

STATUS OF HUMAN RIGHTS IN INDONESIAN CRIMINAL JUSTICE SYSTEM

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ABSTRACT

This research is about the protection of human rights which is still not under the expectations and not following what is implied in the constitution. Several cases show human rights violations against defendants that violate the constitution and even contain law. Human rights are the rights of the suspect/defendant, if human rights are ignored, then there will be more and more violations that tend to go unprotected. The research uses a qualitative method with a normative approach with 2 types of law: (1) primary law and (2) secondary law in several cases. The analytical technique is based on the presumption of innocence, the principle of equality in law from the time of investigation to trial in court. The theory that used is the theory of natural law and the theory of positivism. The results of the research obtained findings in corruption cases where so far there has never been a death penalty decision even though it has been regulated in Article 2 (2) of Law 31 of 1999 in conjunction with U 20 of 2021. Other findings are in cases of victims of violence in the 2014 and 2019 elections where the perpetrators were not charged criminal charges due to political considerations. The next result was in the BTS corruption case which involved public officials but the prosecutor gave the public the right to freedom of self-defense. The implementation of human rights in the criminal justice system has generally been carried out by the provisions of the Criminal Procedure Code. However, there is still treatment by individual officers that is not by the provisions of the Criminal Procedure Code.

Keywords: Criminal justice sytem, human rights, regulation.

INTRODUCTION

Human rights are seen as natural rights that are inherent from birth (Teichman, 2018). Upholding human rights is a criterion for the successful implementation of the constitution, it is often stated that the success of the constitution depends on how the constitution is implemented (Differrian, 2000). The community has not felt the guarantee of legal certainty because the protection is not as expected.

Previously, the movement to uphold human rights was only an illegal movement because at that time (the New Order) human rights' protection was very limited, but now the human rights is more open and the government responds positively and is even protected by the constitution, this is the government's effort to recognize rights (MPR Decree Number XVII/MPR/1998 concerning Human Rights, n.d.). Improvements have occurred in the human rights constitution with the issuance of the implication is that the government's commitment to protecting human rights is getting stronger (The 1945 Constitution of the Republic of Indonesia Article 28A-Article 28J concerning Human Rights, n.d.). On the legal side, especially the judiciary, it was also strengthened by the formation of a human rights court (The 1945 Constitution of the Republic of Indonesia Article 28A-Article 28J concerning Human Rights, n.d.). The emergence of constitutional strengthening on human rights means that human rights are guaranteed in the criminal justice system in Indonesia so that the legal principle will coincide with equality in law.

Criminal procedural law should reflect the human rights principle in its articles, but in various sub-systems of law enforcement that are closely related as a process in criminal law where human rights are often different, where on the one hand, proceedings are carried out against someone guilty of the law starting to take effect, but on the other hand, Law enforcers are also government officials.

Every individual has natural rights, but these rights are not born of natural law, thus human rights cannot be taken from humans (Rousseau, 1779). This is a positivist theory, which today still has many adherents. Every law is an order that emerges from the authorities (Austin, 1895). The law becomes a necessity to be obeyed by humans regardless of whether it is good or bad or fair or not because the law is ruler product (Kelsen, 1973). Every citizen has rights after the emergence of constitutionally written rules, if there are no such rules then citizens do not have rights. Lawsuits can arise if there is a violation of rights, so in fact, individuals only have rights granted by the authorities, in this case, the state. Several theories are contradictory to each other, Anti-Utilitarian theory focuses more on the interests of the majority (Holborow, 1983). Rights will defeat policies.

However, in reality, the suspect/defendant's legal interests can be used for the benefit of his defense, this is also to avoid the attitudes and methods of law enforcement officers which sometimes deviate from applicable provisions, in this way justice seekers get satisfaction. The fundamental right to life, a right that cannot be changed and is guaranteed by the constitution even though the death penalty remains a legal provision in Indonesia, including individuals involved in corruption, as stated in Article 2 paragraph (2) of Law Number 20 of 2001 concerning Corruption Crimes, which allows application of the death penalty in certain cases but in reality, it can rarely be implemented with human rights considerations in mind.

