

Human Rights in the Criminal Justice System in Indonesia

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Abstract Human Rights (HAM) are basic rights inherent in every individual and are universally recognized. In the Indonesian context, human rights protection is an integral part of the national legal system, especially in the criminal justice system. However, the implementation of human rights in the Indonesian criminal justice system often faces various challenges, ranging from acts of torture, unfair treatment, to violations of the rights of suspects or defendants. This article aims to analyze the extent to which human rights principles are applied in the criminal justice process in Indonesia, as well as to identify inhibiting factors and reform efforts that have been and need to be carried out. Through a qualitative approach, this article examines various laws and regulations, case studies, and expert opinions to provide a comprehensive understanding of the integration of human rights in the criminal justice system. The results of this study are expected to be an academic contribution in encouraging the realization of a legal system that is fair, humane, and respects the dignity of every individual.

Keywords: Human Rights, Criminal Justice, Indonesia

Introduction

Human Rights (HAM) are the main pillars in the modern legal order that upholds the values of justice, equality, and human dignity. In the context of a state based on law such as Indonesia, the recognition and protection of human rights have obtained constitutional legitimacy as stated in the 1945 Constitution of the Republic of Indonesia (UD 1945), especially Articles 28A to 28J. Human rights are not only the normative responsibility of the state, but also demand concrete implementation, especially in the criminal justice system.

The criminal justice system has a crucial function in upholding law and justice through a fair and impartial process of arrest, detention, investigation, prosecution, and trial. However, various reports from national and international institutions show that human rights violations in the criminal justice process still often occur in Indonesia. Forms of these violations include torture during interrogation, arbitrary detention, unequal access to legal aid, and discriminatory treatment of vulnerable groups.



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This phenomenon raises fundamental questions about the effectiveness of Indonesia's criminal justice system in ensuring human rights protection. On the one hand, Indonesia has ratified various international instruments such as the International Covenant on Civil and Political Rights (ICCPR), but on the other hand, the implementation of these principles is often inconsistent in legal practice.

The problem of imbalance of power between law enforcement officers and suspects/defendants is one of the main factors that increases the chances of human rights violations. In such conditions, the principles of presumption of innocence, the right to legal defense, and an independent and impartial trial are often ignored. This is exacerbated by the weak internal and external oversight mechanisms for law enforcement officers.

Furthermore, the problematic of human rights protection in criminal justice cannot be separated from the structural issues and legal culture that apply. The legal culture that is still repressive, bureaucratic, and formalistic has hampered the renewal of a more humanistic and inclusive justice system. Legal reform efforts that have been carried out through the establishment of institutions such as the Judicial Commission, the National Human Rights Commission, and the Indonesian Ombudsman, although important, have not been fully able to create significant changes at the practical level.

This article aims to explore in depth how human rights are positioned and implemented in the criminal justice system in Indonesia. This research is important not only in an academic framework, but also as a real contribution to encourage legal and judicial reform that supports substantive justice and the basic rights of every citizen. Using a qualitative approach, this article will explore the normative and empirical dimensions of the implementation of human rights, and provide policy recommendations to strengthen the Indonesian legal system based on respect for human rights.

Research methods

This study uses a qualitative approach with a literature study method and document analysis. Data were obtained from legal literature, legislation, academic journals, and reports from independent institutions. The analysis was conducted descriptively-qualitatively to describe the reality of the implementation of human rights in the Indonesian criminal justice system.

Discussion

Indonesia has a fairly comprehensive legal framework in regulating and protecting Human Rights. The 1945 Constitution contains provisions that explicitly state the basic rights of citizens. In addition, Indonesia has also ratified various international instruments such as the Universal

Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture (CAT). In national law, these rights are reflected in the Criminal Procedure Code, Law No. 39 of 1999 concerning Human Rights, and Law No. 26 of 2000 concerning Human Rights Courts. However, there is a gap between legal norms and implementation in the field. This shows that the existence of good laws does not necessarily guarantee the protection of human rights in practice. Protection and law enforcement mechanisms often face structural and cultural challenges.

