of the advocate or legal aid provider derived from the granting of power of attorney by the party with the legal interest. Such reconstruction is necessary so that Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025 are not understood separately, but form a single legal construction that provides certainty regarding who can activate judicial control over the postponement of a case without a valid reason. This need is increasingly relevant because the review of Article 158 letter e in Case Number 69/PUU-XXIV/2026 still shows differences in the construction regarding the subject of the applicant and the limits of direct legal interest. On this basis, reconstruction of the applicant's legal standing is not only necessary to resolve technical issues regarding legal standing, but also to establish a balance between legal certainty, protection of the rights of suspects, the interests of victims and reporters, and the effectiveness of judicial oversight of the handling of criminal cases, so that the existence of Article 158 letter e can truly function as a corrective instrument against postponement of cases that have no valid reason.

Methodology

This research uses a normative juridical research method that is oriented towards legal studies as norms that regulate the legal standing of pretrial applicants regarding the

postponement of case handling without a valid reason in Law Number 20 of 2025 concerning the Criminal Procedure Code. Normative juridical research is used to analyze the suitability, relevance, and adequacy of regulations regarding the subject of pretrial applicants in Article 1 number 15 with the object of pretrial in the form of postponement of case handling without a valid reason as regulated in Article 158 letter e of Law Number 20 of 2025. The statutory approach is used by examining the provisions in Law Number 20 of 2025, the 1945 Constitution of the Republic of Indonesia, and other laws and regulations that have relevance to the legal standing of the parties in the criminal justice process and pretrial mechanisms, including by paying attention to the decisions of the Constitutional Court related to the development of objects and subjects of pretrial. An analytical approach is used to critically analyze the meaning, relationship, and application of norms regarding the legal standing of the applicant in Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025, including analyzing the concept of direct legal interest as the basis for determining the legal standing of the suspect, the suspect's family, the victim, the victim's family, the reporter, and the advocate or legal aid provider who represents the legal interests of the entitled party. The legal materials used consist of primary legal materials in the form of relevant laws and court decisions, secondary legal materials in the form of books, scientific journal articles, research results, and opinions of legal experts, and tertiary legal materials in the form of legal dictionaries and other supporting sources. All legal materials are analyzed qualitatively using legal reasoning systematically and prescriptively to find weaknesses in the applicable legal construction and formulate a reconstruction of the legal standing of the pretrial applicant that can provide legal certainty, protection for parties with direct legal interests, and objective limits to the use of the pretrial mechanism.

Result and Discussion

Construction of the Legal Standing of the Pretrial Applicant Regarding the Delay in Handling the Case Without Legitimate Reason

Pretrial proceedings in Indonesian criminal procedure law have been strengthened through Law Number 20 of 2025 concerning the Criminal Procedure Code, which came into effect on January 2, 2026, and simultaneously revoked Law Number 8 of 1981 concerning the Criminal Procedure Code. The new regulation places pretrial proceedings as part of the District Court's authority to examine and decide on objections to the actions of law enforcement officers in the investigation and prosecution process. Article 1 number 15 of Law Number 20 of 2025 stipulates that "Pretrial proceedings are the authority of the district court to examine and decide on objections filed by the suspect or the suspect's family, the victim or the victim's family, the reporter, or the advocate or legal aid provider authorized to represent the legal interests of the suspect or victim, regarding the actions of the Investigator in conducting the Investigation or the actions of the Public Prosecutor in conducting the Prosecution in accordance with the methods regulated in this Law." This formulation shows that pretrial proceedings in the new Criminal Procedure Code are no longer positioned solely as a mechanism related to the interests of the suspect, but normatively have provided space for victims, the victim's family, the reporter, as well as advocates or legal aid providers who have the power to represent the legal interests of the

suspect or victim (Karma, 2020). The position of the pre-trial is then placed within the framework of the authority of the District Court as regulated in Chapter XI, Part One of Law Number 20 of 2025, so that the pre-trial examination is a judicial mechanism specifically provided to test the actions of investigators and public prosecutors based on the limits determined by law (Pandelaki, 2026). This regulation demonstrates an expansion of the subjects that can be normatively related to the pretrial mechanism compared to the construction in previous criminal procedural law.

The District Court's authority to examine pretrial matters is formulated more broadly in Article 158 of Law Number 20 of 2025. The article stipulates that:

"The district court has the authority to examine and decide, in accordance with the provisions of this Law regarding:

- a. the validity of the implementation of Coercive Measures;
- b. the validity of the termination of an investigation or prosecution;
- c. a request for compensation and/or rehabilitation for a person whose criminal case was terminated at the investigation or prosecution stage;
- d. the confiscation of objects or goods unrelated to the crime;
- e. the postponement of case handling without valid reason; and
- f. the suspension of detention.

