LEGAL CERTAINTY IN TERMINATION OF CRIMINAL CASES DUE TO THE EXISTENCE OF CIVIL CASES

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Abstract

In the practice of criminal law enforcement in the jurisdiction of the Kampar Resort Police, legal issues often arise when a criminal case overlaps with a civil dispute. For instance, in cases involving alleged fraud or embezzlement, the reported party frequently argues that the matter is essentially a civil issue due to the existence of an agreement or contractual relationship between the parties. In this context, a legal question emerges regarding whether a criminal case may or should be suspended due to an ongoing or unresolved civil case. This situation creates tension between the principles of substantive justice, the doctrine of ultimum remedium in criminal law, and the principle of legal certainty. The objectives of this research are: to analyze legal certainty in the suspension of criminal cases due to the existence of civil cases within the jurisdiction of the Kampar Resort Police; to analyze the obstacles to legal certainty in such suspensions; and to analyze efforts to overcome these obstacles. The method used in this study is sociological legal research. Based on the findings, legal certainty in the suspension of criminal cases due to civil disputes in the Kampar Police jurisdiction has not been properly implemented. This is due to the legal provision that states criminal cases are not bound by civil proceedings. However, in practice, there is inconsistency in the application of this principle. In some instances, the criminal process continues despite ongoing civil litigation, while in others, it is suspended without a clear legal basis aside from the existence of a civil suit. The obstacles to legal certainty in the suspension of criminal cases include the lack of clear regulations and technical guidelines regarding the criteria and limits of suspension, limited protection for investigators' authority in making sensitive legal decisions, and conceptual confusion between criminal and civil matters, compounded by inadequate understanding among law enforcement officers.

Keywords : Legal Certainty, Case Suspension, Criminal Law

INTRODUCTION

Kampar Regency is one of 12 regencies/cities in Riau Province. Kampar Regency covers an area of approximately 1,128,928 hectares, located between 01°00'40" North Latitude to 00°27'00" South Latitude and 100°28'30" – 101°14'30" East Longitude. The boundaries of Kampar Regency are as follows: to the North, it borders Pekanbaru City and Siak Regency. To the South, it borders Kuantan Singingi Regency. To the West, it borders Rokan Hulu Regency and West Sumatra Province. To the East, it borders Pelalawan Regency and Siak Regency (Kominfosandi, 2025).

Kampar Regency is an administrative region in Riau Province with diverse social, cultural, and economic characteristics. This region is known as an agrarian area where the community largely depends on the agricultural, plantation, and trade sectors. Along with economic growth and increasing social interaction, conflicts between individuals or legal entities are unavoidable. This gives rise to various legal issues, both in civil and criminal domains. The Kampar Resort Police, as one of the law enforcement institutions in the region, is often confronted with complex conditions, especially when a criminal case has a strong connection to an ongoing civil case.

In practice, a criminal act often intersects with or even originates from civil legal relationships, such as land ownership disputes, buying and selling agreements, or breach of contract. For example, in cases of alleged embezzlement or fraud, the complainant is often the party who has first suffered civil losses before finally bringing the matter into the criminal realm. This creates a legal dilemma among law enforcement officials, especially investigators at the police level, as they must determine whether a report is purely a criminal offense, or merely relates to a civil dispute that should be resolved through civil channels first.

The sources of law in this legal system are laws enacted by the legislative power, rules made by the executive power (based on authority stipulated by law), and customs that are living and accepted as law by the community. Based on these sources, the Continental European legal system is then divided into two categories: public law and private law (Sofyan & Asis, 2014).

If handling a case where the object is land, and there is a civil lawsuit concerning the property (land) or a legal relationship (buying and selling) between two specific parties, then the relevant general criminal case can be suspended/pending, awaiting the court's decision in the civil case, by adhering to the following provisions (Attorney General's Office, 2024):

1. Article 81 of the Criminal Code (KUHP)
2. Supreme Court Regulation Number 1 of 1956
3. Supreme Court Circular Letter Number 4 of 1980
4. Supreme Court Decisions Number: 413/K/KR/1980 dated August 26, 1980 Jo. Supreme Court Decision Number: 129K/Kr/1979 dated April 16, 1980 Jo. Supreme Court Decision Number: 628K/Pid/1984 dated July 22, 1985.

Based on Article 1 of Supreme Court Regulation Number 1 of 1956, it states that: if, in the examination of a criminal case, the existence of a civil right over an item or a legal relationship between two specific parties must be decided, then the examination of the criminal case may be suspended to await a court decision in the civil case regarding the existence or non-existence of that civil right. Whereas Article 2: The suspension of the examination of a criminal case can be terminated at any time if it is deemed no longer necessary.

As some examples of cases in this research that occurred in the Kampar Police jurisdiction.

In this context, the practice of suspending or postponing criminal case investigations by investigators due to an ongoing related civil case emerges. The problem becomes even more apparent when parties in a criminal case simultaneously file a civil lawsuit over the same object or legal relationship. An ongoing civil lawsuit in court is often used as a pretext by the reported party or suspect to request a postponement or even termination of the investigation. There are four regulations allegedly violated if a criminal case proceeds: Supreme Court Regulation (PERMA) RI Number 1 of 1956, Supreme Court Circular Letter (SEMA) RI Number 4 of 1980, and the guidance letter in the prosecution system issued by the Attorney General's Office Number B-230/E/Ejp/01/2013 dated January 22, 2013. Therefore, before the investigators of the Indonesian National Police proceed to the next stage, a civil case cannot be forced into the criminal domain if the civil matter concerns land or building ownership disputes where the legal status of ownership based on strong and valid rights is unclear; then, the ownership status must first be confirmed through a Civil/Administrative Court lawsuit.

