

# Extended Status of Determining Suspect's Guilt as A Pre-Trial Case Object.

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- **Abstract:** This study aims to find out how the status of the suspect in the criminal justice system and the classical and positivist school of the purpose of punishment. The decision of the Constitutional Court (MK) number 21 / PUU-XII / 2014, dated April 28, 2015, has extended the determination of the status of the suspect's guilt as one of the case objects of pretrial. This has a consequence in law enforcement, namely the shift like pretrial hearings from the formal aspect to the material aspect (testing the validity), and there is a formal legal vacuum in the Indonesian criminal procedure code. This decision was deemed inappropriate because "suspect status" is a "right" for perpetrators suspected of committing a crime, not a forced attempt.
- **Keywords:** Constitutional Court, Indonesian criminal procedure code