This formulation demonstrates that the legislators have identified six groups of objects within the scope of pretrial hearings. These objects include the validity of coercive measures, the validity of termination of investigations or prosecutions, requests for compensation and/or rehabilitation under certain circumstances, confiscation of objects or goods unrelated to the crime, postponement of case handling without a valid reason, and suspension of detention. This regulation demonstrates the character of pretrial hearings as a judicial oversight mechanism for the criminal law enforcement process at the stage before the examination of the leading case in court. The existence of Article 158 letter e is part of the expansion of these objects because the norm explicitly places postponement of case handling without a valid reason as one of the objects that can be examined by the District Court through the pretrial mechanism. Thus, normatively, postponement of case handling has obtained status as an object of pretrial hearings as long as it meets the characteristics determined by the norm, namely the delay in case handling and the absence of a valid reason underlying the delay (Putri Kayla Salsabilla, Andi Saputra, 2026).

The position of Article 158 letter e cannot be separated from the general construction of pretrial proceedings formulated in Article 1 number 15 of Law Number 20 of 2025. Article 1 number 15 provides a framework regarding parties filing objections through the pretrial mechanism, while Article 158 determines the scope of objects that can be examined and decided by the District Court. The relationship between these two provisions indicates the existence of two main elements in the construction of pretrial proceedings, namely the subject filing the objection and the object of the action or legal situation that can be examined by the court. The determination of the subject in Article 1 number 15 includes the suspect, the suspect's family, the victim, the victim's family, the reporter, as well as advocates or legal aid providers who are authorized to represent the legal interests of the suspect or victim.

This determination means that the right to file a pretrial is not given to everyone openly, but is attached to certain parties who have a legal position as stated normatively in the law. Advocates or legal aid providers are also not positioned as parties who independently have legal interests in each case, because their position in Article 1 number 15 is expressly linked to the granting of power to represent the legal interests of the suspect or victim (Ninin Armianti Natsir, Rosmini, 2026). This construction places the legal relationship between the applicant and the case as the normative basis for using the pretrial mechanism. Article 158 then defines the objects that can be examined, including delays in case handling without legitimate grounds, so that systematically the existence of these objects falls within the framework of the applicant's subject as defined by Article 1, number 15.

The status of a suspect in the construction of a pretrial applicant is a form of legal standing explicitly recognized by Article 1, number 15 of Law Number 20 of 2025. A suspect is a party directly involved in the investigation process and can experience legal consequences from the actions and handling of the case by the investigator or public prosecutor. The suspect's family is also directly mentioned in this norm as a party that can file an objection through the pretrial process, so their status does not depend solely on being recognized as a party in a criminal case, but is granted by law as a subject that can file an objection (Andi Hamzah, 2018). Victims and their families also enjoy a normative status explicitly stated in Article 1, point 15, indicating that the pretrial structure in Law Number 20 of 2025 recognizes the legal interests of victims in the criminal justice process. The complainant is also included among the subjects mentioned in this norm, thus granting the complainant a direct basis from the law to file objections within the scope of the pretrial. Advocates or legal aid providers have a different status because their authority is based on the power to represent the legal interests of the suspect or victim (Fani, 2025). This construction demonstrates that the applicant's legal standing in pretrial proceedings, under Law Number 20 of 2025 concerning the Procedural Code, is formed through a combination of a specific legal status in the case and a representative relationship based on the granting of power of attorney. These provisions serve as a normative basis for determining who can use the pretrial mechanism without extending it to parties who do not fall into the categories specified by law.

The application of this subject and object construction to the postponement of case handling can be seen in the relationship between Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025. Article 158 letter e does not specify the parties who may file a request for a postponement of case handling, but rather only establishes the authority of the District Court to examine and rule on "postponement of case handling without valid grounds." Article 1 number 15, as the provision that provides the general definition and construction of pretrial proceedings, lists the parties who may file an objection: the suspect or the suspect's family, the victim or the victim's family, the complainant, and the advocate or legal aid provider authorized to represent the suspect's or victim's legal interests. The normative construction shows that in reading the object of the postponement of case handling, the applicant subject remains placed within the framework of the pretrial subject as determined by Article 1 number 15. The position of each subject is then related to the

legal interests they represent in the criminal process. The suspect and the suspect's family are in the construction of parties related to the suspect's legal interests, while the victim and the victim's family are related to the victim's legal interests, while the reporter gets a separate mention as a subject in the formulation of Article 1 number 15. Advocates or legal aid providers acquire standing as parties acting under a power of attorney to represent the legal interests of suspects or victims (Sihotang, 2026). This construction demonstrates that the relationship between Article 1 number 15 and Article 158 letter e can be understood through the general pattern that Article 1 number 15 determines who can file an objection in the pretrial mechanism, while Article 158 letter e determines what can be requested for review by the District Court.