Based on the Attorney General's Office Number B-230/E/Ejp/01/2013, there are indications that land cases that are essentially civil are being forced and engineered into criminal cases using Articles 170, 263, 266, 378, 385, and 406 of the Criminal Code. If the Head Prosecutors (Kajati) and District Prosecutors (Kajari) receive SPDP (Notification of Commencement of Investigation) from investigators where the object of the criminal case is land, they should pay serious attention to it by responding objectively, professionally, and proportionally so as not to be easily influenced by maneuvers from individuals with personal interests.

Through the Attorney General's Circular Letter Number: SE-013/A/JA/12/2011 concerning Guidelines for Criminal Demands in General Criminal Cases, authority has been delegated to the Kajari in controlling demands for general criminal cases. With this authority, the Kajati and Kajari are expected to have functional independence, courage in attitude and action, consistent with a high sense of professional responsibility.

Based on the principle of *praesumptio iustae causa* or *rechtmatigheid*, every official's decision must always be considered valid (*rechtmatigheid*) until it is revoked. This principle is expressly and implicitly stated in Article 67 paragraph (1) of Law Number 5 of 1986, which states that a lawsuit does not postpone the execution of the challenged State Administrative Decision before it is revoked. The meaning of this provision is that every official's decision, in this case a land title certificate, does not automatically become void or status quo when the lawsuit process is ongoing. In other words, a land title certificate remains valid as legal proof of ownership even if it is currently in a civil dispute process in court. Therefore, it is clear what acts fall under criminal offenses and civil matters. As long as the actions of a legal subject contradict matters that are the object of law (according to material civil law), then the case can be criminalized. Meanwhile, any action of a legal subject that contradicts other legal subjects (relationships between individuals or groups) will fall under the realm of civil matters.

In the practice of criminal law enforcement in the jurisdiction of the Kampar Resort Police, situations often arise where a criminal case intersects with a civil dispute. For example, in cases related to alleged fraud or embezzlement, the reported party argues that the case is essentially a civil matter due to an agreement or contractual relationship between the parties. In this context, a juridical problem arises regarding whether a criminal case can or should be suspended due to an ongoing or undecided civil case. This creates tension between the principles of substantive justice, the *ultimum remedium* principle in criminal law, and the principle of legal certainty.

The suspension of criminal cases should only be carried out if there are legally established rules or jurisprudence that permit it, such as when investigators cannot prove criminal elements without first awaiting a civil case decision. In the Criminal Procedure Code (KUHAP) and other legal regulations, it is not explicitly stated that criminal cases must be suspended due to the existence of a civil case. Therefore, there is a need for clear juridical boundaries on when and how such a suspension can be justified, in order to protect victims' rights and ensure certainty and justice. Thus, based on the background of the problem described above, the author is interested in conducting research titled "Legal Certainty in the Suspension of Criminal Cases Due to the Existence of Civil Cases in the Legal Jurisdiction of the Kampar Resort Police."

RESEARCH METHODS

This type of research is a sociological legal research that discusses the aforementioned. Thus, the author is interested in elaborating this writing in a thesis with the title " Legal Certainty in the Suspension of Criminal Cases Due to the Existence of Civil Cases in the Legal Jurisdiction of the Kampar Resort Police." Sociological legal research aims to understand the functioning of law within society. Therefore, it is hoped that the researcher will be able to uncover the effectiveness of law's application in society and can identify the unwritten laws that apply within the community.

RESULT AND DISCUSSION

A. Legal Certainty in the Suspension of Criminal Cases Due to the Existence of Civil Cases in the Legal Jurisdiction of the Kampar Resort Police

Normatively, legal certainty can be interpreted as a form of statutory regulation that is made and promulgated with certainty, meaning that legal certainty can regulate clearly and logically so as not to cause doubt if there are multiple interpretations of the rules and to avoid conflict within the norms existing in society (Kusumaatmadja & Sidharta, 2000).

Legal certainty has been known since the beginning of the development of legal theory and philosophy, namely, since the doctrine of legal ideals (*Idee Des Recht*) was first developed by Gustav Radbruch in his book entitled "Einführung in Die Rechtswissenschaften". The doctrine of legal ideals (*Idee Des Recht*) mentions three elements of legal ideals that must exist proportionally: legal certainty (*rechtssicherheit*), justice (*gerechtigkeit*), and expediency (*zweckmäßigkeit*). Furthermore, Gustav Radbruch stated that in the theory of legal certainty, there are four fundamental aspects that are closely related to the meaning of legal certainty itself, namely (Huijbers, 1982):

1. Law is a positive matter, meaning that positive law is legislation.
2. Law is based on a fact, meaning that law is made based on reality.
3. The facts contained or listed in the law must be formulated clearly, to avoid errors in the meaning and interpretation of the law.
4. Positive law must not be easily changed.

Interpreting the doctrine of legal ideals conveyed by Gustav Radbruch regarding Legal Certainty, in the author's opinion, it cannot be separated from understanding the meaning of the existence of law itself in community life. This is because legal certainty provides protection and guarantees in regulating the interests of every individual.

