

Unfair Treatment of Criminal Suspects and Systemic Failure in Human Rights Protection within Indonesia's Criminal Justice System

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Abstract

The protection of human rights for criminal suspects constitutes a fundamental element of a criminal justice system governed by the rule of law and the principle of due process. However, law enforcement practices in Indonesia continue to demonstrate persistent structural deficiencies that result in unequal and unfair treatment of suspects. This study critically examines systemic failures in the protection of suspects' human rights, particularly concerning the absence of clear statutory limits on investigation periods, the subjective and repetitive extension of detention, the continued use of coercion and torture during investigative examinations, and the limited access to effective legal assistance, especially for vulnerable groups. Employing a normative legal approach, this research analyzes relevant provisions of the Indonesian Criminal Procedure Code, the Human Rights Law, and international human rights instruments ratified by Indonesia, including the International Covenant on Civil and Political Rights and the Convention Against Torture. The findings reveal a significant gap between normative legal guarantees and their practical implementation, which has enabled abuses of authority by law enforcement officials and undermined fundamental rights such as personal liberty, humane treatment, and the right to a fair trial. The study emphasizes the urgent need for comprehensive criminal justice reform through the clarification of investigation time limits, the strengthening of independent oversight mechanisms, and the expansion of accessible legal aid in order to ensure a more transparent, accountable, and human rights oriented criminal justice system in Indonesia.

Keywords: Human Rights; Suspects; Criminal Law System.

Abstrak

Perlindungan hak asasi manusia bagi tersangka pidana merupakan elemen mendasar dari sistem peradilan pidana yang diatur oleh supremasi hukum dan prinsip proses hukum. Namun, praktik penegakan hukum di Indonesia terus menunjukkan kekurangan struktural yang terus-menerus yang mengakibatkan perlakuan yang tidak setara dan tidak adil terhadap tersangka. Studi ini secara kritis meneliti kegagalan sistemik dalam perlindungan hak asasi manusia tersangka, terutama menyangkut tidak adanya batasan hukum yang jelas pada periode penyelidikan, perpanjangan penahanan yang subjektif dan berulang, penggunaan pemaksaan dan penyiksaan yang berkelanjutan selama pemeriksaan investigasi, dan terbatasnya akses ke bantuan hukum yang efektif, terutama bagi kelompok rentan. Dengan menggunakan pendekatan hukum normatif, penelitian ini menganalisis ketentuan yang relevan dari Kitab Undang-Undang Hukum Acara Pidana Indonesia, Hukum Hak Asasi Manusia, dan instrumen hak asasi manusia internasional yang diratifikasi oleh Indonesia, termasuk Kovenan Internasional tentang Hak Sipil dan Politik dan Konvensi Menentang Penyiksaan. Temuan ini mengungkapkan kesenjangan yang signifikan antara jaminan hukum normatif dan implementasi praktisnya, yang telah memungkinkan penyalahgunaan wewenang oleh aparat penegak hukum dan merusak hak-hak dasar seperti



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kebebasan pribadi, perlakuan manusiawi, dan hak atas pengadilan yang adil. Studi ini menekankan perlunya mendesak reformasi peradilan pidana yang komprehensif melalui klarifikasi batas waktu investigasi, penguatan mekanisme pengawasan independen, dan perluasan bantuan hukum yang dapat diakses untuk memastikan sistem peradilan pidana yang lebih transparan, akuntabel, dan berorientasi hak asasi manusia di Indonesia.

Kata Kunci: Hak Asasi Manusia; Tersangka; Sistem Hukum Pidana.