This research focuses more on Indonesia so that the research results can be used in the context of implementing the protection of human rights in Indonesia as well as improving the existing system so that it is more in line with expectations. The research results can be input by policymakers in Indonesia, becoming a reference for certainty, usefulness, and justice by legal objectives.

This research can be used by other researchers outside Indonesia because policymakers must have objective data to formulate appropriate policies. Without data, it's like policymakers don't have a map. It is hoped that the objectives of the law, namely certainty, usefulness, and justice, can be implemented in other countries because many countries do not use these objectives.

With these various backgrounds, this research is expected to reduce human rights violations.

METHODOLOGY

1. Types of Research

This research is qualitative with a normative juridical approach with the following analytical techniques:

- a. Identify human rights problems
- b. Carry out a normative legal inventory of secondary data using sub-topics
- c. Conduct a study of primary and secondary data in order to answer the problem.
- d. The output of a systematic study that is used as a research results report.

2. Data Source

The primary data source is the constitution related to the problem while the secondary data source used is various literature and encyclopedias related to the problem under study. Secondary data sources from various cases related to the title, especially cases that have been trending in the last 5 years and cases that are urgent to be resolved immediately, such as corruption cases and cases of human rights violations in the elections. Apart from that, we also discuss various cases with experts, expert witnesses, and suspects.

3. Data Analysis Technique

Data was collected by literature study from primary and secondary data, then the data obtained used qualitative processing, discussions were carried out and conclusions were drawn as answers to the problems discussed. The stages carried out were inspection, providing coding, preparation and systematic. We also conducted explanatory research on several cases where the data was analyzed and followed up theoretically.

DISCUSSION

1. Protection Of Human Rights in Its Implementation

To carry out the protection of basic human rights, several important components that must be considered are the existence of the whole human being (Henkin, 1989), the right to have freedom in terms of expressing opinions, and the right to equal treatment. These three components are the main elements of human rights.

Humanitarian reasons as protection of human rights are also considered for convicts in prison, as an illustration, it can be mentioned during the Covid-19 pandemic if prison inmates were infected with Covid they had to be released for humanitarian reasons and limit its spread (Gitiyarko, 2020).

The Person-Centered Approach (PCA) places the individual as the center or subject.⁷ The NSW Government Website in its article entitled "What is a Persons Centered Approach" states that in the health sector, this approach looks at the individual not only at the condition (body/illness) that must be restored but rather at something more important, namely the individual as a person who can determine the best decision for himself. Meanwhile, parties outside the individual are limited to providing support, including listening to individual aspirations. Three keys must be seen to ensure the implementation of PCA by individuals, namely self-confidence, increased knowledge and skills, and change (for the better) (NSW Government, 2021).

In reality, violations of human rights are very difficult to avoid because there are different understandings regarding the substance of human rights which are very diverse and developing (Buerventhal, 2006). Where in the concept of human rights, upon closer examination, human rights undergo evolutionary and revolutionary changes or shifts in norms in the socio-political changes in the human life cycle.

Even though the concept of human rights is supported by adequate regulations, many cases are not supported by compliance with rules, for example in The Universal Declaration of Human Rights puts forward 6 concepts, namely:

- a. Human rights as a definite norm so that we do not lose the correct notion of human rights so that it becomes a priority in determining sentencing without exception means that it is mandatory.
- b. Human rights prioritize public interests compared to personal interests so that human rights become universal.
- c. Human rights first existed and did not depend on its implementation
- d. Because human rights are considered important, they are not absolute, there must be exceptions, and therefore human rights must be a normative consideration if there is a discrepancy with other regulations.
- e. Human rights are mandatory for both individuals and the government as authorities may not violate someone's rights.
- f. Human rights as a minimum standard to be properly practiced in society and the country.

The case examined in this study is when the government has failed to have a National Park that can be used by the whole community. The government has never questioned this as a human rights violation due to a lack of clear understanding of the rights of citizens.