If we look at the basic purpose of law, what is more realistic is legal certainty and legal utility. Those who adhere to positivism emphasize legal certainty, while functionalists view law more in terms of legal utility, stating that "Summum Ius Summa Injuria Summa Lex Summa Crux," which means that harsh law can inflict injury, unless justice can help it. Thus, even though justice is not the sole purpose of law, the most substantive purpose of law is justice (Rato, 2010). This means that from the purpose of law, which depicts legal certainty and utility, it will lead to the conclusion of how law moves towards justice.

Legal certainty, according to Jan Michiel Otto, is defined in several ways as follows (Soeroso, 2011):

1. Clear, consistent, and easily accessible rules are available, published by and recognized due to the (power of the) state.
2. Government authorities consistently apply these legal rules and also abide by them.
3. Citizens in a state have the principle to agree with the content. Therefore, citizens will also conform to regulations issued by the government.

4. Judges are independent and consistently apply legal rules in resolving legal disputes at any time.
5. Court decisions are concretely implemented.

From the five definitions of legal certainty provided by Jan Michiel Otto, it shows that legal certainty can be achieved if the legal substance is in accordance with the existing needs and expectations of the community. This means that if the law is unable to enter into the daily life of society to provide justice, then law is not the only thing expected by society.

Law can be seen as a societal tool to create order and regularity in community life. Therefore, law works by providing guidance on behavior, and that is why law takes the form of norms (Rahardjo, 1982). Law in the form of norms is known as legal norms, where law binds itself to society as the place where that law operates.

Although law is made for a noble purpose, namely to serve society in creating order, security, justice, and welfare, in reality, deviations from the law still occur, whether done intentionally or unintentionally or negligently. These legal deviations must, of course, be followed up with firm legal action and through correct legal procedures in accordance with Law Number 8 on Criminal Procedure Law, so that Indonesia's ideology as a rule of law is truly realized.

Through this criminal procedural law, any individual who commits a deviation or violation of the law, especially criminal law, can then be processed through the investigation stage, prosecution stage, and judicial stage. These stages require limitations or, it can be said, rules governing law enforcement. Although there are limitations regulated in the KUHAP (Criminal Procedure Code) that are national in nature and have been adapted to the conditions or legal life of Indonesia, the KUHAP itself is not without shortcomings that lead to new problems, for example, regarding the detention of a suspect or defendant.

Until now, no one precisely knows the definition of law, or in other words, there is no single standard definition of law used to understand its meaning and concept (Darwis, 2003). Notohamidjojo defines law as the entirety of written and unwritten regulations, usually compulsory, for the conduct of the state's society (and inter-state relations), aiming towards justice, for the realization of peaceful order, with the purpose of humanizing humans in society (Notohamidjojo, 2011). Meanwhile, according to Soedarto, punishment is suffering intentionally imposed on a person who commits acts that meet certain conditions (Muladi & Arief, 2005).

W.L.G. Lemaire defines criminal law as consisting of norms that contain obligations and prohibitions which (by the legislator) have been linked to a sanction in the form of punishment, namely a special kind of suffering. Thus, it can also be said that criminal law is a system of norms that determines for which actions, whether doing something or not doing something where there is an obligation to do something, and under what circumstances punishment can be imposed for those actions (Lamintang, 1984).

The existence of regulating and coercive rules that society members must obey will lead to balance and peace in their lives. Criminal law experts state that the purpose of criminal law is, first, to deter people from committing crimes (preventive). Second, to educate or reform those who have shown a propensity to commit crimes so that they become good people (repressive) (Prodjodikoro, 2003).

The reason a case is not suspended based on Article 3 of Supreme Court Regulation Number 1 of 1956 is that the court in examining a criminal case is not bound by a court decision in examining a civil case regarding the existence or non-existence of a civil right.

In the practice of criminal law enforcement, there are complex situations where the realms of criminal and civil law intersect simultaneously. One such situation is when a criminal case fundamentally relates closely to a civil relationship or right that is being disputed in a civil court. In this context, an important legal question arises: can or should the criminal case be suspended until the civil case first obtains legal certainty? This debate is not merely a theoretical issue; it has real implications for the rights of the parties and legal certainty, including in the jurisdiction of the Kampar Resort Police, Riau Province.

Normatively, Article 3 of Supreme Court Regulation (Perma) Number 1 of 1956 states that the examination of a criminal case is not dependent on the examination of a civil case, and the criminal court is not bound by the decision of the civil court. This means that even if a civil case is ongoing or has not been decided, the criminal process can still proceed. The main premise of this provision is that criminal law has a special public nature and primarily concerns public interest, unlike civil law, which fundamentally concerns private or inter-individual interests.

However, in practice, not all cases can be rigidly applied based on the provisions of this Perma. Many cases are found where the object of the criminal case is still actually a dispute in a civil case, for example in cases of embezzlement, land grabbing, or forgery of documents that are actually based on issues of ownership validity. In such a context, if a party reports embezzlement of an item or land whose ownership is still being disputed civilly, then the criminal report on the basis of embezzlement or theft becomes problematic. This risks making the criminal process a means of resolving civil disputes, which, of course, contradicts the principles of legal certainty and justice.

In the legal jurisdiction of the Kampar Resort Police, such situations often occur, especially related to land disputes, inheritance, and motor vehicle ownership. For example, in an embezzlement case, the complainant claims that the vehicle belongs to them, was borrowed by the reported party, but not returned. Meanwhile, the reported party presents proof of purchase of the vehicle which is also being disputed in a civil court. In such a situation, if the criminal case continues without considering the civil process, it has the potential to disregard the principle of caution in criminal law enforcement. This becomes even more significant because the threat of criminal penalties can pressure a person's position in a civil dispute, even if they are not necessarily criminally guilty.

