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STAGNATION IN HANDLING CRIMINAL CASES AT THE LEVEL OF INVESTIGATION AND INVESTIGATION AND IMPLICATIONS FOR SELECTIVE ENFORCEMENT IN THE PERSPECTIVE OF THE REGULATION OF THE NATIONAL POLICE CHIEF NO. 6 OF 2019

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Abstract

This study analyzes the impact of prolonged stagnation in criminal case handling during the inquiry and investigation stages on the emergence of selective enforcement practices, and examines measures to prevent such practices based on the principles of equality before the law and legal certainty of the Chief of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigation. This research employs a normative juridical method using statutory and conceptual approaches. Data were collected through a literature review of primary, secondary, and tertiary legal materials and analyzed using a deductive method. The findings indicate that stagnation caused by multiple factors, including limited operational budgets, inadequate institutional capacity, evidentiary complexity, weak internal and external oversight. These conditions increase the risk of inconsistent treatment of cases with similar characteristics, creating opportunities for selective enforcement that undermine the rule of law, equality before the law, and legal certainty. Such practices may lead to prosecution expiration, reduced effectiveness of law enforcement, and declining public confidence in the police. The study further finds that Regulation of the Chief of the Indonesian National Police Number 6 of 2019 provides a case title mechanism as an instrument to evaluate investigative obstacles, determine appropriate resolution, and prevent delays. Strengthening the implementation of case mechanisms, transparency in case progress, internal and external oversight, and reforming investigation financing are essential to promote professional, accountable, and impartial law enforcement. These measures are expected to reduce selective enforcement practices, strengthen institutional integrity, and ensure equal legal protection and justice for all citizens.

Keywords: case stagnation, investigation, selective enforcement, equality before the law, legal certainty.

A. Introduction

This research departs from the phenomenon of selective enforcement in the Indonesian criminal justice system which emerged as a consequence of stagnation in the handling of cases in the investigation and investigation stages in the police. Conceptually, selective enforcement refers to law enforcement practices that are carried out unevenly, where law enforcement officials implicitly or explicitly "select" certain cases for further processing, while other cases

experience delays or even stagnation without clarity. This phenomenon is related to limited resources, complexity of cases, external pressures, and potential conflicts of interest. This stagnation can be understood as a form of inefficiency or even non-neutrality in the law enforcement process, which ultimately creates disparities in the treatment of criminal cases. This stagnation can be identified through indicators such as the length of handling time without clarity of status, the lack of follow-up investigation actions, and the lack of transparency in the development of the case to the complainant [1].

The independent variable in the study is the stagnation of the case at the investigation and investigation stages, which is measured through indicators such as the duration of case handling, the frequency of investigation actions, and the clarity of the legal status of the case. Meanwhile, the dependent variable is the occurrence of selective enforcement, which is reflected in the difference in treatment between similar cases, the lack of transparency of the process, and the non-fulfillment of the principles of legal certainty and equality before the law. The institutional capacity of the police, internal and external oversight mechanisms, as well as external factors such as political or economic pressures, which can strengthen or weaken the relationship between case stagnation and selective enforcement[2]. The problem of case stagnation in the early stages of the criminal process has wide implications. This condition creates legal uncertainty and

[1] Mulyaningsih Mulyaningsih and Alit Kadarusman, "Implementation of General Crime Investigation Policy on General Crime Case Investigation Management in Realizing the Performance of Investigators in the Garut Police Investigation and Criminal Unit," *Public Journal* 13, no. 2 (2020): 61–70, https://doi.org/10.52434/jurnalpublik.v13i2.15.

[2] Gede Ida Bagus Arimbawa, "JURIDICAL ANALYSIS OF THE CRIME OF EMBEZZLEMENT IN OFFICE THAT IS CARRIED OUT CONTINUOUSLY," *Journal of Legal Construction* 3, no. 3 (2022): 476–81, https://doi.org/10.55637/jkh.3.3.5307.476-481.

prolongs injustice, selective enforcement practices that have the potential to undermine the legitimacy of law enforcement institutions and weaken the principle of equality before the law[3].