The strategic role of the government towards human rights where the government must respect and respect the rights of every individual who becomes its people, their rights must also be protected, and the government must also encourage each individual to move forward to be able to fulfill their life needs.

2. The Foundation of Human Rights

The main human rights are the importance from protecting human rights related cases. Violations against human rights are also committed by law enforcement officials who still understand a lot about procedures and their implementation. Legal officials and legal and judicial advisers must comply with procedures for handling cases related to human rights. The constitution maker is an important actor in the judiciary (Chima, 2009). The verdict that has been determined, whether found guilty or acquitted, is based on circumstances and facts and evidence from the results of the review in the examination at the trial court, thus whatever the court's decision Human rights are always a consideration.

The legal shelter issued by the Government in handling the COVID-19 pandemic has also sparked controversy in society. Government Regulation instead of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (COVID-19) Pandemic and/or in the Context of Facing Threats That Limit the National Economy and/Or Financial System Stability which was passed on Monday, May 4th, 2020 by the House of Representatives into law also sparked polemics (Sukmana, 2021).

In addition to the Criminal Procedure Code, it is regulated, although not explicitly included in the second amendment, but other regulations have accommodated human rights. There are:

- (1) Law Number 35/1999 (The Judicial Power's Main)
- (2) Law Number 31/ with Law Number 20/2001 (Corruption Crimes)

Concerning human rights, every person who commits a mistake, be it wrongful prejudice, is caught, and prosecuted. Everyone who commits crimes for which he is arrested is prosecuted because he is suspected to be considered innocent until proven guilty legally (Undang-Undang Nomor 39 Tahun 1999 Hak Asasi Manusia, n.d.). The court will provide for his defense following the constitution. Human rights guarantees are also found in Indonesia (Undang-Undang Nomor 26 Tahun 2000 Pengadilan Hak Asasi Manusia, n.d.).

Every citizen gets the equality of law and government position. This constitutional statement is very basic and means equality in law and government. Human rights are also affirmed in the sentence that everyone has the same rights and obligations under the law (Undang-Undang Dasar Republik Indonesia Tahun 1945 Pasal 28A-Pasal 28J tentang Hak Asasi Manusia, n.d.).

Several studies of the constitution that support human rights have also become the implementation and protection, including:

- a. Provide legal protection to all Indonesian people and all Indonesian bloodshed;
- b. Indonesia is a rule of law country (authentic explanation of the 1945 Constitution), not a police/military state, not a state of power that acts arbitrarily, every action must be based on laws and regulations and the same obligations without exception to obey laws and regulations;
- c. 'A suspect in a criminal case, especially from the time an arrest and or detention is carried out, has the right to ask for the assistance (Article 36);

Three points above are the main basis for the position of human rights which will then be clarified again in the Criminal Procedure Code but will still be tested but still based on the state foundation and other human rights implementing regulations. This shows the consistency between the Criminal Procedure Code and the Pancasila Foundation. Legislators have aligned parallel with actual, rational, and practical values so that they are more efficient in achieving the intended goals, namely achieving order, protecting society, and protecting human dignity for suspects/defendants.

In the implementation of human rights, the accused should not be burdened with proof because the accused.

3. Implementation of Human Rights Protection in Criminal Justice

The judicial process is the process of enforcing criminal law, therefore the criminal procedural law and the material law are related, because criminal law will be realized in criminal law enforcement. applied. Legislative institutions will participate in preparing policies in the form of legislative products, so all are part of legal politics which essentially function in three forms, namely: law formation, law enforcement, and exercise of authority and competence.

The law enforcement components include the police, prosecutors, and courts as well as correctional institutions which are one unit and could extend this component. Despite the integration between law enforcement components, the Criminal Procedure Code still

regulates normatively in criminal proceedings where there are advocates and advisers. law is legally appointed that is bound by components that have previously obtained recognition.