The construction of the applicant's legal standing regarding the object of the postponement of case handling without a valid reason, therefore, at the positive legal stage, can be placed in the relationship between the subjects specified in Article 1 number 15 and the objects specified in Article 158 letter e of Law Number 20 of 2025. The suspect, the suspect's family, the victim, the victim's family, and the reporter are subjects directly mentioned by the legislator, while advocates or legal aid providers serve to represent the legal interests of the suspect or victim by virtue of a power of attorney. This position shows that legal standing in pretrial is not constructed as a right of *actio popularis* nature that allows anyone to submit an application for a case that has no legal relationship with them, but is given to subjects who normatively have a certain position in the criminal process or obtain representative authority from interested parties. Delays in handling cases without valid reasons as objects of pretrial are then within the scope of the authority of the District Court as per Article 158 letter e, while the party filing an objection must still be placed in the construction of the subject of pretrial as per Article 1 number 15. The positive legal construction shows that Law Number 20 of 2025 concerning the Procedural Code has built a normative relationship between the applicant subject and the object of examination in the pretrial mechanism, by granting authority to the District Court to examine delays in handling cases without valid reasons and at the same time determining the group of parties who can file objections through the pretrial mechanism (Khoiri, 2026).

Problems of the Legal Standing of Pretrial Applicants Regarding the Postponement of Case Handling Without Legitimate Reasons in the Judicial Review of the New Criminal Code

The problematic legal standing of the applicant regarding the object of pretrial in the form of postponement of case handling without a valid reason originates from the relationship between Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025 concerning the Criminal Procedure Code. Article 1 number 15 has determined the parties who can file objections through the pretrial mechanism, namely the suspect or the suspect's family, the victim or the victim's family, the reporter, or the advocate or legal aid provider who is authorized to represent the legal interests of the suspect or victim, while Article 158 letter e stipulates postponement of case handling without valid reason as one of the objects that can be examined and decided by the District Court. The normative problem does not lie in the absence of regulations regarding the subject of the applicant as a whole, but rather

in the unclear parameters of the application of the subject category to the characteristics of the object of postponement of case handling. Case postponement has a different character from other pretrial objects because the object is related to actions that are not carried out or processes that are not moving as they should, so that the parties who feel the legal consequences can differ depending on the legal position in the case. A suspect may have an interest because the delay leaves their legal status uncertain, while a victim or complainant may have an interest because the delay hinders the resolution of a report or case related to their rights. The family of the suspect or victim is also referred to as a subject in Article 1(15), while an advocate or legal aid provider is granted standing by virtue of being granted power of attorney to represent the suspect or victim's legal interests. This situation indicates that the application of Article 1(15) to Article 158(e) requires a more concrete determination of the relationship between the applicant's status, their legal interests, and the legal consequences of the case delay. This issue ultimately leads to the question of the basis for determining legal standing: whether it is sufficient to rely solely on the subject's formal status as referred to in Article 1(15) or whether it must be accompanied by evidence of a direct legal interest impacted by the delay in handling the case.

The differences in legal interests between the suspect, victim, complainant, family, and party acting under power of attorney demonstrate that the applicant's legal standing cannot be separated from the concrete nature of the postponement of the case being requested for examination. The suspect has an interest in ensuring the continuation of the legal process directed at him, while the victim has an interest in the effective handling of the case related to the crime he experienced. The reporter has a unique position because not all reporters are always victims, but the report they submit can form the basis for initiating the law enforcement process. This difference requires careful placement of the term "direct legal interest" in determining the applicant's position. Direct legal interest is not simply understood as the existence of a social, moral, or concern relationship with a case, but rather must have a demonstrable legal relationship between the applicant, the case being handled, and the consequences of the delay in question. The position of the family is also not automatically equated with that of the party directly subject to the criminal process, although Article 1 number 15 explicitly mentions the family of the suspect and the family of the victim as parties who can file objections. The position of an advocate or legal aid provider has a different character because their legal interest stems from a representative relationship with the suspect or victim through the granting of power of attorney. These differences in character demonstrate that the subject categories referred to in Article 1 number 15 do not necessarily provide an answer regarding how each subject's position should be assessed when the object submitted is a postponement of case handling without a valid reason. This problem is increasingly important because determining legal standing is the initial stage that determines whether a request can be further examined regarding the substance of the postponement in question. Parties with real legal interests should not be deprived of access to the oversight mechanism simply because the construction of the relationship between subject and object is not properly understood, but the pretrial

mechanism also cannot be opened to any party who simply has an interest in a case without a relevant legal relationship.