Selective enforcement due to stagnation is related to empirical conditions in the form of many public reports that have not experienced significant development in a certain period of time [4]. Supervision data from the Ombudsman of the Republic of Indonesia shows that one of the most frequently reported forms of maladministration in the police sector is undue delay in handling cases, especially in the early stages of criminal proceedings. These findings indicate that case stagnation is not just a case-by-case anomaly, but has become a potentially systemic pattern. Empirical data from the Ombudsman of the Republic of Indonesia shows a tendency to increase the number of public complaints as well as serious problems in terms of their resolution. Throughout 2025, the Ombudsman received 23,596 reports covering complaints and investigations, with the dominance of allegations of maladministration in the form of not providing services (37%) and protracted delays (30.1%). This high percentage of protracted delays is a strong indicator of stagnation in the process of handling reports, including in the context of criminal cases at the investigation and investigation stages. Despite efforts to resolve cases, such as in 2023 where out of a total of 26,461 cases, only 7,909 reports were successfully resolved, and in 2025 it will increase to

[3] Yudhi Hertanto et al., "Government Public Policy from the Perspective of Maslahah and the Principles of the Rule of Law," *Collaborative Journal of Science* 9, no. 1 (2026): 1451–61, https://doi.org/10.56338/jks.v9i1.10233.
[4] Kristelia García, *Selective Enforcement*, *Georgetown Law Journal*, vol. 113, 2025.

around 8,700 reports, there is still a gap between the number of reports that come in and those that can be resolved. This condition is exacerbated by the fact that some reports take longer than the ideal limit of completion, which should be in the range of 60–120 days, but in practice exceed this limit due to the high burden of handling. Thus, this data not only reflects the problem of institutional capacity, but also strengthens the indication of systemic stagnation that has the potential to encourage selective enforcement in law enforcement practices.

In law enforcement practice, the author's experience in the company where the author works, there are two cases that are reported to show obstacles related to case financing in handling cases at the investigation and investigation stages. The first case, namely the criminal case process (LP / B / 2222 / X / SPKT / POLRES METRO JAKARTA TIMUR / POLDA METRO JAYA), began with a conflict between PT Dhiya Umbul Prakarsa Agro as the employer and the company director as a worker in the Ministry of Forestry project, which allegedly carried out mark-up practices. Although the report has been filed as a form of law enforcement efforts, the case does not show significant progress over a period of time. The same thing also happened in the second case, namely (Number LP/B/1520/IX/SPKT/POLRES METRO JAKARTA UTARA/POLDA METRO JAYA), where CV Lautan Kuda Indonesia reported alleged fraud in the procurement of horses by Mr. Agus Hartanto, even with a confession document that corroborated the alleged criminal act. However, the two cases experienced the same development obstacles, namely hampered by the need for operational costs in the process of handling cases that could not be met by the complainant. The similarity of these conditions shows that non-

juridical factors, especially related to operational financing, can affect the sustainability of the investigation process, thus implicating the delay in legal certainty for whistleblowers, even though normatively every criminal report should be processed in a professional, transparent, and accountable manner[5].

In addition to these two cases, there are also other cases that show indications of selective enforcement practices in law enforcement. In the case (Number LP/A/13/V/SPKT. DITIPIDEKSUS/BARESKRIM. POLRI) there is an alleged violation of the licensing of the digital company Alphaone, which was filed by a member of the police against Alphaone as a digital-based company. Unlike previous cases that experienced obstacles due to limited operational costs, in this case Alphaone is known to provide operational cost support in the case handling process. This condition has implications for the relatively more progressive development of case handling. Currently, the case has entered the stage of title and is in the process of terminating the investigation (SP3). The existence of differences in treatment and the development of case handling shows that there are indications of selective enforcement influenced by factors in the operational financing aspect of the case, causing inconsistency in the application of the principle of equality before the law[6].

Stagnation at the investigation and investigation stage in law enforcement

[5] Muhamad Abdul Kholik and Rena Zulfaidah, "The Shift in the Function of Criminal Law in the Indonesian Constitutional System: From Ultimum Remedium to Political Control," *Indonesian Journal of Islamic Jurisprudence,Economic and Legal Theory* 3, no. 4 (2025): 4066–77.

[6] Thahir Muh, Adi Sucipto, and Ontran Sumantri Riyanto, "Selective Enforcement in the Criminal Justice System: Between Discretion and Abuse of Authority," *Journal of Law and Justice* 3, no. 1 (2025): 43–53, https://doi.org/https://doi.org/10.61942/jhk.v3i1.511.

practice can be traced from the structural problem of financing case handling that is not effective and standardized [7]. The global financing system without the calculation of real needs per case leads to limited operational support in the investigation and investigation process, so that law enforcement officials are unable to handle all reports optimally and equitably. This condition is exacerbated by the imbalance between the burden of cases and budget allocation, which encourages the prioritization of pragmatic case handling, where only certain cases receive more attention while others experience delays or stagnation.