It is in this context that the suspension of criminal cases becomes important to consider, especially to ensure the principle of presumption of innocence and prevent the misuse of the criminal process as a tool in civil disputes. However, because formally Article 3 of Perma Number 1 of 1956 states that criminal cases do not need to be suspended due to civil cases, law enforcement officials often continue to process criminal reports without waiting for the results of civil cases, including in the Kampar Resort Police area. This creates its own problem in terms of legal certainty, as it can result in the criminalization of civil disputes.

On the other hand, the Police, as investigators of criminal cases, have the discretion to determine whether a case is suitable to be escalated to the investigation stage or even continued to prosecution. This discretion should be exercised professionally and proportionally, including by considering whether the criminal elements in the report are truly met, or whether the dispute is actually more appropriately resolved civilly. However, in practice, this discretion is often not exercised thoroughly, especially due to public reports demanding quick handling and pressure from certain parties who want to use the criminal process to gain an advantage in civil cases.

Legal certainty, as one of the main principles in a rule of law (*rechtstaat*), should be the basis for handling both criminal and civil cases. In conditions of overlapping laws, such as when property rights are the subject of both criminal and civil cases simultaneously, there should be a coordination mechanism among law enforcement agencies and judicial institutions to objectively assess whether criminalization is appropriate. Legal certainty not only concerns the formal implementation of law but also how law is implemented fairly and proportionally according to the context of the case.

In this regard, the implementation of the suspension of criminal cases due to the existence of civil cases in the Kampar Resort Police area has not fully run consistently and proportionally. Some cases are still processed up to the investigation and even prosecution stages, even though evidence suggests that the ownership status of the case object has not been resolved civilly. This raises concerns about the criminalization of civil rights, which can damage the integrity of criminal law itself.

One way is to strengthen coordination and guidance mechanisms among law enforcement officials, as well as to reinforce technical guidelines in handling criminal cases involving objects disputed civilly. In addition, investigators must be more active in exploring whether a criminal report genuinely meets the elements of a criminal offense or is rooted in a civil conflict.

Although Article 3 of Perma No. 1 of 1956 provides room for the criminal process to continue without awaiting the results of civil cases, this approach should not be understood absolutely. Fair law enforcement must consider the substance of justice and prevent the criminalization of civil conflicts. From a legal certainty perspective, caution, thorough evaluation, and an interdisciplinary understanding between criminal and civil law are needed to prevent the misuse of criminal law, which could erode public trust in the legal system. In the Kampar Resort Police area and other regions, such a progressive approach is important to ensure that the law is enforced not only firmly but also fairly and with dignity.

Legal certainty is a fundamental principle in the Indonesian legal system that guarantees every legal action must be predictable, clear, and based on applicable regulations. In the practice of criminal law enforcement, situations arise where a criminal case intersects with an ongoing civil case. This creates a dilemma, especially for investigators, whether the criminal process should continue or be suspended until there is certainty in the civil domain. This phenomenon also occurs in the jurisdiction of the Kampar Resort Police, Riau. To understand this further, insights from law enforcement practitioners directly involved in handling such cases are needed.

According to Assistant Commissioner of Police Gian Joni Mandala, S.T.K., S.I.K, based on the author's field observations, legal certainty in the suspension of criminal cases due to the existence of civil cases in the legal jurisdiction of the Kampar Resort Police has not been running as it should. This is due to a legal basis stating that criminal cases are not bound by civil processes, yet in practice, inconsistencies are found in the application of this principle. In some cases, criminal proceedings continue despite a civil lawsuit, while in other cases, criminal proceedings are suspended without clear legal reasons other than the existence of a civil lawsuit.

In the author's opinion, the lack of standard technical guidelines at the police level is one factor causing confusion in determining action. On the other hand, external interventions such as pressure from complainants, reported parties, or third parties can also influence suspension decisions. This certainly impacts public trust in the police as a law enforcement institution. Some investigators even stated that they are often in a difficult position, worrying that if the case proceeds, they will be considered to be "forcing" criminal charges on a civil matter, but if suspended, they are labeled slow or unresponsive.

In general, based on these three perspectives, it can be concluded that although in principle legal certainty requires that criminal processes are not affected by civil disputes, in practice there is still a gray area that needs to be clarified through regulation, technical guidelines, and training for law enforcement officials. Legal certainty is not just about the firmness of norms, but also about the clarity of their implementation. For this reason, the Kampar Resort Police and other law enforcement institutions need to take strategic steps to harmonize legal principles with practices in the field, in order to create legal justice that is not merely formalistic, but also substantive and oriented towards comprehensive community protection.

To ensure legal certainty, it is important for the Kampar Resort Police and other law enforcement agencies to have strict yet flexible guidelines in handling criminal cases that intersect with civil cases. These guidelines must be able to differentiate in detail when a case can be qualified as purely criminal and when civil aspects need to be considered. Additionally, evaluations of the reasons for suspension must be conducted periodically and well-documented, so that the legal process does not become stagnant or even neglected.

In a broader context, legal certainty must also be supported by educating the public about the boundaries of civil and criminal law. The public must be made to understand that not all disputes can be resolved by criminal reporting, and conversely, that not all civil rights claims can be a reason to avoid criminal liability. In this way, substantive justice can be achieved and not just limited to procedural aspects.