The issue regarding the legal standing then obtained a concrete form through Petition Number 69/PUU-XXIV/2026 at the Constitutional Court which tested Article 158 letter e of Law Number 20 of 2025 against the 1945 Constitution of the Republic of Indonesia. The petition was filed by Irpan Suriadiata, Habiburrahman, Titi Tantri, Abdul Majid, Lalu Muhamad Rizal, Lalu M. Kazwaini, M. Iskandar, Ida Husna, Ahmad Muzakkir, and M. Nova Taupik Saputra. The Petitioners argued that Article 158 letter e did not provide clarity regarding the legal subjects who had the right to file a pretrial when law enforcement officers postponed or did not follow up on a case. The Petitioners link this issue to the constitutional guarantees in Article 1 paragraph (3), Article 27 paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In their petition, the Petitioners request that Article 158 letter e be interpreted to mean that a pretrial motion for a postponement of case handling without a valid reason may be filed by any party with a legal interest in the handling of the case, including the suspect or the suspect's family, the victim or the victim's family, the reporting party, an advocate or legal aid provider authorized to represent the suspect's or victim's legal interests, or any other party whose constitutional rights have been violated by the postponement. The formulation of this petition indicates that the issue brought to the Court does not merely question the existence of a postponement of the case as the object of the pretrial motion, but specifically requests clarity regarding the relationship between that object and the party entitled to activate the pretrial mechanism. This case is thus relevant for analysis because it demonstrates that the issue of legal standing regarding Article 158 letter e has emerged in the practice of constitutional review and is no longer limited to theoretical construction.

The parties' arguments during the trial reveal two approaches to determining who may apply for pretrial proceedings concerning case postponement. The Indonesian National Police, as a Related Party, takes the view that Article 158 letter e cannot be read independently of Article 1 number 15 of Law Number 20 of 2025. The police consider that the party who has the legal standing to file a pretrial against the postponement of case handling is the party who directly experiences the legal consequences of the postponement, which can include the suspect, the suspect's family, the victim, the victim's family, the reporter, or the attorney representing the legal interests of these parties. The police also stated that in the context of the suspect's interests, legal standing *mutatis mutandis* follows the pattern of the application submitted by the suspect, the suspect's family, or their attorney, whereas if the postponement is detrimental to the victim or reporter, the party may file an application as long as it has a direct legal interest in accordance with the limitations of the Criminal Procedure Code. This construction shows that Article 1 number 15 is seen as a general norm that is sufficient to determine the group of applicants, while the phrase "direct legal interest" is used as a limit so that the pretrial is not used by parties who have no legal relationship with the case. Different constructions are evident in the statements of other parties and the development of the trial. The Corruption Eradication Commission (KPK), for example, stated that the presence of a third party or other party in

a pretrial is possible if it obtains power of attorney from the main legal subjects, namely the suspect, the suspect's family, the victim, the victim's family, and the reporter, and considers that the submission by a party who has no interest in the case does not stand above the interests previously related to the criminal case. This difference in construction shows that the main issue is not only who is referred to in Article 1 number 15, but how the limits of the direct legal relationship are determined when the object of the pretrial is a postponement of the case.

The debate becomes increasingly complex when there are views that require expanding the parties who can file pretrial motions against case postponements. In the July 15, 2026 hearing, the Petitioner's expert, Hasrul Buamona, argued that Article 158 letter e should provide more concrete and individual space for reporters, victims, complainants, civil society, and advocates to file pretrial motions against case postponements. The hearing also presented practical experience regarding pretrial motions related to alleged postponements in the handling of corruption cases, previously filed by parties who were not suspects or direct victims and then declared inadmissible due to considerations regarding the subject limits as stipulated in Article 1 number 15 of the Criminal Procedure Code. This development demonstrates the tension between two orientations. The first orientation emphasizes limiting legal standing based on a direct legal relationship with the case to maintain orderly legal procedures and prevent pretrial motions from unauthorized users. The second orientation emphasizes the need to open access to parties with an interest in the handling of the case so that delays by law enforcement officials can gain judicial control. This issue demonstrates that formal status as a suspect, victim, reporter, family member, or advocate does not fully resolve the issue without determining the nature of the legal interests inherent in each subject. For example, suspects and victims can both be affected by delays, but the nature of their legal interests differs. A reporter may have a legal relationship with their report without necessarily being a victim, while an advocate gains the capacity to act through power of attorney and not because of a personal legal interest in the case. The family of a suspect or victim is also explicitly mentioned in Article 1(15), but the nature of their interests remains distinct from those of parties directly subject to criminal proceedings. This situation demonstrates that the concept of "direct legal interest" plays a crucial role in determining the limits of legal standing, but also raises the need to define a criterion that can distinguish real legal interests from mere interests in a case.