In the normative framework, it is regulated in Article 29 numbers (1) letters (a) and (b) of Law Number 1 of 2023 which stipulates that complaints must be submitted within a certain period of time since the party entitled to file the complaint knows of the occurrence of a criminal act. For parties domiciled in the territory of the Unitary State of the Republic of Indonesia, complaints must be filed no later than 6 (six) months after learning of the existence of a criminal act. Meanwhile, for parties domiciled outside the territory of the Unitary State of the Republic of Indonesia, the deadline for filing a complaint is 9 (nine) months from knowing of the occurrence of a criminal act. In Article 29 number (2) it is emphasized that if there is more than one person who has the right to file a complaint, then the calculation of the period is carried out individually, namely since each party knows of the criminal act in question.

Then in (National Police Regulation of the Republic of Indonesia Number 6 of 2019), it is emphasized that every case must

[7] Muh, Sucipto, and Riyanto.

be handled quickly, precisely, transparently, and accountably. However, in practice, the limited financing has a direct impact on the lack of follow-up investigation actions, the slow collection of evidence, and the delay in the administrative process of the case, which ultimately extends the settlement time beyond the ideal limit so that it has implications for the role of the National Police in (Law Number 2 of 2002) as a law enforcer tasked with realizing the stability of conducive environmental conditions through the enforcement of public order. and committed to prioritizing the functions of assistance, security, and service for the benefit of the wider public.

Based on this description, there is a research gap, namely there is no study that comprehensively links case stagnation at the investigation and investigation stages as an empirical variable and the occurrence of selective enforcement as a law enforcement phenomenon, structural factors such as case financing and institutional capacity as explanatory variables. Previous studies have tended to be fragmented, partly focusing on the normative aspects of law enforcement or the theoretical concept of selective enforcement, while others have highlighted legal protection or maladministration without examining the causal relationship between these variables in the concrete context of policing practice.

This gap is the urgency of the research, considering that data from the Ombudsman of the Republic of Indonesia shows that case stagnation has developed into a systemic pattern that has an impact on legal certainty and the legitimacy of law enforcement institutions. The novelty of this research lies in the integration of normative and empirical approaches by placing case stagnancy as an independent variable that is measured operationally, selective

enforcement as a dependent variable, and including financing factors, institutional capacity, and supervision as intervening or moderating variables in an analytical framework.

B. Problem Formulation

1. What is the impact of stagnation in the handling of criminal cases at the level of investigation to investigation and implications for selective enforcement?
2. What are the efforts to deal with the stagnation of case handling by applying the principles of equality before the law and legal certainty based on (Police Chief Regulation Number 6 of 2019)?

C. Research Objectives

This study aims to analyze the impact of stagnation in the handling of criminal cases at the investigation to investigation stages of the emergence of selective enforcement practices, as well as examine its implications for the application of the principle of equality before the law and legal certainty. In addition, this study aims to analyze efforts to handle case stagnation based on the provisions of the Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigation, especially through mechanisms that support the acceleration of case resolution, strengthening supervision, and increasing accountability of the investigation and investigation process, so as to realize professional, fair law enforcement, provide legal certainty, and prevent the occurrence of selective enforcement practices.

D. Research Methods

The method in legal research is a tool to dissect the problems that have been

described in the previous section[8]. The research method includes research types, data sources and analysis techniques[9]. This research uses a normative juridical method, which is research that focuses on the study of legal norms through the analysis of relevant laws and regulations, principles, doctrines, and legal theories (Hehanussa et al.). The research is descriptive-analytical to examine selective enforcement practices in handling stagnant criminal cases, especially at the investigation and investigation stages which are influenced by budget limitations and police operational policies.

The study used two approaches. First, the statute approach by examining and interpreting various relevant regulations, including the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, and the Regulation of the National Police Chief No. 1 of 2009 concerning the Use of Force in Police Actions. This approach is also used to examine the consistency and harmonization of norms in the legal system. Second, a conceptual approach that examines legal concepts and doctrines such as equality before the law, legal protection, and selective enforcement to understand the ideal application of the law and identify potential discrimination in its enforcement (Deassy et al.).