By examining the views of the practitioners above, it is clear that legal certainty in the suspension of criminal cases due to the existence of civil cases is not just a normative problem, but also a practical issue that requires internal policies, the professionalism of investigators, and the involvement of various parties in ensuring that law truly becomes a tool to achieve justice, not the other way around.

In the context of criminal law enforcement in Indonesia, the principle of legal certainty is one of the main pillars upheld. Legal certainty is not only important for providing protection to the community against arbitrary actions but also for ensuring that law enforcement officials work consistently, proportionally, and based on applicable norms. One of the problems that often arise in the practice of criminal law enforcement is the question of whether a criminal case can or needs to be suspended if there is a closely related civil case. This issue is particularly relevant in the legal jurisdiction of the Kampar Resort Police (Polres), where overlaps between criminal and civil aspects of a legal case are frequently encountered.

Article 3 of Supreme Court Regulation Number 1 of 1956 asserts that the examination in a criminal case is not bound by a court decision in a civil case. This means that even if there is an ongoing civil case related to the object or subject in the criminal case, this does not automatically become a reason to postpone or suspend the criminal investigation, inquiry, or prosecution. In practice, this provision serves as a strong basis for law enforcement officials to proceed with the criminal process without having to await a decision from the civil court.

However, the reality on the ground shows diversity in the implementation of this provision. In the Kampar Resort Police area, for example, the suspension of criminal cases on the grounds of a civil dispute is often used as a pretext by certain parties to hinder the criminal process. Police officers, in some cases, are in a dilemma: on one hand, they are obliged to enforce criminal law, but on the other hand, they must also consider caution to avoid the criminalization of cases that are essentially civil in nature.

Common examples include cases of land disputes or embezzlement where the object is personal property whose validity is still disputed in civil court. The party reported criminally often claims that the issue is purely a civil matter and therefore should not be prosecuted criminally before a civil court decision with permanent legal force is issued. This is where confusion arises between the domains of civil and criminal law, which are often not easy to distinguish clearly. Consequently, criminal law enforcement efforts can be hampered, while victims feel they are not getting justice because the legal process is slow or even halted.

In responding to these conditions, the principle of legal certainty must be the main starting point. Legal certainty demands that law enforcement officials have clear standards and mechanisms for determining whether a criminal case can be pursued or needs to be suspended due to its connection with a civil case. If the provisions of Article 3 of Perma No. 1 of 1956 are strictly adhered to, there should be no room for police officers to suspend criminal cases merely because of a civil process, unless there are very strong and fundamental legal reasons that the criminal element in the case cannot be proven without first resolving the civil dispute concerned.

On the other hand, suspending criminal investigations to await the results of a civil case can also create legal uncertainty for the parties involved. For victims, this means losing access to quick justice and legal protection. Meanwhile, for the reported party, a pending legal process without clarity is also a form of violation of the right to a fast, simple, and affordable legal process. Therefore, the firmness and clarity of stance from law enforcement officials are crucial to prevent the misuse of legal loopholes.

Ideally, police officers in the Kampar Resort Police area need to develop more detailed guidelines or standard operating procedures (SOPs) based on progressive legal principles. These SOPs should explicitly outline parameters that can be used as a basis for suspending or continuing criminal cases related to civil matters. For example, if criminal elements such as *mens rea* (guilty mind) and *actus reus* (guilty act) can be initially proven, then the criminal process should preferably continue without waiting for the civil process. Conversely, if there is truly no indication of criminal intent and it is purely a conflict of ownership rights, then suspension may be considered.

No less important is the need for supervision from the prosecution as the controller of criminal cases, as well as oversight from external institutions such as Kompolnas and the Ombudsman, to ensure that the reasons for suspension are truly based on law and not the result of intervention or pressure from certain parties. In addition, the public also needs to be provided with legal education so that they do not easily manipulate the criminal legal process through civil channels or vice versa. Public legal awareness is an integral part of creating a fair and transparent legal system.

Conceptually, legal certainty is not only about the existence of written rules but also about certainty in their implementation and consistency in their enforcement. In this context, the Kampar Resort Police, as an important actor in law enforcement, must ensure that every decision to suspend or continue a case is based on an objective legal analysis, not on social, economic, or political pressure. Firmness, justice, and transparency are key in maintaining the integrity of the police institution while also providing a guarantee of legal protection for all citizens.

Thus, efforts to ensure legal certainty in the suspension of criminal cases that overlap with civil cases in the legal jurisdiction of the Kampar Resort Police must be directed towards strengthening the system, improving internal procedures, and firm yet fair law enforcement. Small reforms at the local level like this are crucial to encourage the renewal of the national criminal legal system to be more responsive, adaptable, and uphold substantive justice above mere procedural formalities.

B. Obstacles to Legal Certainty in the Suspension of Criminal Cases Due to the Existence of Civil Cases in the Legal Jurisdiction of the Kampar Resort Police

In Indonesia, the principle of legal certainty has become a national tenet. This is not only because it's a universal legal principle, but also because it embodies the ideals of Pancasila, specifically the second tenet (just and civilized humanity) and the fifth tenet (social justice for all Indonesian people). As a national legal principle, its application forms the basis for the creation of legislation. We can see this in Article 1 paragraph (1) of the Criminal Code, often referred to as the embodiment of legal certainty (legality), which states: "An act cannot be punished unless it is based on the force of existing criminal legislation."