This problem demonstrates that a systematic reading of Article 1(15) and Article 158(e) of Law Number 20 of 2025 does not automatically resolve all issues regarding the applicant's legal standing regarding unjustified delays in case handling. A systematic reading can indeed explain that the subject of a pretrial motion must essentially refer to the parties specified in Article 1 number 15, but the character of the object of Article 158 letter e demands a more specific relationship between the party submitting the petition and the loss or legal interest arising from the delay. This issue is increasingly important because Case Number 69/PUU-XXIV/2026 is still in the process of being examined at the Constitutional Court and has not yet produced a decision that can provide a final interpretation regarding the constitutionality or limits of legal standing of Article 158 letter e. Constitutional Court

trial data shows that the case has gone through a preliminary examination, revision of the petition, hearing of statements from the DPR and the President, statements from Related Parties from the Supreme Court, the Police, the Prosecutor's Office, and the Corruption Eradication Commission, as well as examination of experts and witnesses of the Petitioner until the series of trials in July 2026. This situation indicates that the norm of Article 158 letter e is still in the actual legal debate space. The problem of the applicant's legal standing ultimately lies in the lack of sufficiently objective parameters to link the subject status in Article 1 number 15, direct legal interests, and the consequences of the postponement of the case as the object of Article 158 letter e. This condition can create uncertainty in determining the limits of parties entitled to file a pretrial, because overly formal restrictions can ignore parties who are clearly interested in the resolution of the case, while unmeasured expansion can open the pretrial mechanism to parties who do not have an adequate legal relationship with the case. This problem indicates the need to re-evaluate the adequacy of the construction of the applicant's legal standing in the applicable positive law before determining the form of legal reform required.

Reconstruction of the Legal Standing of the Pretrial Applicant Regarding the Delay in Handling the Case Without Legitimate Reasons Based on Direct Legal Interests

The reconstruction of the legal standing of pretrial applicants regarding delays in case handling without valid reasons needs to be directed at establishing a legal standing mechanism that does not solely rely on a person's formal status in the case, but also on the existence of legal interests that are directly affected by the delay. The philosophical basis of reconstruction lies in the need to balance two interests that must both receive protection in the criminal justice process, namely the interests of the suspect to obtain certainty regarding the legal procedure they encounter and the interests of the victim or reporter to obtain effective case handling and not experience delays without valid reasons (Barlian, Aristo Evandy A., & Arief, 2017). The legal basis is based on Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees recognition, guarantees, protection, and certainty of just law as well as equal treatment before the law, (Harijanti, 2014). This is then elaborated in Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025 concerning the Criminal Procedure Code. The reconstruction is not intended to remove the restrictions on applicants in Article 1 number 15, but rather to provide operational parameters so that these provisions can be applied appropriately to the specific object of delaying case handling without legitimate grounds. This reconstruction's direction aligns with the debate in Petition Number 69/PUU-XXIV/2026, where the Petitioner requested that Article 158 letter e be interpreted to mean that the petition can be submitted by any party with a legal interest in the handling of the case. The Indonesian National Police (Polri) argued that this provision should be read systematically alongside Article 1 number 15 and addressed to parties directly experiencing the legal consequences of the delay.

The reconstructed legal standing model should further utilize direct legal interest as an operational parameter for determining the applicability of Article 1 number 15 to the specific object regulated in Article 158 letter e, rather than as an additional requirement intended to reduce or replace the categories of applicants expressly recognized by statute.