The existence of the law which includes the rights of suspects [here also appears as a Pre-trial institution that functions as the supervision of judges against coercive measures such as arrest, detention, and termination of investigations.

Existence from the law Number 8 of 1981 in legal life in Indonesia has initiated a new era, namely the era of the revival of national law which prioritizes the criminal justice system. Additionally, to protecting the basic rights of suspects, there is also hope that law enforcers based on this law will give power to a judiciary that is free and responsible in examining and deciding a criminal case. It seems that the above expectations can only be realized if the law enforcement orientation is based on a systems approach.

a. Approach to Human Rights

Elements in law enforcement which include police, prosecutors, courts, and correctional institutions are elements that are involved as a unit of Indonesian human rights upholders. In the implementation of criminal justice, human rights are applied by the basis of normative legal institutions. In its implementation, this criminal justice system cooperation will go through a sub-system with the following stages:

(1) Police Sub-System Approach (investigator)

Police investigation results are very important to determine the success or failure of the examination process at a judicial trial conducted. Police assigned as investigators will carry out law enforcement in relation to become the investigators are provisions based (Law Number 2 of 2002 concerning the Indonesian National Police, n.d.).

(2) Prosecutor's Sub-System Approach (public prosecutor)

A prosecutor is given the authority to exercise state power in the field of prosecution [14]. A prosecutor has a role to enforcing criminal law determines whether or not, because a prosecutor as a public prosecutor has a strategic and important position and role but should be accompanied by independence in exercising this authority because without independence it is difficult to expect a sense of justice. The role of the prosecutor's office, functioning as a governmental entity vested with state authority in the realm of legal proceedings, can be illuminated by considering its standpoint. When analyzed from a positional standpoint, this signifies that the prosecutor's office wields judicial authority. Consequently, achieving genuine autonomy or independence in the execution of its responsibilities becomes an intricate task for the Prosecutor's Office.

(3) Court Sub System Approach (judges)

An integrated judicial system means that the soul of an independent and independent judicial power must be integrally manifested in all legislative policies that regulate the entire process of law enforcement powers prior to the 1945 Constitution's amendment, it was regulated regarding judicial power which emphasized that the Supreme Court is the holder of judicial power according to law. Judicial bodies, namely Police and Prosecutors What is meant by other judicial bodies are Police and Prosecutors as the holders of judicial authority authority. This position gives a strong impression that the judicial power only administers justice or the power to try (Law Number 2 of 2002 concerning the Indonesian National Police, n.d.).

(4) Correctional Sub-System Approach

Correctional Institutions are places to carry out coaching for prisoners and correctional students.

(5) Legal Advisor Sub System Approach (advocate)

The correlation between Advocates and Human Rights can be explained as the advocates serve as law enforcement officers, are free, and independent in the administration of justice. Advocates function to put the law in its true proportions so that the legal interests of suspects/defendants can be used for their own interests in defense, this is also to avoid the attitudes and methods of law enforcement officials who sometimes deviate from the applicable provisions, thus justice seekers get satisfaction. law through its enforcement process.

The fundamental entitlement to life, an unalterable right safeguarded by the constitution, stands as the cornerstone. Conversely, the death penalty remains a lawful provision in Indonesia, serving the purpose of prevention and acting as a discouraging force against those engaged in criminal deeds. This includes individuals involved in corruption, as outlined in Article 2, paragraph (2) of Law No. 20 of 2001 concerning Corruption Crimes, which permits the utilization of the death penalty in specific cases.