The data source consists of primary legal materials, namely the Constitution of the Republic of Indonesia of 1945, Law

[8] Hehanussa J.A. Deassy et al., *Legal Research Methods*, *Holiday rentals in Bandung*, vol. 3, 2023, https://www.researchgate.net/publication/352437102_Metode_Penelitian_Pendidikan_Pendekatan_Sistematis_dan_Komprehensif/link/613b0d29ee29a068c7154c14/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19.

[9] Deassy J.A. Hehanussa et al., *LEGAL RESEARCH METHODS*, 2023, www.penerbitwidina.com.

Number 1 of 2023, Law Number 2 of 2002, Regulation of the National Police Chief Number 6 of 2019, and other regulations related to the investigation and investigation of criminal acts. Secondary legal materials include books, scientific journals, and previous research results that discuss legal research methods, criminal law, law enforcement, selective enforcement, and legal protection. The tertiary legal materials are in the form of legal dictionaries, legal encyclopedias, and laws and regulations indexes that are used to clarify legal terms and concepts.

Data collection is carried out through library research by inventorying, studying, and processing various relevant legal materials. The data was then analyzed qualitatively through the process of interpretation, classification, and systematization of legal norms to find the relationship between legal provisions and selective enforcement practices. Conclusions are drawn deductively, namely from general legal norms to more specific conclusions about the impact of budget limitations on the effectiveness of investigations and investigations and their implications for the principle of equality before the law.

E. Results of Research and Discussion

1. Analysis of the Impact of Stagnation in the Handling of Criminal Cases at the Investigation to Investigation Level and Implications for Selective Enforcement

According to the theory of the state of law (Rechtsstaat) put forward by Jimly Asshiddiqie, all actions of state administrators must be subject to the law and should not be based on the will of power alone. The state of law requires the rule of law, equality before the law, protection of human rights, and accountability of state administrators. In handling criminal cases,

every public report must be processed professionally without discrimination. Therefore, if there is a case that experiences prolonged stagnation while other cases get accelerated handling without a clear objective basis, then this condition has the potential to contradict the principle of equality before the law as one of the main elements of the state of law.

Furthermore, the theory of law enforcement put forward by Soerjono Soekanto explained that the effectiveness of law enforcement is influenced by five main factors, namely legal factors, law enforcement factors, facilities and facilities factors, community factors, and cultural factors. In this study, the stagnation of the case showed that there was a disturbance in the factors of facilities and facilities in the form of limited financing for investigation and investigation operations. In addition, there is a possibility that law enforcement factors can influence when resource limitations encourage the disproportionate prioritization of case handling. As a result, the law enforcement process no longer runs evenly and has the potential to give birth to selective enforcement.

The theory of legal certainty as put forward by Hans Kelsen and Jimly Asshiddiqie emphasizes that the law must provide predictability, clarity of procedures, and guarantees of protection against arbitrary actions. Legal certainty requires that every criminal report obtain clarity on legal status in a reasonable time. When the case is in a stagnant condition without certainty whether it will be continued, stopped, or delegated, the right of the complainant and the reported person to obtain legal certainty is neglected. Thus, the stagnation of the case not only reflects administrative problems, but is also a violation of the basic principles of the rule of law and legal certainty.

The Indonesian legal system has provided a legal framework that governs the conduct of investigations and investigations in a professional, transparent, and accountable manner. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia emphasizes that Indonesia is a country of law. The consequence of this provision is that all actions of law enforcement officials must be based on the law and ensure the protection of citizens' constitutional rights. This principle is also related to the guarantee of equality before the law contained in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In Law Number 1 of 2023 concerning the Criminal Code, the purpose of punishment is not only oriented towards punishment, but also to ensure the upholding of legal norms and the protection of society through restorative justice. To avoid stagnation at the prison level and reduce overcrowding (accumulation of prisoners/inmates) in correctional institutions for minor crimes, the New Criminal Code introduces alternative penalties such as supervision penalties and social work sanctions contained in Article 65. Then the provisions regarding the expiration of the case are contained in Article 136 and Article 137 of Law Number 1 of 2023 stipulate that the state's authority to prosecute can be terminated due to expiration if it has exceeded a certain period of time determined based on the criminal threat of the criminal act in question. The period consists of 3 years for criminal acts that are threatened with imprisonment for a maximum of 1 year or category III fines, 6 years for criminal acts that are threatened with imprisonment of more than 1 year to 3 years, 12 years for criminal acts that are threatened with imprisonment of more than 3 years to 7 years,

18 years for criminal acts that are threatened with imprisonment of more than 7 years to 15 years, and 20 years for criminal acts that are threatened with imprisonment for a maximum of 20 years, life imprisonment, or the death penalty. Especially for perpetrators who are still children, the expiration period is reduced to one-third of the applicable time limit. This provision shows the importance of handling cases quickly and effectively, because prolonged stagnation has the potential to result in the loss of the state's authority to prosecute due to the expiration of the expiration time limit set by law.