INTRODUCTION

The criminal law system in Indonesia adheres to the principle of due process of law, which emphasizes the protection of human rights at every stage of the criminal justice process.¹ The Criminal Procedure Code as the main guideline for criminal procedure law regulates the rights of suspects so that they do not experience arbitrary treatment. The principle of the presumption of innocence is also the basis of the criminal justice system, where a person may not be treated as a perpetrator of a crime before a court decision has permanent legal force.² However, in practice, criminal law enforcement still faces various problems, including human rights violations against suspects, which shows an imbalance between regulations and implementation in the field. Various cases show that human rights violations against suspects still often occur in the criminal justice process in Indonesia. Torture and inhumane treatment during the investigation process are still found, both in the form of physical violence and psychological pressure to force a confession.³ The practice of arbitrary detention is also still a problem, where suspects are often detained longer than the specified time limit without clear reasons or adequate supervision.⁴ Legal uncertainty in the maximum limits of investigation is also a problem that can impact the rights of suspects because the lack of certainty about when the legal process will end can cause injustice to individuals who are facing criminal proceedings.

Concrete examples of human rights violations in criminal justice in Indonesia can be seen in various cases that have surfaced to the public. For example, cases of wrongful arrest that resulted in torture, such as those experienced by several suspects in theft or narcotics cases. Some of them were forced to plead guilty even though there was insufficient evidence to fulfill the performance targets of law enforcement officers.⁵ Another case is the existence of suspects who were detained for years without legal certainty and were eventually declared not guilty after going through a long and tiring legal process.⁶ This phenomenon reflects the need for legal reform that places more emphasis on respect for human rights, especially in the investigation and inquiry process

¹ Suswantoro Suswantoro et al., "Perlindungan Hukum Bagi Tersangka Dalam Batas Waktu Penyidikan Tindak Pidana Umum Menurut Hak Asasi Manusia," *Jurnal Hukum Magnum Opus* 1, no. 1 (2018): 43–52, <https://doi.org/10.30996/jhmo.v0i0.1768>.

² Edison N. Butarbutar, "Asas Praduga Tidak Bersalah: Penerapan dan Pengaturannya dalam Hukum Acara Perdata," *Jurnal Dinamika Hukum* 11, no. 3 (2011): 470–79.

³ Indah Maryani et al., "Perlindungan Hukum Atas Hak-Hak Tersangka Tindak Pidana yang Mengalami Kekerasan dalam Proses Penyidikan oleh Penyidik," *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 9, no. 1 (2022): 40–60, <https://doi.org/10.32493/SKD.v9i1.y2022.22498>.

⁴ Sunaryati W. Eddyono, *Prospek Hakim Pemeriksa Pendahuluan dalam Pengawasan Penahanan dalam Rancangan KUHAP* (Institute for Criminal Justice Reform, 2014).

⁵ Arif Rohman, "Perlindungan Hukum Terhadap Terdakwa Salah Tangkap Dalam Sistem Peradilan Pidana," *Jurnal Komunikasi Hukum (JKH)* 3, no. 1 (2017): 26–39, <https://doi.org/10.23887/jkh.v3i1.9242>.

⁶ Jemmy Dedi Rengku, "Alternatif Penyelesaian Pelanggaran Hak Asasi Manusia di Indonesia," *Journal Scientific of Mandalika (JSM)* 6, no. 5 (2025): 2745-5955-2809-0543.

so that the criminal justice system in Indonesia is fairer and oriented towards the principle of human rights protection.

The rights of suspects in the Indonesian criminal law system are regulated in various laws and regulations, especially in the Criminal Procedure Code and Law Number 39 of 1999 concerning Human Rights.⁷ The Criminal Procedure Code guarantees legal protection for suspects through a pre-trial mechanism, as regulated in Article 1 Number 10, which allows suspects or other parties their power to test the legality of an arrest, detention, or termination of an investigation. The rights of suspects also include the right to legal protection, the right to file for compensation and rehabilitation if proven innocent, and the right to receive legal assistance during the trial process.⁸ This provision emphasizes that even though someone has the status of a suspect, their rights must still be respected by the principle of due process of law.

The basic rights of suspects are also recognized in Law Number 39 of 1999 concerning Human Rights, especially Article 33 which states that everyone has the right to be free from torture, punishment, or inhumane treatment and degrading their dignity.⁹ This emphasizes that protection for suspects is not only normative but also part of human rights that must be upheld. The right to the presumption of innocence is a fundamental principle in the criminal justice system, which means that suspects may not be treated as perpetrators of crimes before a court decision has permanent legal force.¹⁰ In addition, suspects also have the right not to be forced to provide information that incriminates them and have the right to refuse torture or pressure during the examination process.