Even though there is no correlation between the application of the death penalty and efforts to prevent and deterrence in eradicating acts of corruption, the death penalty is not the right solution to eradicate corruption, because apart from not being effective enough to deal with criminal acts of corruption, it is also contrary to human rights norms. Indonesia will not only be judged on how strong it is in building a system for the prevention and prosecution of corrupt practices, but also on how far it is committed to complying with human rights standards. Quoting from ICW's presentation, China's Corruption Index (CPI) score for 2020, as one of the countries that is aggressively implementing the death penalty for corruptors, is recorded at number 42 on a scale of 0-100 where a higher score is an indicator that the respondent gives a good rating. While a low score indicates that respondents consider that corruption practices are still high in their area, which means that corruption practices there are still quite high. On the other hand, the best countries for their Corruption Perception Index (between 85 and 87) are Denmark, New Zealand, Finland, Singapore, Sweden, and Switzerland, (except Singapore which still applies the death penalty but not for corruption). It has long since abolished the death penalty. Meanwhile, the countries with the worst Corruption Perception Index (between numbers 10-14), namely North Korea, Yemen, South Sudan, Syria, and Somalia, are actually countries that apply the death penalty.

The inherent right to life is an undeniable entitlement of every individual. Extensive UN research has conclusively demonstrated that there is no discernible link between the elimination of criminal activity and the utilization of capital punishment. Although Article 6, paragraph 2 of the Covenant on Civil and Political Rights (ICCPR) still provides rationale for the imposition of the death penalty, this measure is restricted solely to the gravest offenses, specifically gross transgressions against human rights, such as genocide, crimes against humanity, war crimes, and acts of aggression. This mandate excludes criminal acts of corruption. A resolution from the UN Human Rights Council actively promotes the discontinuation of capital punishment. Presently, only a handful of nations, including Indonesia, still retain capital punishment as part of their legal systems. In Indonesia's case, the Revised Penal Code (RKUHP) no longer designates the death penalty as the primary punitive measure; instead, it's considered an alternate recourse. The RKUHP also incorporates a decade-long evaluation period during which, if an individual displays good behavior, their death sentence can be commuted to life imprisonment or a less severe sanction than the initial one. However, the rekindling of the debate regarding the application of the death penalty for corrupt individuals, as proposed by Taufan Perihatin, has once again subjected Indonesia to international scrutiny. This is due to perceptions that the country is displaying noncompliance and a lack of robust dedication to safeguarding human rights.

We all have the same commitment to eradicating corruption, especially in corrupt practices that harm society, so corruption in social assistance funds is very cruel and inhumane, which disappoints all parties. But once again a reflection of social frustration should not be answered with frustration in making policies. massive and systemic governance improvements from the root of the problem can be a strategy for eradicating corruption. Then in terms of the plural culture of corruption in society, for example, by intensifying efforts to educate compliance with the law from an early age and implementing clean government at the government level.

Another illustration of human rights violations in the implementation of elections, behind the democratic party, KontraS regrets that there is still a lack of protection and fulfillment of human rights, both those that occurred before and on election day, 9 April 2014. These actions have resulted in the loss of the right to life, physical injury, material loss, and immaterial. recorded at least 81 incidents of politically motivated violence that occurred during the stages of the 2014 election campaign. The violence included in the form of; vandalism in 44 cases; persecution in 24 cases; Intimidation in 8 cases; shooting in 5 cases; kidnapping in 2 cases; to clashes between masses of political party supporters in as many as 10 cases. As a result of these actions, 7 people died, 48 were injured. In addition to physical victims, there are also material and psychological losses. Violence is generally triggered by ridicule between political party cadres and issues of hatred due to different political parties. These problems then lead to acts of violence that cannot be anticipated by the political parties themselves.