The National Police Chief's Regulation Number 6 of 2019 expressly stipulates that if there is a need for the termination of the investigation, it must be carried out through the case title mechanism. Article 30 paragraph (2) states that the termination of the investigation is carried out to fulfill legal certainty, a sense of justice, and the usefulness of the law. Meanwhile, Article 32 paragraph (1) letter e emphasizes that the title of the case can be used to determine whether a case is a criminal act or not, determining the suspect, termination of the investigation, transfer of the case, and solving the obstacles to investigation.

In Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, in general, the financing required by the National Police of the Republic of Indonesia is charged to the State Revenue and Expenditure Budget. Article 38 stipulates that through the National Police Commission, it is authorized to collect and analyze data as material for providing advice to the President related to the budget of the National Police of the Republic of Indonesia, the development of human resources of the National Police of the Republic of Indonesia, and the development of facilities and infrastructure of the National Police of the

Republic of Indonesia. Article 40 emphasizes that all financing needed to support the implementation of the duties of the National Police Commission is charged to the State Revenue and Expenditure Budget.

Empirical data from the Ombudsman of the Republic of Indonesia shows that throughout 2025, the Ombudsman received 23,596 public reports, with the most dominant allegations of maladministration in the form of not providing services (37%) and protracted delays (30.1%). The high percentage of protracted delays shows that the delay in completing reports is no longer an incidental case, but has become a recurring phenomenon in various public service sectors, including in the process of handling criminal cases at the investigation and investigation stages. This condition is in line with the findings of the Southeast Sulawesi Representative Ombudsman who stated that the Kendari District Court was proven to have committed maladministration in the form of protracted delays in the delivery of cassation files exceeding the predetermined time standard, thus showing that stagnation problems also occurred at the stage of judicial administration.

Despite the increase in the number of reports that have been successfully completed, there is still a considerable gap between the number of reports received and the number of reports that can be completed. In 2023, of the 26,461 cases handled, only around 7,909 reports have been successfully resolved, while in 2025 the number of settlements will increase to around 8,700 reports, but this figure is still not proportional to the number of reports received. This gap indicates a limitation of institutional capacity, both in terms of human resources, supporting facilities, and operational financing, which ultimately causes some reports to require completion time exceeding

the ideal limit of 60–120 days. This condition strengthens the suspicion that the stagnation of cases at the investigation and investigation stage is not solely caused by the complexity of the case, but also by systemic problems that affect the effectiveness of law enforcement. If this situation is not balanced with objective supervision mechanisms and priority standards, then limited resources have the potential to encourage the emergence of selective enforcement, namely differences in the intensity and speed of handling cases that are not entirely based on judicial considerations, thus implicating the disruption of the principle of equality before the law, legal certainty, and public trust in law enforcement institutions.

The phenomenon of case stagnation in this study can be seen from several cases that show a similar pattern, namely the absence of significant developments in the case handling process even though the criminal report has been received by the police. The first case was recorded in Police Report Number LP/B/2222/X/SPKT/POLRES METRO JAKARTA TIMUR / POLDA METRO JAYA related to alleged mark-up practices in the Ministry of Forestry project. Although a report has been submitted and there are allegations of criminal acts that require further investigation, the progress of the case has been very slow and does not show significant progress. The second case was recorded in the Police Report Number LP/B/1520/IX/SPKT/NORTH JAKARTA METRO POLICE/POLDA METRO JAYA regarding alleged criminal acts of fraud in the procurement of horses. Although there are confession documents that corroborate the alleged criminal act, the case has also stagnated at the investigation and investigation stage. The two cases have similarities, namely the existence of

obstacles related to the need for operational costs in the process of handling cases that cannot be met by the reporting party. As a result, further investigation actions are limited and the development of the case is not running as it should.

On the other hand, in the case Number LP/A/13/V/SPKT. DITIPIDEKSUS/BARESKRIM. The National Police, which involved alleged violations of the licensing of the digital company Alphaone, is known to have operational cost support during the case handling process. Unlike the previous two cases, this case shows a more progressive development until it enters the stage of case title and the process of terminating the investigation. The difference in the development of the handling of the case gives rise to indications of selective enforcement, namely the existence of different treatment of cases that in principle should receive equal legal services. In other words, non-juridical factors in the form of operational financing support have the potential to affect the intensity and speed of case handling.

