

ABSTRACT

Criminal threat 5 (five) years and above the suspect must be accompanied by an advocate, if the suspect is not capable then the state must provide or known as prodeo this aspect one of the spirit of the birth of Law Number 8 Year 1981 About Criminal Procedure Law that respects the rights human rights in the position of the suspect, but the fact that up to now has been running 37 years of law enforcement officers are still like the time of HIR and RBg alias colonial era, this is proven in the case that the author thoroughly defendant in the decision number 156 / Pid.Sus / 2017 / PN.Bgr as the sole indictment of the defendant is Article 196 of Law Number 36 Year 2009 on Health in conjunction jo with Article 55 paragraph (1) to the 1 Criminal Procedure Code in which Article 196 is punishable by a maximum of 10 (ten) years. The defendant himself from the beginning of the investigation process until he was found guilty was not accompanied by advocates and witnesses presented in court came from his own investigators.

The research method used in the writing of this case study is descriptive qualitative research method is in the form of research with the method or approach of case study that is, focusing intensively on one particular object which study it as a case. Data were obtained from all concerned parties, in other words data in this study were collected from various sources. As a case study, the data collected comes from various sources and the results of this study apply only to the cases investigated. Case study method as one kind of descriptive approach, is research conducted intensive, detailed and deeply against a particular organism, institution or symptom with a narrow area or subject.

The conclusion of this case that the witnesses presented in the hearing are those who give testimony to the arrest of the defendant, the investigator during the search must be witnessed by two witnesses who are not from the witness of the investigator themselves in accordance with Article 33 KUHAP that for testimony must be at least two person or more according to Article. The testimony of such an investigator shall not be assessed as sufficient evidence to prove the defendant's guilt in respect of the offense charged him, and the rights of the suspect or defendant are ignored and violate the criminal justice system, in which the suspect or defendant is not entitled to counsel in accordance with the provisions Article 56 of the Criminal Procedure Code and if it violates the procedural then in accordance with the decision of the Supreme Court may be null and void.