

***ERROR IN PERSONA* SEBAGAI DASAR PERMOHONAN PRAPERADILAN**

(Studi Putusan Perkara Nomor 10/Pid.Pra/2024/PN Bdg)

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ABSTRAK

Penelitian ini mengkaji *Error In Persona* sebagai dasar hukum pengajuan praperadilan, dengan fokus pada Putusan Nomor 10/Pid.Pra/2024/PN Bandung. *Error In Persona* adalah kesalahan penetapan tersangka akibat identitas keliru yang berpotensi melanggar hak asasi manusia dan prinsip *due process of law*. Metode yang digunakan adalah yuridis normatif dengan pendekatan undang-undang dan studi kasus, serta analisis kualitatif dari bahan hukum primer, sekunder, dan tersier. Hasil menunjukkan *Error In Persona* sah dijadikan alasan praperadilan sesuai Pasal 77 KUHP dan Putusan MK Nomor 21/PUU-XII/2014. Hakim mengabulkan permohonan karena penetapan tersangka tanpa dua alat bukti sah dan tanpa pemeriksaan langsung. Kesimpulannya, putusan ini memperkuat perlindungan hak tersangka dan fungsi praperadilan sebagai kontrol aparat penegak hukum.

Kata kunci: *Error In Persona*, praperadilan, penetapan tersangka, perlindungan hukum.

ERROR IN PERSONA AS THE BASIS FOR A PRETRIAL MOTION

(A Case Study of Decision Number 10/Pid.Pra/2024/PN Bandung)

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ABSTRACT

This study examines Error In Persona as a legal basis for filing a pretrial motion, focusing on Decision Number 10/Pid.Pra/2024/PN Bandung. Error In Persona refers to the mistake in suspect designation due to incorrect identity, which has the potential to violate human rights and the principle of due process of law. The method used is normative juridical with a statutory and case study approach, as well as qualitative analysis of primary, secondary, and tertiary legal materials. The results show that Error In Persona is valid as a reason for pretrial according to Article 77 of the Criminal Procedure Code and Constitutional Court Decision Number 21/PUU-XII/2014. The judge granted the motion because the suspect was designated without two valid pieces of evidence and without direct examination. In conclusion, this decision strengthens the protection of suspects' rights and the function of the pretrial process as a control over law enforcement officers.

Keywords: ***Error In Persona, pretrial, suspect designation, legal protection.***