Based on the normative description and empirical facts found in this study, the stagnation of case handling at the investigation and investigation stage cannot be viewed solely as an administrative or technical institutional problem. This stagnation has developed into a legal problem that has a direct impact on the implementation of the principle of the rule of law, the effectiveness of law enforcement, and the guarantee of legal certainty for the community. When a criminal report does not experience clear development for a long period of time without a decision to continue, stop, or transfer the case through a predetermined mechanism, then the situation indicates a failure of the system in carrying

out the function of law enforcement optimally.

From the perspective of the theory of the state of law, the stagnation of the case has the potential to reduce the meaning of the principle of equality before the law as guaranteed in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Equality before the law not only means that all citizens are subject to the same law, but also contains the state's obligation to provide equal law enforcement services to every citizen. In practice, when there are cases that get accelerated handling because they are supported by certain factors, while other cases experience prolonged delays due to limited operational financing, there is a difference in treatment that is not based on juridical parameters. This condition indicates a deviation from the principle of equality before the law because access to the law enforcement process is not fully determined by the strength of the evidence or the substance of the case, but is also influenced by non-juridical factors.

When analyzed using Soerjono Soekanto's law enforcement theory, case stagnation shows a close relationship between facilities and facilities factors and the quality of law enforcement. The limited operational budget for investigations and investigations causes investigators to face obstacles in examining witnesses, collecting evidence, requesting expert testimony, and other investigative actions. In such conditions, there is a tendency to prioritize cases based on pragmatic considerations so that limited resources can be used efficiently. However, prioritization that does not have objective and transparent indicators has the potential to turn into selective enforcement, which is the practice of law enforcement that only pays more attention to certain cases,

while other cases are delayed without certainty.

The phenomenon of selective enforcement in this study can be seen from the disparity in the development of case handling. Two cases reported by business entities experienced stagnation due to constraints in the aspect of operational financing, while other cases that received operational cost support showed faster development until entering the case title stage. These differences show that the speed and intensity of case handling are not entirely determined by the legal elements inherent in the case itself, but are also influenced by external factors that should not be the basis for different treatment in the criminal justice system. Thus, selective enforcement that arises is not only an individual problem of law enforcement officials, but also a consequence of the weakness of the financing system and the governance of case handling.

A further impact of the stagnation of the case is the erosion of legal certainty as stated by Hans Kelsen and Jimly Asshiddiqie. Legal certainty requires clarity regarding the status and direction of the settlement of a case in a reasonable time. When a criminal report is left to drag on without significant development, the complainant loses certainty regarding the protection of his rights, while the reported party is also in the uncertainty of the legal status attached to him. This uncertainty ultimately creates injustice for both parties because the law fails to carry out its predictability and protection functions.

The stagnation of the case has the potential to cause more serious legal consequences in the form of the loss of the state's authority to prosecute due to expiry as stipulated in Article 136 and Article 137 of Law Number 1 of 2023. If investigations and investigations take too long without adequate resolution, the state may lose the right to

prosecute the perpetrators. As a result, the goal of law enforcement to realize justice, provide protection to victims, and maintain public order has not been achieved. In this context, case stagnation not only harms the complainant, but also reduces the effectiveness of the criminal justice system as a whole.

In addition to having an impact on legal certainty, case stagnation also has implications for a decrease in public trust in law enforcement institutions. The high number of maladministration reports in the form of protracted delays recorded in various supervisory reports shows that the public is beginning to view that the law enforcement process does not always run based on the principles of objectivity and professionalism. When the public sees a difference in treatment between one case and another, there is a perception that access to justice is determined by certain factors outside the law. This perception is very dangerous because it can reduce the legitimacy of law enforcement institutions and encourage people to seek dispute resolution outside of formal legal mechanisms.

Based on this analysis, it can be understood that the stagnation of case handling at the investigation and investigation stages has a causal relationship with the emergence of selective enforcement. The longer a case stagnates without an effective monitoring and evaluation mechanism, the greater the chance of different treatment of similar cases. Therefore, to prevent selective enforcement, it is necessary to strengthen the investigation and investigation financing system based on the real needs of the case, optimize the use of case titles as a means of solving investigation obstacles as stipulated in the Regulation of the National Police Chief Number 6 of 2019, increase the transparency of case

developments to whistleblowers, and strengthen internal and external supervision functions through the National Police Commission. These steps are necessary so that the law enforcement process can run professionally, accountably, and consistent with the principles of the rule of law, legal certainty, and equality before the law.