When we talk about criminal law, we are referring to law inherited from the Dutch colonial era, characterized by its written nature. Written criminal law emerged concurrently with the arrival of the Dutch in Indonesia. The Indonesian people initially used customary criminal law as the basis for criminal law in Indonesia. Generally, criminal law is defined as the entire set of regulations that specify which actions constitute criminal offenses or what acts are prohibited, and what sanctions are imposed on those who disregard these prohibitions.

Pompe stated that criminal law is the entire set of rules concerning legal provisions related to punishable acts and according to its criminal rules. Meanwhile, according to

Apeldoorn, criminal law is differentiated and defined as material criminal law, which refers to criminal acts and for which acts criminal sanctions can be imposed. Formal criminal law, on the other hand, deals with how material criminal law is enforced (Prasetyo, 2012).

Legal certainty is an essential principle in the Indonesian legal system, aiming to ensure that all parties receive fair, logical, and predictable legal treatment. In the practice of criminal law enforcement, this principle is tested when a criminal case relates to or depends on the process of a civil case. This phenomenon frequently occurs in the legal jurisdiction of the Kampar Resort Police, especially when investigators are faced with situations where a criminal report overlaps with civil matters such as property rights, agreements, or the legal status of an object or legal relationship between individuals. Although criminal and civil law have their respective domains, in practice, it is not easy to separate them absolutely. This is where various obstacles to legal certainty often arise, leading to doubt and uncertainty in the investigation process.

One primary obstacle is the lack of clear and firm standard operating procedures (SOPs) for determining whether a criminal case should be suspended pending a civil process. Many field investigators face difficulties because there are no standard technical guidelines from the police, whether from the National Police Headquarters or the Provincial Police, that explain objective criteria for suspension. As a result, decisions to suspend or continue an investigation are often subjective, depending on the interpretation of individual investigators or pressure from external parties. This significantly risks creating legal injustice, as cases with similar characteristics can receive different legal treatment depending on the investigator or the parties involved.

Furthermore, a lack of understanding among both the public and law enforcement officials regarding the boundary between civil and criminal domains also poses a serious obstacle. Many criminal reports are actually rooted in civil legal relationships, such as breach of contract or conflicts over asset ownership. However, due to losses or potential losses, the aggrieved party reports it to the police as a criminal act. In this situation, investigators face a dilemma: does the report contain criminal elements that must be processed, or is it merely a matter of civil breach of contract? If investigators lack adequate legal analytical capabilities, the decisions made could be erroneous, either too quickly processing a case that should be civil or, conversely, delaying a criminal process when the criminal elements have already been met. The lack of technical legal training and inter-agency discussions exacerbates this problem.

Another obstacle is the social and political pressure on investigators in handling sensitive cases or those involving public figures, officials, or capital owners. In several cases found in the legal jurisdiction of the Kampar Resort Police, there are indications that the decision to suspend a criminal case was not purely due to juridical considerations but rather due to external pressure or coercion. This undermines the principle of legal certainty by creating the impression that law can be negotiated or manipulated according to power or interests. If this practice continues, public trust in law enforcement institutions will decline, and the legal process will no longer be seen as a path to seeking justice.

Besides internal factors, the lack of decisiveness in the national legal system also serves as a root cause strengthening legal uncertainty. Although Supreme Court Regulation Number 1 of 1956 clearly states that criminal courts are not bound by civil judgments, its implementation is not accompanied by strong oversight and enforcement instruments. It is not uncommon for a legal vacuum to occur when investigators await legal certainty in a civil case, which can take years until a final and binding decision is reached. During this time, the criminal process can be delayed or stalled, causing uncertainty for all parties, including victims seeking justice.

The issue of disparity in case handling between regions or among investigators is also a tangible obstacle. From observations in the Kampar area, the author found that several similar cases received different legal treatment. Some investigators dared to proceed with the criminal process despite a civil lawsuit, because they felt that the criminal elements were sufficiently strong. However, in other cases, investigators chose to suspend the process for fear of counter-lawsuits or due to doubts about the strength of the evidence. This inconsistency not only creates legal uncertainty but also opens up room for accusations of injustice, discrimination, or even collusive practices within law enforcement institutions.

From the description above, it can be concluded that obstacles to legal certainty in the suspension of criminal cases that intersect with civil cases in the legal jurisdiction of the Kampar Resort Police are multidimensional, covering aspects of regulation, apparatus capacity, external pressure, public legal awareness, and weak synergy among law enforcement officials. Overcoming these obstacles requires a comprehensive, systematic approach, ranging from the establishment of firm SOPs, investigator training, supervision against abuse of authority, to legal education for the public. Only then can the principle of legal certainty not merely be a slogan, but truly be realized in fair, equitable legal practice that guarantees the protection of every citizen's rights.

Based on the author's field observations, the obstacles to legal certainty in the suspension of criminal cases due to the existence of civil cases in the legal jurisdiction of the Kampar Resort Police are the indecisiveness of regulations and the lack of detailed technical guidance regarding the criteria and limits of suspension, the minimal protection for investigators' authority in making sensitive legal decisions, and the conceptual ambiguity between criminal and civil acts not accompanied by a strong understanding from law enforcement officials themselves.

C. Efforts to Overcome Obstacles to Legal Certainty in the Suspension of Criminal Cases Due to the Existence of Civil Cases in the Legal Jurisdiction of the Kampar Resort Police

Public law is a field of law that encompasses matters where a legal subject is in dispute with a legal object (existing law). In other words, public law is a field of law covering legal regulations that govern the power and authority of state rulers and the relationship between society and the state. The types of law included in the realm of public law are constitutional law, state administrative law, and criminal law. According to Moeljanto, criminal law is a part of the entirety of law applicable in a state that establishes the foundations and rules for: a) determining which acts are prohibited and should not be committed, accompanied by threats or sanctions in the form of certain punishments for anyone who violates these prohibitions; b) determining when and in what cases those who have violated these prohibitions can be subjected to or imposed with the threatened punishment; and c) determining how the imposition of punishment can be carried out if someone is suspected of having violated the prohibition (Supriyanto, 2004).