In this construction, the suspect, the suspect's family, the victim, the victim's family, the reporter, and an authorized advocate or legal aid provider remain the principal categories of potential applicants under Article 1 number 15. The direct legal interest test functions only to determine whether the postponement complained of has a sufficiently concrete legal connection with the applicant in relation to that particular case. Direct legal interest must therefore be distinguished from constitutional loss, which concerns the impairment of constitutional rights in constitutional adjudication; procedural interest, which may arise merely from formal participation in a legal process; factual interest, which reflects practical consequences without necessarily involving a legally protected position; and general public or moral interest, which represents concern regarding law enforcement without a specific legal relationship to the case. A direct legal interest exists where the applicant can demonstrate a legally recognizable connection with the criminal case and a concrete impact of the postponement on a right, legal position, or legally protected interest arising from that connection. These parameters include at least four elements, namely the applicant belongs to or validly represents one of the categories recognized by Article 1 number 15, the handling of the case is at a stage falling under the authority of the investigator or public prosecutor, there is an objectively identifiable period of inactivity or postponement, and the postponement has a direct consequence for the applicant's legally protected position. Therefore, the pretrial judge should not treat direct legal interest as a mechanism for excluding categories expressly recognized by Article 1 number 15, but as a mechanism for distinguishing a concrete legal claim arising from delay from mere social, political, academic, professional, or general concern regarding the case.

These parameters should be applied differently according to the legal position of each applicant without altering the statutory recognition contained in Article 1 number 15. The suspect has a direct legal interest where the postponement prolongs uncertainty regarding the criminal process directed against him or her. The victim has such an interest where the delay directly affects access to justice, protection, recovery, or the continuation of the reported criminal process. A reporter may establish direct legal interest when the postponement concerns the report submitted by that person and the continuation of the case is connected to a legally protected interest arising from the reporting relationship, such as the protection of the reporter's rights, property, safety, or other legal position affected by the alleged offense. Family members of suspects or victims should not lose standing merely because they rely on the family relationship expressly recognized by Article 1 number 15. Rather, the family relationship constitutes the statutory basis for access to the pretrial mechanism, while the examination should determine whether the application is genuinely connected to the legal interests implicated by the postponement and is not merely an attempt to pursue an unrelated personal or public agenda. Advocates or legal aid providers remain representatives whose authority derives from a valid power of attorney or other legally recognized authorization to protect the interests of the suspect or victim. Thus, the distinction is not intended to create a hierarchy that excludes family members or reporters from standing, but to ensure that every application under Article 158 letter e retains a

demonstrable connection between the applicant, the delayed case, and the legal consequences produced by the postponement.

The reconstruction should also establish a hybrid time-based and circumstance-based benchmark for determining when a postponement becomes legally unreasonable. A delay should not be considered unlawful merely because a particular period of time has elapsed. The court should first identify the last substantive procedural action taken by the investigator or public prosecutor and then assess whether subsequent inactivity is reasonably justified by the complexity of the case, the number of suspects or victims, the necessity of forensic examination, the difficulty of obtaining evidence, cross-jurisdictional or inter-agency coordination, the unavailability of essential witnesses, or other objectively documented obstacles. However, institutional complexity cannot serve as an unlimited justification for inactivity. A postponement should be presumed unreasonable where law-enforcement authorities fail to demonstrate any substantive procedural progress for a reasonable period and are unable to provide documented legal or factual grounds explaining the inactivity. For this purpose, the proposed model should require periodic procedural review and written notification of the reasons for continued delay. The precise time benchmark may differ according to the procedural stage and complexity of the case, but the essential test should combine the duration of inactivity, the reasons for the delay, the diligence of the authorities, the complexity of the case, and the concrete prejudice suffered by the applicant. Such a model provides judges with structured guidance while avoiding a rigid numerical deadline that could be inappropriate for complex criminal investigations.

A pretrial motion under Article 158 letter e should include the applicant's identity, statutory applicant category, legal relationship with the case, description of the case being handled, procedural stage, form and duration of the alleged delay, the last substantive action taken by the investigator or public prosecutor, efforts made by the applicant to obtain clarification, and the legal interest allegedly affected. The supporting documents should be adjusted to the applicant's legal position, including, where relevant, a police report receipt, notification of investigation or inquiry progress, summons, suspect determination letter, proof of victim status, family documentation, power of attorney, correspondence requesting case progress, or official communication demonstrating continued inactivity. The court should then conduct a two-stage examination. The first stage is limited to preliminary admissibility and legal standing, in which the judge determines whether the applicant falls within or validly represents a category recognized by Article 1 number 15, whether the application concerns a specific case covered by Article 158 letter e, and whether the alleged postponement is capable of directly affecting the applicant's legally protected position. At this stage, the judge should not yet determine whether the delay is substantively justified. Only after standing is established should the court proceed to the second stage, namely examination of the delay itself, where the investigator or public prosecutor must explain the factual and legal reasons for the inactivity and the applicant may challenge the adequacy of those reasons. This separation prevents the preliminary standing examination from merging with the merits while ensuring that pretrial proceedings remain an objective mechanism for

judicial control rather than an intervention in the substance of an unfinished investigation or prosecution.