Thus, the stagnation of handling criminal cases at the investigation and investigation stage has a significant impact on the occurrence of selective enforcement in law enforcement practices. Delays in resolving cases influenced by limited operational financing, institutional capacity, and weak supervisory mechanisms have the potential to cause different treatment of similar cases, thus contradicting the principles of equality before the law, the rule of law, and legal certainty. This condition not only creates uncertainty for the complainant and the reported person, but also risks resulting in the expiration of the prosecution and lowering public trust in law enforcement institutions. Therefore, it is necessary to optimize the case title mechanism, strengthen supervision by the National Police Commission, increase transparency in case handling, and reform the investigation and investigation financing system to ensure fair, professional, and free law enforcement from selective enforcement practices.

2. Analysis of Efforts to Deal with Stagnation in Case Handling by Applying the Principles of Equality Before the Law and Legal Certainty Based on Regulation of the National Police Chief Number 6 of 2019)

Normatively, the principle of equality before the law and legal certainty has a constitutional basis in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that Indonesia is a country of law, and Article 27 paragraph (1)

of the 1945 Constitution of the Republic of Indonesia which affirms that every citizen has an equal position before the law and the government. In the technical scope of investigation, the Regulation of the National Police Chief Number 6 of 2019 concerning Criminal Investigation provides an instrument that can specifically be used to overcome the stagnation of cases. Article 30 paragraph (1) stipulates that the termination of the investigation is carried out through the title of the case. Article 30 paragraph (2) emphasizes that the termination of the investigation can be carried out to fulfill legal certainty, a sense of justice, and the usefulness of the law. Furthermore, Article 32 paragraph (1) stipulates that the title of ordinary case can be carried out to determine whether an event is a criminal act or not, determining suspects, stopping investigations, transferring cases, and solving investigation obstacles. This provision shows that Perkap Number 6 of 2019 has actually provided a normative mechanism to prevent the stagnation of cases. If the investigator faces certain obstacles that result in the case not developing, then the case title can be used as an evaluation forum to determine the appropriate legal steps so that the case is not in a suspended condition without certainty.

The phenomenon of case stagnation in this study can be seen from the existence of criminal reports that do not show significant developments over a long period of time even though they have met the administrative requirements for further processing. In several cases that are the object of research, investigations and investigations are delayed due to limited operational support needed in the process of examining witnesses, collecting evidence, and other investigative activities. As a result, the case remains at the investigation stage without a clear decision on the continuation of its

handling. In such conditions, the complainant did not obtain adequate information regarding the development of the case, while the investigator also did not use the case title mechanism optimally to determine the direction of the case resolution. On the other hand, there are other cases that show faster development to the stage of case title and the process of terminating the investigation. These differences in development give rise to the perception of unequal treatment in the law enforcement process.

Based on the Regulation of the National Police Chief Number 6 of 2019, one of the most relevant steps to overcome case stagnation is the optimization of the case title mechanism. The title of the case not only functions as a means of determining the existence or not of a criminal act, but also as an instrument to solve the obstacles of investigation as stipulated in Article 32 paragraph (1) letter e. Thus, every case that has stagnated for a certain period of time should be evaluated through the title of the case in order to obtain a clear decision on the follow-up of its handling. The application of this mechanism has direct relevance to the principle of equality before the law. If all cases that experience obstacles are required to go through the same evaluation procedure, then the chance of different treatment of similar cases can be minimized. Each case will be assessed based on evidence, legal facts, and objective obstacles faced, not based on non-juridical factors such as the economic ability of the complainant, the influence of certain parties, or other subjective considerations. In addition, the title of the case is also an instrument to realize legal certainty. Through this forum, investigators can determine whether the case will be continued, stopped, delegated, or require additional investigative action. The resulting decision will end the unclear status

of the case which has been one of the main characteristics of stagnation in case handling. With a clear and documented decision, the complainant's right to obtain legal certainty can be fulfilled, while the reported person is also avoided from prolonged uncertainty of legal status.