However, due to the lack of political education provided by political parties participating in the election, violence also occurred between cadres from the same political party. On the other hand, members of Ormas affiliated with political parties are also often part of the violent actors. Every democratic event is often colored by various acts of intimidation and violence, up to political assassinations by "OTK [unknown people]". The targets were not only the political elite, but also ordinary civil society, and even 2 young children were victims. KontraS noted that Aceh was the most dominant region for committing violations and violence in the 2014 elections. This was supported by findings on the distribution of politically motivated violence, namely; 61 incidents occurred in Aceh, while 5 incidents occurred in DI Yogyakarta, 5 incidents in Central Java, 3 incidents in East Java, 2 incidents in South Sulawesi, 2 incidents in North Sumatra, while the rest occurred in several areas such as; Bengkulu, Riau, West Sulawesi, Maluku and Papua recorded at least 61 incidents occurring from January to April 6 2014. With details; 6 incidents in January 2014, 9 incidents throughout February 2014, 41 incidents throughout March 2014, and 5 incidents up to 6 April 2014. This uncertain situation is exacerbated by weak law enforcement. The new police officers succeeded in uncovering 15 events from the many cases that occurred. Apart from that, Bawaslu is also unable to do much and is even afraid of facing the violent situation in Aceh. Feuds between political parties for the sake of gaining power by using violent means have not only violated the rules, but have taken away a person's right to life, a sense of security, and the freedom to make political choices. During that time, 6 people died, 27 people were injured as a result of the persecution, and dozens of properties, including party attributes, were damaged and burned. This loss of life and property was caused by several acts of violence, such as; shootings, persecution, vandalism, arson, throwing Molotov cocktails, intimidation, terror, and so on which are increasingly prevalent. Almost all political parties, both local and national, have been the targets and victims of political violence in Aceh. In addition, the targets and victims of violence have also befallen civil society, those who have become victims include; citizens, journalists, and government employees. In fact, 2 of them resulted in the victims being minors, as happened in the grenade incident at the Aceh Party office in Lueng Bata District which occurred on Tuesday night, March 11th, 2014.

Another illustration of human rights can be found in the case of Minister of Youth and Sports (Menpora) Dito Ariotedjo, who addressed the issue concerning the IDR 27 billion in funds he received in the corruption case related to the 4G base transceiver station (BTS) towers. This clarification is a fundamental human right that should be acknowledged as a defense against the allegations. Consequently, this defense was revealed during a press conference after he had been questioned. In response to the accusation of receiving Rp. 27 billion, Dito promptly provided clarification to prevent the circulating issue from lingering. Thus, the suspect did not carry the moral burden of providing an explanation, especially considering Dito's role as a young government minister with the additional responsibility of supporting his family. The Prosecutor's Office granted him the freedom to account for the trust of the public. The clarification submitted to the AGO can be processed in an orderly manner, thereby potentially restoring his reputation.

Another case of corruption can be mentioned in the case of Budi Mulya as a suspect on suspicion of jointly committing unlawful acts or gifts related to the granting of FPJP and the designation of Century as a failed bank which had a systemic impact. Former Head of the National Bank Restructuring Agency (BPPN) Syafruddin Arsyad Tumenggung was sentenced to 15 years in prison

and a fine of IDR 1 billion, subsidiary to 3 months in prison at the appeal level. The appeal decision was read out by the Panel of Judges on January 2nd (Fahriyadi, 2020).

An illustration of the validity of the cases above which have been legally processed in the data below:

Table 1: Validity of Human Rights Protection Cases in Indonesia

No.	Cases	Sources	Process
1.	Crime Corruption bribery special criminal classification/corruption/bribery bribery 689.39M and 6.76 T	Supreme Court Decision No 423 K/PID.SUS/2009 March 11 2009. Suspect Budi Trigunawan	Has been determined through several stages referring to human rights
2.	BLBI Case 1997-1998 Closure of 16 Banks 17T	The Bank Indonesia Liquidity Assistance or BLBI corruption case is considered not only related to criminal violations, but is also classified as a violation of human rights in the educational, economic and social fields. The reason is that the Rp. 147 trillion worth of funds that are stuck should be allocated for people's welfare, building educational facilities and equalizing employment. (Corruption watch)	Sentenced to 15 years in prison, not sentenced to death regarding human rights