Where the court concludes that the postponement is not supported by legitimate and proportionate reasons, the pretrial remedy should remain corrective and supervisory rather than substituting the judge's assessment for the investigative or prosecutorial function. The judge should therefore be authorized to declare that the postponement is unjustified, order the responsible investigator or public prosecutor to resume lawful case handling, and require the authority to report the procedural action taken within a reasonable period determined by the court. The order should not dictate the substantive outcome of the investigation, require the naming of a suspect, compel prosecution, or otherwise interfere with the professional independence of investigators and prosecutors. Where continued delay is based on a legitimate obstacle, the authority should be required to provide a written explanation and procedural plan for the continuation of the case. This model preserves the corrective character of pretrial proceedings and is consistent with the principle that judicial control over delay should not transform the pretrial judge into an investigator or prosecutor.

The formulation of the norm reconstruction must be made concrete so that it can be directly applied in procedural law. The formulation that can be offered is Article 158 letter e of Law Number 20 of 2025 which is interpreted as: "delay in handling a case without a valid reason that can be submitted as a pretrial application by the suspect, the suspect's family, the victim, the victim's family, the reporter, or an advocate or legal aid provider authorized to represent the legal interests of the suspect or victim, as long as the applicant has a direct legal interest that is harmed or has the potential to be harmed by the delay." This reconstruction can be supplemented with a procedural norm that stipulates that "the direct legal interest as referred to in letter e is proven by the existence of the applicant's legal relationship with the case and the impact of the delay on the applicant's rights or legal interests." This additional norm is important because the phrase direct legal interest without evidentiary indicators still has the potential to produce different interpretations. Lawmakers also need to emphasize that advocates or legal aid providers can only submit applications based on the power of attorney from the suspect or victim, while other parties outside of these categories must prove a direct legal relationship or a legitimate basis for representation. This formulation does not expand pretrial proceedings into an *actio popularis*, but rather provides legal recourse for parties genuinely connected to the case and affected by the delay. This formulation also finds common ground between the Petitioner's view in Case Number 69/PUU-XXIV/2026, which calls for recognition of parties with legal interests, and the views of related parties, which emphasize the need for limitations based on direct legal relationships.

The implementation of this reconstruction has concrete consequences for judges, investigators, public prosecutors, and the parties in the criminal process. Pretrial judges gain more measurable parameters in assessing the applicant's standing, so that examinations do not rely solely on subjective interpretations of who is considered to have a legal interest. Investigators and public prosecutors are obligated to provide justifiable reasons when case handling is delayed, as delays without legitimate grounds can become the subject of judicial

oversight. Suspects receive protection from the uncertainty of prolonged legal proceedings, while victims and complainants have a way to request judicial oversight when case handling is delayed, directly harming their legal interests. Advocates and legal aid providers are clearly positioned as authorized representatives who carry out the interests of the parties they represent, rather than as parties free to file pretrial motions based on personal interests. Third parties can still be restricted so as not to use pretrial motions as a means of popular action. This reconstruction ultimately places direct legal interests as the intersection of justice and restrictions on legal standing. Legal certainty is not only realized through determining who may file a motion, but also through parameters regarding how the legal relationship is proven and how the judge assesses it. Access to justice is also not understood as an unlimited right, but rather as access granted to parties who have a legal relationship and experience a real impact due to the delay. This construction makes Article 1 number 15 and Article 158 letter e of Law Number 20 of 2025 work as a system that provides judicial control over undue delay while ensuring that pretrial motions remain within the corridor of the supervisory function of the investigation and prosecution process. Case Number 69/PUU-XXIV/2026 itself is still in the testing process, so this reconstruction is positioned as an academic formulation of *ius constituendum*, not as a claim regarding the final interpretation of the Constitutional Court.

Table 1. Decision Matrix for Determining Legal Standing and Judicial Review under Article 158 Letter e.