In addition to optimizing the case title, another effort that needs to be made is to increase the transparency of case handling by providing regular information on case developments to the complainant. This transparency will strengthen the accountability of investigators as well as become a means of public supervision of law enforcement performance. Furthermore, internal supervision by the supervisory function of the National Police and external supervision through the National Police Commission need to be strengthened so that any indication of case stagnation can be immediately identified and followed up before it develops into a selective enforcement practice. In the perspective of the theory of the state of law put forward by Jimly Asshiddiqie, optimizing the title of cases, transparency in handling cases, and strengthening the supervisory mechanism is a form of implementation of the principles of the rule of law and accountability of state administrators. The state of law not only demands that there be regulations governing investigation procedures, but also demands that the authority of law enforcement officials be used in a measurable, supervisable, and accountable manner. Therefore, the obligation to conduct a case for cases that experience stagnation is a form of control over the use of investigators' discretion so that it does not develop into arbitrary or discriminatory actions. When analyzed using Soerjono Soekanto's law enforcement theory, efforts to overcome case stagnation are a form of improvement to

factors that affect the effectiveness of law enforcement, especially law enforcement factors, facilities and facilities, and supervision structures. The title of the case serves as a corrective mechanism to ensure that obstacles that arise in the investigation process can be evaluated collectively and professionally. Meanwhile, strengthening internal and external supervision is an instrument to reduce the risk of abuse of authority that can arise due to limited resources or the influence of certain interests. Thus, law enforcement does not only depend on the quality of legal norms, but also on the ability of institutions to ensure that these norms are applied consistently to all cases. Furthermore, based on the theory of legal certainty put forward by Hans Kelsen and Jimly Asshiddiqie, the existence of a case title mechanism is a means to ensure predictability and clarity of the legal process. Every case that experiences obstacles must obtain a definite decision, either in the form of continuation of the investigation, termination of the investigation, transfer of the case, or additional investigative actions. This certainty is important to prevent cases from being in a hanging condition that can harm the rights of the complainant and the reported person. Even in the context of Law Number 1 of 2023, protracted settlement of cases has the potential to pose a risk of prosecution expiration, so optimizing the stagnant settlement mechanism is part of efforts to maintain the effectiveness of law enforcement and prevent the loss of state authority to prosecute perpetrators.

Thus, the application of the principle of equality before the law and legal certainty based on the National Police Chief Regulation Number 6 of 2019 is not only oriented towards formal settlement of cases, but also on the establishment of an investigation system that is transparent,

accountable, and free from discriminatory treatment. The implementation also reflects the implementation of the principle of the rule of law, the effectiveness of law enforcement, and legal certainty in an integrated manner so as to reduce case stagnation and prevent the emergence of selective enforcement practices in the criminal justice system.

F. Conclusion

This study shows that the stagnation of handling criminal cases at the investigation and investigation stages has a significant impact on the emergence of selective enforcement practices in law enforcement. Based on the theory of the state of law of Jimly Asshiddiqie, the theory of law enforcement by Soerjono Soekanto, and the theory of legal certainty by Hans Kelsen and Jimly Asshiddiqie, the stagnation of the case is not only an administrative problem, but also related to the disruption of the principle of equality before the law and legal certainty. Limited operational financing, institutional capacity, and weak supervision cause disparities in case handling that have the potential to encourage different treatment of similar cases. This condition results in legal uncertainty for the complainant and the reported person, has the potential to cause the expiration of the prosecution as stipulated in Law Number 1 of 2023, and decreases public trust in law enforcement institutions.

Efforts to handle case stagnation can be carried out through the application of the principle of equality before the law and legal certainty as reflected in the National Police Chief's Regulation Number 6 of 2019. Optimizing the case title mechanism as a means of evaluation and solving investigation obstacles is the main instrument to ensure that each case obtains a clear decision regarding the continuation of its handling. In addition, increasing

transparency in case developments, strengthening internal and external supervision of the National Police through the National Police Commission, and improving the investigation and investigation financing system are necessary steps to ensure professional, accountable, and free from selective enforcement practices. Thus, the implementation of this mechanism can strengthen the implementation of the principle of the rule of law, the effectiveness of law enforcement, and legal certainty in a sustainable manner.

The National Police needs to establish a mandatory evaluation mechanism through the title of a case for every case that has stagnated for a certain period of time and prepare operational standards that regulate the time limit for handling cases at each stage of investigation and investigation. In addition, the government needs to strengthen the budget support for investigations and investigations based on the real needs of cases, increase transparency of information on case developments to whistleblowers, and strengthen internal and external supervision functions so that potential selective enforcement can be prevented early. This step is important to ensure the realization of the principle of equality before the law, legal certainty, and public trust in the criminal justice system.

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