It is essential to differentiate between land disputes where parties jointly do not yet possess a certificate as proof of land rights and land disputes that are already certified. An uncertified land object must first be proven based on a court decision in a civil case. Meanwhile, a certified land object already has legal certainty, namely certainty of land rights and certainty of survey deeds regarding the location and boundaries of the land, so there is no need to await a court decision on who is entitled. The suspension of criminal cases due to the existence of civil cases is a challenging issue in law enforcement, especially for investigators in the legal jurisdiction of the Kampar Resort Police. As previously explained, obstacles to legal certainty in this context do not only stem from regulatory ambiguity, but also include a lack of technical guidelines, socio-political pressure, weak protection for investigators, and a lack of synergy among law enforcement officials. All these obstacles lead to one crucial point: the disruption of legal certainty and uncertainty for the public in seeking justice. Therefore, systematic, continuous, and institution-based efforts are needed to overcome these obstacles.

One of the primary efforts that must be undertaken is the drafting and endorsement of technical guidelines (SOPs) for the suspension of criminal cases that intersect with civil cases within the Police environment, especially at the Resort Police level. This SOP must be prepared participatively, involving elements of investigators, prosecutors, academics, and internal oversight parties. These guidelines need to include clear definitions of the forms of civil cases that can affect the continuation of criminal cases, indicators of a substantial connection between the two cases, and procedures for making decisions to suspend or continue an investigation. With these guidelines, investigators will have a strong and directed basis for taking legal action, and be protected from arbitrary actions or fear in carrying out their duties.

Furthermore, increasing the capacity and competence of investigators is an important step in addressing substantive challenges in the investigation process. One common weakness in the field is the difficulty in distinguishing between criminal and civil elements, especially when both aspects are present simultaneously in a single legal event. Therefore, technical and material law training must be conducted regularly and structured. Such training can focus on understanding offenses that often intersect with civil aspects, such as embezzlement, fraud, or ownership disputes. In addition, case studies from court decisions should also be used as learning materials to improve the legal analytical capabilities of field investigators.

Strengthening coordination between investigators and public prosecutors must also be a main focus in efforts to overcome this obstacle. In the integrated criminal justice system, prosecutors play a central role in providing guidance and controlling cases from the investigation stage. Therefore, investigators need to actively consult and hold case discussions with prosecutors, especially for ambiguous cases that have the potential to lead to multiple legal interpretations. With intensive coordination, suspension decisions can be made more objectively, not only based on the investigator's assessment alone, but also considering the prospects of proof in court.

On the other hand, strengthening legal and institutional protection for investigators is also an important aspect in ensuring legal certainty. It cannot be denied that external pressure, whether from complainants, reported parties, or other interested parties, can affect the neutrality and courage of investigators in acting. Therefore, the National Police institution needs to build internal protection mechanisms for investigators handling sensitive cases, including legal defense if investigators face threats of lawsuits based on their professional decisions. This step is important to maintain the independence of investigators and prevent excessive fear in making legal decisions.

Increasing public legal literacy must also be an integral part of overcoming obstacles to legal certainty. In many cases, the public—both complainants and reported parties do not deeply understand the difference between criminal offenses and civil disputes. As a result, many criminal reports are actually a form of misuse of law for the purpose of leverage in civil conflicts. This burdens law enforcement institutions and complicates the investigation process. Therefore, legal education must continue to be promoted, whether through social media, community outreach, or collaboration with educational institutions and community leaders. The public must be made to understand that criminal law is not a means of coercion, but rather a last resort mechanism to maintain public order.

No less important, strengthening internal oversight and investigative accountability must be a priority. The large number of poorly monitored case suspensions can lead to negative perceptions and create a gray area vulnerable to irregularities. Therefore, every decision to suspend a case must be clearly documented, accompanied by logical legal reasons, and reported to superiors hierarchically. With a robust documentation system, the investigation process can be supervised by the internal oversight division, and provide a sense of security to investigators in making decisions.

Besides internal efforts, the establishment of an inter-agency coordination forum among the police, prosecutors, courts, and academics is also a strategic step. This forum can serve as a platform for case discussions, harmonization of legal approaches, and a place to formulate joint policies for handling cases that overlap between criminal and civil matters. With such a forum, it is hoped that there will be a common understanding in handling cases that have hitherto been prone to disparities and multiple interpretations.

The final, but equally important, effort is regulatory reform through legislative updates, particularly in the context of clearly separating or, conversely, regulating limited interconnection between criminal and civil processes. Supreme Court Regulation Number 1 of 1956, which has been the reference so far, is considered no longer adequate to address the challenges of modern practice. Therefore, the government and the DPR (House of Representatives) need to open a dialogue to formulate new, more contextual rules, not only in the form of court regulations, but also at the level of criminal procedural law and civil procedural law that mutually consider technical aspects and professional ethics.