However, in practice, the normative guarantees stipulated in laws and regulations are often not fully implemented. There are still many violations of suspects' rights, such as torture to obtain confessions, detention that exceeds the time limit without a valid reason, and lack of access to legal assistance for suspects who come from vulnerable or disadvantaged groups.¹¹ The pretrial mechanism, which should be a means of controlling the actions of law enforcement officers, sometimes does not run effectively due to various factors, such as bias by officers or weak supervision from related institutions. Therefore, strengthening is needed for the rights protection of suspects so that the criminal justice system in Indonesia truly reflects the principles of justice and respect for human rights.

The imbalance between regulation and implementation in protecting the rights of suspects is one of the main problems in the criminal law system in Indonesia.¹² One form of legal uncertainty that often occurs is the absence of a clear maximum limit during the investigation period, which can result in the detention of suspects for an unreasonable period. It is contrary to the principle of due process of law and can cause injustice to

⁷ Margo Hadi Pura and Hana Faridah, "Asas Akusator dalam Perlindungan Hukum atas Hak Tersangka Berdasarkan Undang-Undang Nomor 8 Tahun 1981 Tentang KUHP," *Jurnal Hukum Sasana* 7, no. 1 (2021): 79–95, <https://doi.org/10.31599/sasana.v7i1.536>.

⁸ Cicilia Sasmita Sarip, "Perlindungan Hukum Bagi Hak Tersangka Dan Konsekuensi Yuridis Pada Pelanggarannya Dalam Penyidikan Perkara Pidana," *Lex Crimen* 9, no. 4 (2020): 206–15.

⁹ Nur Hafizal Hasanah and Eko Soponyono, "Kebijakan Hukum Pidana Sanksi Kebiri Kimia dalam Perspektif HAM dan Hukum Pidana Indonesia," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 3 (2018): 305–17, <https://doi.org/10.24843/JMHU.2018.v07.i03.p03>.

¹⁰ T. Erniyati, "Extrajudicial Killing Terhadap Terduga Pelaku Tindak Pidana Terorisme dalam Perspektif Asas Praduga Tak Bersalah," *Badamai Law Journal* 1, no. 1 (2018): 99–108.

¹¹ Voleta Sela Syahda, "Pengaruh Implementasi Hukum Acara Pidana terhadap Perlindungan Hak Asasi Tersangka dalam Proses Peradilan," *Verdict: Journal of Law Science* 2, no. 2 (2024): 90–101, <https://doi.org/10.59011/vjlaws.2.2.2023.91-102>.

¹² Lies Sulistiani, "Problematisasi Hak Restitusi Korban pada Tindak Pidana yang diatur KUHP dan di luar KUHP," *Jurnal Bina Mulia Hukum* 7, no. 1 (2022): 81–101.

suspects who are not necessarily proven guilty.¹³ Although the Criminal Procedure Code regulates the pretrial mechanism as a form of protection against arbitrary actions, its effectiveness is still often questioned because it is not always able to provide optimal protection for suspects.

The main obstacle in enforcing human rights for suspects is the lack of supervision of law enforcement officers, which often opens up opportunities for abuse of authority.¹⁴ The practice of violence during investigations, arbitrary detention, and pressure on suspects to admit to actions that they have not necessarily committed still often occur. The weakness of the complaint mechanism and sanctions for officers who violate the rights of suspects also worsen the situation.¹⁵ Although there are institutions such as Komnas HAM and the Ombudsman that have the authority to handle human rights violations by law enforcement officers, their effectiveness is still limited, especially in following up on reports and imposing strict sanctions on violators.