One crucial aspect that is often highlighted is the process of arrest and detention carried out by law enforcement officers. Based on reports from the National Human Rights Commission and non-governmental organizations, the practice of torture, intimidation, and inhumane treatment of suspects is still widespread. These violations not only violate the right to freedom and personal security, but also violate the principle of the presumption of innocence. Detention carried out without an official warrant or exceeding the time limit specified in the Criminal Procedure Code reflects weak supervision of the police and prosecutors. In many cases, victims experience psychological and physical pressure to admit to the alleged actions, even though there is no strong evidence to support it.

Access to legal aid is a basic right guaranteed by the constitution and various laws and regulations. Law No. 16 of 2011 concerning Legal Aid states that everyone has the right to receive free legal aid, especially for those who cannot afford it. However, the implementation of this right is still far from ideal. Many defendants or suspects do not receive legal assistance from the beginning of the investigation process. The lack of availability of advocates in remote areas, the low quality of legal aid, and discrimination against marginalized groups are major obstacles. As a result, vulnerable groups such as women, children, and indigenous peoples often become victims of an unfair legal system.

The independence of the judicial institution is one of the main requirements in ensuring the protection of human rights. However, in practice, political intervention, pressure from certain parties, and corruption in the judicial environment are still serious problems. The transparency and accountability of the trial process are also often questioned. Several case studies show that judges tend to side with prosecutors or law enforcement officers, so that court decisions do not reflect substantive justice. This shows the importance of institutional reform and legal culture in the judicial environment to ensure fair and objective trials.

Institutions such as Komnas HAM, the Judicial Commission, and the Indonesian Ombudsman have an important role in monitoring and following up on human rights violations in the criminal justice system. However, the effectiveness of these institutions is still limited by limited authority,

resources, and political support. Komnas HAM, for example, is often only able to provide non-binding recommendations, while the law enforcement process still depends on other institutions such as the police and the prosecutor's office. This reflects the need to strengthen authority and coordination between institutions to create an effective monitoring system.

Efforts to reform the criminal justice system in Indonesia have begun through various policies and programs. Some of these include updating the Criminal Procedure Code, strengthening the role of legal aid institutions, human rights training for law enforcement officers, and the establishment of special courts such as the Human Rights Court and Juvenile Court. However, these reforms are still partial and have not touched on the root of the problem such as the culture of violence, weak institutional accountability, and unequal power relations. Therefore, a more holistic approach is needed and based on the principles of restorative justice and respect for human dignity.

In some cases, there are good practices that show the potential for human rights-based legal reform. For example, the Diversion program in the juvenile justice system that provides alternative out-of-court settlements for minor cases, as well as the use of information technology for transparency in trials. Case studies such as the Sengkon-Karta, Baiq Nuril, or Joshua cases show how the justice system can improve itself through public pressure, intervention by supervisory institutions, and the role of the media. Lessons learned from these cases need to be institutionalized to become part of sustainable reform.

Conclusion

Protection of Human Rights in the criminal justice system in Indonesia still faces serious challenges, although normatively it has a strong legal basis both at the national and international levels. In practice, various forms of human rights violations such as torture, arbitrary detention, injustice in access to legal aid, and weak judicial independence indicate a gap between law and implementation.

The main factors influencing this condition include the imbalance of power relations between officers and suspects, a repressive legal culture, weak institutional oversight, and low understanding and appreciation of human rights principles among law enforcers. Reform efforts have begun, but are still partial and have not touched on the structural roots of the problem.

Therefore, human rights protection in the criminal justice system must be improved through a comprehensive and sustainable approach, including human rights education, institutional reform, enforcement of accountability, and active participation of civil society. Only then can Indonesia realize a legal system that is not only legal-formal, but also fair, humane, and upholds the dignity of every citizen.

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