Table 2: Reliability of Human Rights Cases without the death penalty

No.	Cases	Sources	Process
1.	Crime Corruption bribery special criminal classification/corruption/bribery bribery 689.39M and 6.76 T	Supreme Court Decision No 423 K/PID.SUS/2009 March 11 2009. Suspect Budi Trigunawan	Without the death penalty in accordance with Article 2 Paragraph 2 of Law 31 of 1999 in conjunction with Law 20/2021
2.	BLBI Case 1997-1998 Closure of 16 Banks 17T	The Bank Indonesia Liquidity Assistance or BLBI corruption case is considered not only related to criminal violations, but is also classified as a violation of human rights in the educational, economic and social fields. The reason is that the Rp. 147 trillion worth of funds that are stuck should be allocated for people's welfare, building educational facilities and equalizing employment. (Corruption watch)	Not subject to the death penalty regarding human rights in accordance with Article 2 Paragraph 2 of Law 31 of 1999 in conjunction with Law 20/2021

This serves as an illustrative example of granting freedom in the context of human rights, which should be accepted by everyone, even when they are merely under investigation. Clarification has the ability to restore the image and trust of a society currently plagued by many uncertainties.

Previously, Deputy Attorney General's investigators from the Special Crimes Division (Jampidsus) at the Indonesian Attorney General's Office announced their intention to question Dito Ariotedjo as a witness in the investigation into alleged corruption involving the provision of BTS infrastructure and supporting infrastructure for Kominfo. This summons seems to be linked to the statement of one of the suspects, namely Irwan Hermawan, who mentioned an alleged flow of money from the project to several parties, including Dito, between November and December 2022, totaling IDR 27 billion. Dito denied receiving these funds and asserted his lack of knowledge regarding the BTS 4G corruption case, which also implicated former Minister of Communication and Information (Menkominfo) Johnny G. Plate.

Dito expressed his readiness to cooperate with the investigation, aiming to dispel any lingering doubts about his involvement. Importantly, it's worth noting that the incident in question occurred before he assumed office as a minister.

From this case, it is evident that those suspected of committing criminal acts are referred to as suspects or defendants who have entered the judicial process. In each examination, they are treated as subjects, not objects of scrutiny. The accusatory principle emphasizes that the focus of examination is the alleged error (criminal act) committed by the suspect or defendant. Therefore, the principle of presumption of innocence, as stipulated in the Criminal Procedure Code, should serve as a guiding principle for law enforcement officials in every investigation.

Regarding the application of the principle of presumption of innocence, M. Yahya Harahap, in his work "Discussion of Problems and Application of the Criminal Procedure Code for Investigation and Prosecution," explains, "The suspect must be placed in a position that respects their human dignity. They should be regarded as subjects, not objects. They are not the subjects of suspicion, but rather the criminal acts they have allegedly committed are the subjects of examination. The direction of the examination is focused on the alleged criminal offense. The suspect should be considered innocent until a final court decision is reached. One of the challenges in law enforcement is the presence of arbitrary treatment by law enforcement officers towards suspects or defendants in the criminal case process. They often receive treatment that contradicts Pancasila and the 1945 Constitution, including violations of their human rights and the principle of presumption of innocence. This arbitrary treatment can largely be attributed to a lack of public awareness and knowledge of the laws in our country. On the other hand, it is exploited by law enforcement officers during the investigative processes, arrests, detentions, and trials, which deviate from the provisions of applicable law. The lack of legal awareness among law enforcers and the general public is a significant factor, preventing the community from realizing their rights, including the right to legal protection, legal advice, and other rights that suspects or defendants should receive. An example of arbitrary actions by law enforcement officers, particularly investigators, includes cases where suspects are subjected to pressure, threats, or physical violence during the investigation to admit to acts they did not commit. This clearly violates the rights of suspects, who are supposed to be treated as legal subjects."

In the Legal System, there are several super body articles that provide immunity to government officials from being prosecuted or corrected through court institutions. Therefore, Article 27 of Perppu Number 1 of 2020 clearly contradicts the 1945 Constitution which states that Indonesia is a country of law so that all government administration can be tested or controlled by law both criminally, civilly, and by the State Administrative Court (Hatane et al., 2021).