With the integrated efforts described above, it is hoped that obstacles to legal certainty in the suspension of criminal cases due to civil cases in the legal jurisdiction of the Kampar Resort Police can be minimized. Legal certainty is not only the responsibility of investigators but is also the result of collective work among institutions, community support, and a just and responsive legal system to social dynamics. When the principle of legal certainty can be fully realized, public trust in law enforcement institutions will increase, and ultimately, law can fulfill its function as a protector of rights and an enforcer of justice.

The suspension of criminal cases caused by the existence of civil cases often leads to confusion and obstacles in law enforcement practice. In the legal jurisdiction of the Kampar Resort Police, this issue is quite prominent and demands serious attention. Investigators, as the frontline of the investigation process, frequently face a dilemma between enforcing criminal law and considering the existence of civil disputes raised by one of the parties in the case. To address these various obstacles, officials and investigators within the Criminal Investigation Unit of the Kampar Resort Police have provided views on efforts that can be made to overcome this problem professionally and consistently based on the principle of legal certainty.

Based on the author's field observations, the efforts to overcome obstacles to legal certainty in the suspension of criminal cases due to the existence of civil cases in the legal jurisdiction of the Kampar Resort Police are to establish an internal policy framework in the form of technical guidelines or SOPs that regulate in detail when and under what conditions a criminal case can be suspended due to a civil case, the necessity of careful and documented legal assessment by investigators in every suspension process, and the creation of regulations or official guidelines within the National Police that explicitly regulate the limitations and procedures for suspending criminal cases related to civil cases.

The preparation of local standard operating procedures (SOPs) at the Kampar Resort Police level, tailored to the characteristics of cases that frequently arise in this area. The author found that cases leading to suspension generally relate to land disputes, buying and selling, or debt, which are then reported as embezzlement or fraud. Unfortunately, there are no written guidelines at the Resort Police level that can serve as a reference for investigators in determining the appropriate legal stance. Therefore, the drafting of SOPs is an urgent need to ensure clarity of action and to serve as an evaluation instrument for leadership in overseeing the investigation process.

In addition to drafting SOPs, the author also recognizes the need for increased cooperation between the police, prosecutors, and judicial institutions in the form of a permanent coordination forum that can be used as a cross-sectoral consultation platform for complex cases. In practice, investigators often feel isolated when making decisions on cases with legal ambiguities, even though criminal case handling should not solely be the responsibility of the police, but rather a part of an integrated criminal justice system. With such a forum, case handling can be conducted collectively and with greater assurance of objectivity and legal certainty.

The author also observed that there needs to be more active internal oversight, both from the leadership of the criminal investigation unit and from the oversight function within the police. This oversight is not merely to find fault with investigators, but rather to provide a second, more objective opinion on legal decisions made in sensitive cases. This is important to prevent investigators from making hasty decisions or decisions under pressure.

The author emphasizes the importance of legal education for the public, especially for parties who often utilize criminal channels to resolve civil disputes. The public needs to be given an understanding that not all financial losses or contractual inconsistencies can be processed through criminal channels. With increased understanding, the burden on investigators will be reduced, and the investigation process can focus on cases that genuinely involve criminal elements.

Efforts to overcome obstacles to legal certainty resulting from the suspension of criminal cases due to civil cases must be carried out through a comprehensive approach. Starting from strengthening regulatory aspects, drafting internal SOPs, technical legal training, cross-sectoral coordination, to public education, all must be carried out in an integrated manner so that the law enforcement process at the Kampar Resort Police can operate professionally and ensure legal certainty. Through these efforts, it is hoped that public trust in law enforcement officials will increase, and the function of law as a tool for justice and certainty can be truly realized.

In the legal jurisdiction of the Kampar Resort Police, this phenomenon poses a real challenge for investigators. Therefore, strategic and comprehensive efforts are needed to overcome the obstacles to legal certainty that arise in this context. Insights from field investigators, criminal law experts, and the author's direct observations provide significant contributions to formulating appropriate solution approaches. Legal certainty can only be achieved if law enforcement officials have clarity in carrying out their duties, are structurally protected, and are supported by a public that understands the correct legal channels. Therefore, the implementation of the various efforts mentioned above must be a strategic priority in criminal law reform at the local level, so that the law enforcement process can proceed more professionally, efficiently, and justly, without being obscured by the overlap between criminal and civil cases.

CONCLUSIONS

Legal certainty in the suspension of criminal cases due to the existence of civil cases in the legal jurisdiction of the Kampar Resort Police has not been implemented as it should. This is because, despite legal grounds stating that criminal cases are not bound by civil proceedings, in practice, there is inconsistency in applying this principle. In some cases, the criminal process continues despite a civil lawsuit, while in other cases, the criminal process is suspended without clear legal grounds other than the presence of a civil lawsuit.

Obstacles to legal certainty in the suspension of criminal cases due to civil cases in the legal jurisdiction of the Kampar Resort Police include regulatory ambiguity and the lack of detailed technical guidance regarding suspension criteria and limitations. There is also minimal protection for investigators' authority when making sensitive legal decisions, and a conceptual confusion between criminal and civil acts that is not supported by a strong understanding from law enforcement officials themselves.

Efforts to overcome obstacles to legal certainty in the suspension of criminal cases due to civil cases in the legal jurisdiction of the Kampar Resort Police involve establishing an internal policy framework in the form of technical guidelines or SOPs. These guidelines should meticulously regulate when and under what conditions a criminal case can be suspended due to a civil case. Additionally, there is a need for careful and documented legal assessment by investigators in every suspension process, and the creation of official regulations or guidelines within the National Police that explicitly outline the boundaries and procedures for suspending criminal cases related to civil cases.

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