

ABSTRACT

THE JUDICIAL CHARACTER OF PRE-JUDICATURE ACCUSATION

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The title of the thesis is "The Judicial Character of Pre-Judicature Accusation". The Aim of the pre-judicature accusation is to test the legality of capturing, arresting, investigation and or accusation terminating by the investigators which are considered out procedures as it is stated in the rules. The procedures are closely related with the ministration of the investigation so that the actions of the investigators are the ministrative actions. Based on the explanation above, the formulations of the thesis are First, the legality of the action of the investigator must be based on the concept of the ministrative law, and second, the court has its authority to settle the pre-judicature cussion. The study is a normative one with the support of regulation and case approach.

The investigators (police and prosecutor) perform one of the government fuctions. The police has the duty of the maintenance of the security and the orderliness of the people, law enforcement, protection and public service while the prosecutor conducts the accusation. The action of the investigators violating the law of formally vioalating the ministrative law, because the violate the administrative procedures and the investigators perform the government function with the principles and the norms of the ministrative law as the foundations. The Administrative Court has the competency to check, to try, and to decide the pre-judicature accusation with the focus on the legality of capturing, arresting, investigation and accusation terminating so that the submission of the re-judicature accusation contains the claim to cancel the administrative decisions.

It is highly susested that some revisions to the regulations related with the competency of pre-judicature and administrative decisions as stated and article 2 point d of Adminstrative Acts are compulsory. Beside that it is urgent to establish ministrative Courts in cities, town and districts.

Key Words: Pre-judicature accusation, Government function, Legality of investigator's actions, compensation and rehabilitation.