In connection with the examination of suspects, the law has established several rights to protect their human rights. These rights are spread across various chapters and articles of the Criminal Procedure Code, including Chapter VI (Article 50 to Article 68) and other articles (Articles 144, 163, and 213). These rights must be respected and upheld, and they should be clearly documented in the suspect's investigation report (BAP) to indicate their fulfillment during the investigation. Some of these rights include:

1. The suspect's right to receive an immediate examination; if detained, they must be examined within one day of detention (Article 50 and Article 122 of the Criminal Procedure Code).
2. When the investigation commences, the suspect has the right to be informed of the allegations against them (Article 51 of the Criminal Procedure Code).
3. During examinations, both at the investigative and court levels, the suspect has the right to provide information freely to investigators or judges (Article 52 of the Criminal Procedure Code).
4. Before the investigator initiates the investigation, they must inform the suspect of their right to obtain legal assistance or be accompanied by a legal advisor, as specified in Article 56 of the Criminal Procedure Code (Article 114 of the Criminal Procedure Code).
5. During the suspect's examination, they must be asked whether they intend to present witnesses who could benefit their case. If so, these witnesses must be recorded in the official report, and the investigator is obligated to question these witnesses (Article 116, paragraphs 3 and 4 of the Criminal Procedure Code).
6. In the event that an object is confiscated from a suspect, the object must be addressed during the examination, and information about the object must be obtained (Article 129, paragraph 1 of the Criminal Procedure Code).
7. Statements given by the suspect to investigators should be provided voluntarily and without coercion from anyone. If the suspect provides information about their involvement in the alleged criminal act, the investigator should record it verbatim according to the suspect's words (Article 117 of the Criminal Procedure Code).

The rights of suspects mentioned above constitute only a portion of the rights guaranteed and protected by law during the handling of criminal cases. This demonstrates that the Criminal Procedure Code respects and upholds human dignity by providing protection and guarantees for the rights of suspects. The primary purpose of regulating the rights of suspects in the Criminal Procedure Code is to establish clear and firm boundaries for the authority of law enforcement officials, thereby safeguarding individuals from arbitrary actions. From a perspective of criminal procedural law, the study of guarantees and protection for suspects primarily aims to ensure that law enforcement is grounded in the pursuit of material truth. By doing so, we can ensure that the ultimate goal of the Criminal Procedure Code is to concretely establish truth and justice in criminal cases.

CONCLUSION

There are quite a number of an allocation on human rights in laws and regulations, has introduced reforms in regulating human rights as stipulated in the articles, as well as the existence of a Pre-Trial institution, as well as human rights regulated principles such as the Presumption of Innocence, meaning that as long as there is no valid court decision, they are still considered innocent, and also the principle that does not discriminate between a person's status.

The right to life is the most basic right that cannot be reduced under any circumstances guaranteed by the Constitution. On the other hand, the death penalty still exists in positive law in Indonesia to prevent and provide a deterrent effect for perpetrators of criminal acts, one of which is for perpetrators of criminal acts of corruption as contained in Article 2 paragraph (2) of Law No. 31 of 1999 jo Law No. 20 of 2001 concerning Corruption Crimes, the limitation of which is the application of the death penalty, but its implementation cannot yet be implemented due to the protection of human rights.

Human rights application form in the Indonesian criminal law system before the court have guaranteed and provided human rights protection from the start of the examination of suspects, the accused has the same position or is equal to the examining official in legal standing.

The implementation of the general discourse has been executed following the guidelines of the Criminal Procedure Code. Nevertheless, instances persist where officials administer actions that deviate from the stipulations outlined in the Criminal Procedure Code.

The contribution of the results of this research is that the research results can be used in the context of implementing the protection of human rights in Indonesia as well as improving the existing system so that it is more in line with expectations. The research results can be input for policymakers in Indonesia, becoming a reference for certainty, usefulness, and justice in accordance with legal objectives.

This research can be used by other researchers outside Indonesia because it is necessary for policymakers to have objective data in order to formulate appropriate policies. Without data, it's like policymakers don't have a map. It is hoped that the objectives of the law, namely certainty, usefulness, and justice, can be implemented in other countries because many countries do not use these objectives.

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