Applicant Category	Required Legal Relationship	Evidence of Delay	Type of Legal Harm	Supporting Documents	Scope of Judicial Remedy
Suspect	Direct party to the criminal process	Identifiable procedural inactivity	Prolonged legal uncertainty or restriction of legal position	Summons, suspect determination, case-progress documents	Declaration of unjustified delay and order to resume lawful case handling
Victim	Directly affected by the alleged offense	Delay in follow-up, inquiry, investigation, or prosecution	Delayed access to justice, protection, recovery, or case resolution	Police report, victim documentation, case-progress correspondence	Declaration and corrective order to continue lawful handling
Reporter	Direct connection	Failure or unreasonable	Impairment of a legally protected	Report receipt, correspondence, evidence of	Corrective order where

Applicant Category	Required Legal Relationship	Evidence of Delay	Type of Legal Harm	Supporting Documents	Scope of Judicial Remedy
	with the reported case	postponement of follow-up	interest connected to the report	follow-up requests	direct legal impact is established
Family of Suspect or Victim	Statutory relationship recognized under Article 1 number 15	Delay affecting the criminal process involving the suspect or victim	Legal interest connected to protection or representation of the principal party	Identity and family documentation, relevant case documents	Corrective relief without excluding statutory standing
Advocate or Legal Aid Provider	Valid authority to represent suspect or victim	Delay affecting the represented party	Derivative legal harm affecting the represented party	Power of attorney or other legal authorization	Remedy granted for the benefit of the represented party
Other Representative	Legally valid authority or direct legally protected connection	Objectively identifiable delay	Concrete legal harm, not merely public concern	Authorization or documents proving legal connection	Standing only where a sufficient legal relationship is proven

The decision matrix is intended to operationalize the relationship between Article 1 number 15 and Article 158 letter e without transforming direct legal interest into an independent category that overrides statutory standing. The matrix requires the court to examine five separate questions: the applicant category, the legal relationship with the case, the objectively identifiable delay, the legal harm arising from that delay, and the appropriate corrective remedy. This structured approach enables courts to distinguish direct legal interests from constitutional arguments, factual inconvenience, or general public concern while preserving the statutory access already granted to suspects, families, victims, reporters, and authorized representatives.

Conclusion

The conclusion of the study shows that Law Number 20 of 2025 concerning the Criminal Procedure Code has provided important developments in the pretrial mechanism by placing delays in handling cases without valid reasons as one of the objects of pretrial, as regulated in Article 158 letter e. The position of parties who can file a pretrial has basically

been determined in Article 1 number 15, including the suspect or the suspect's family, the victim or the victim's family, the reporter, and the advocate or legal aid provider who is authorized to represent the legal interests of the suspect or victim. Problems arise in the application of the subject construction to the object of case delay because the character of the delay can give rise to different legal interests for the suspect, victim, and reporter, while the parameters regarding direct legal interests have not been formulated operationally. Case Number 69/PUU-XXIV/2026 at the Constitutional Court shows that this issue has developed into an actual constitutional debate, particularly regarding the relationship between Article 1 number 15 and Article 158 letter e and the limits of parties who can file a pretrial against the delay in handling cases. The reconstruction proposed by this study places direct legal interest as the primary parameter of legal standing, requiring a legal relationship between the applicant and the case, an identifiable delay in case handling, and a direct impact on the applicant's rights or legal interests. This reconstruction maintains the subject categories defined in Article 1(15) but provides more concrete parameters for its application to Article 158(e), including distinguishing between suspects, victims, complainants, family members, advocates, or legal aid providers, and limiting third parties who have no direct legal relationship to the case.

The research recommends that legislators clarify the application of Article 158(e) of Law Number 20 of 2025 by providing clear parameters regarding the applicant's legal standing against unjustified delays in case handling, particularly by adding provisions specifying that the applicant must have a direct legal interest, demonstrated by a legal relationship to the case and the impact of the delay on their rights or legal interests. The Supreme Court needs to translate these parameters into procedural legal guidelines that can be used by pretrial judges, particularly regarding the initial examination of the applicant's legal standing, the types of evidence that can be used to demonstrate a direct legal interest, and the boundary between justifiable and unjustified delays. Investigators and prosecutors need to provide legally and factually justified reasons for any delay in case handling so that interested parties can understand the basis for the delay and the judge has an adequate basis for conducting a review. Advocates and legal aid providers need to ensure that pretrial motions are filed with legitimate authority and in the legitimate legal interests of the suspect or victim. Third parties should not use the pretrial mechanism if they have no direct legal relationship to the case. The application of these parameters is expected to strike a balance between protecting the suspect from protracted legal proceedings, protecting victims and informants from delayed access to justice, and ensuring that pretrial motions do not develop into a popular action mechanism. Lawmakers and implementers therefore need to ensure that the expansion of pretrial objects through Article 158 letter e not only provides new authority to the District Court, but is also accompanied by a legal standing construction that is measurable, consistent, and can be applied uniformly to guarantee legal certainty, justice, and the effectiveness of judicial supervision of the handling of criminal cases.

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