In addition to legal factors, social, political, and cultural factors also influence the implementation of human rights protection in the criminal law system in Indonesia. The legal culture that still tends to prioritize a repressive approach toward suspects often causes law enforcement officers to ignore the rights of suspects for the sake of effective case resolution.¹⁶ From a political perspective, intervention in the law enforcement process, either pressure from the authorities or certain interests, also contributes to the inequality of human rights protection.¹⁷ On the other hand, social factors such as the lack of public awareness of the rights of suspects, make the practice of human rights violations in the criminal justice process receive less serious attention.¹⁸ Therefore, more progressive legal reforms are needed as well as strengthening supervision of law enforcement officers so that the principle of human rights protection in the criminal law system can be implemented effectively.

The protection of human rights for suspects is a fundamental element in a just and democratic criminal law system. It ensures that every individual, including those suspected of committing a crime, still has basic rights that must be respected.¹⁹ Human rights violations against suspects, such as torture, arbitrary detention, and neglect of the right to legal assistance, not only damaged the individuals concerned but also damaged

¹³ Bahrani Basri, "Penetapan Tersangka Menurut Hukum Acara Pidana dalam Perspektif Hak Asasi Manusia," *Syariah: Jurnal Hukum dan Pemikiran* 17, no. 2 (2017): 220–39, <https://doi.org/10.18592/sy.v17i2.1972>.

¹⁴ Mula Juliana and Muhammad Iqbal, "Tindak Pidana Penyalahgunaan Wewenang Yang Dilakukan Oleh Penyidik POLRI (Suatu Penelitian Di Bidang Profesi Dan Pengamanan Polda Aceh)," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 1, no. 1 (2017): 113–21.

¹⁵ Petra Oudi Zainal Abidin, "Selviani Sambali, dan Roy Ronny Lembong. "Perlindungan Hak-Hak Tersangka Terhadap Potensi Pelanggaran Penyidik Berdasarkan KUHAP," *Lex Administratum* 10, no. 2 (2022).

¹⁶ Bing Waluyo, "Sahnya Perkawinan Menurut Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Jurnal Media Komunikasi Pendidikan Pancasila Dan Kewarganegaraan* 2, no. 1 (2020): 193–99.

¹⁷ Donie Wardhana and Erny Herlin Setyorini, "Eksistensi Advokat Dalam Penegakan Hukum Di Indonesia," *Quantum Juris: Jurnal Hukum Modern* 7, no. 1 (2025).

¹⁸ Fadli Nur Wana Kurniawan, "Optimalisasi Bantuan Hukum Demi Terwujudnya Keadilan Bagi Rakyat Miskin (Studi Kasus Hak Terdakwa Yang Tidak Mampu Dari Segi Ekonomi Untuk Memperoleh Bantuan Hukum Terhadap Kejahatan Yang Dilakukannya Dalam Proses Peradilan Pidana)," *The Digest: Journal of Jurisprudence and Legisprudence* 1, no. 2 (2020): 105–32.

¹⁹ Arfiani Arfiani Arfiani, "Penegakan Hukum Sesuai Prinsip Peradilan yang Berkepastian, Adil dan Manusiawi: Studi Pemantauan Proses Penegakan Hukum Tahun 2020," *Riau Law Journal* 6, no. 1 (2022): 48–74, <https://doi.org/10.30652/rlj.v6i1.7938>.

the credibility of the justice system as a whole, creating public distrust of law enforcement officers. Unbalanced and repressive judicial practices have the potential to give rise to abuse of authority and strengthen impunity for perpetrators of human rights violations. Therefore, reform in criminal law is urgent to ensure that the criminal justice system not only focuses on law enforcement but also provides balanced protection for individual rights, so that the principles of justice and legal certainty can truly be realized.

This study aims to analyze the extent to which the criminal law system in Indonesia provides protection of human rights (HAM) for suspects, both in normative and implemented aspects. In addition, this study attempts to identify various problems that still occur in the practice of protecting human rights for suspects, such as abuse of authority, legal uncertainty, and weak mechanisms for monitoring and enforcing sanctions against human rights violations. By understanding the root of these problems, this study also aims to offer solutions and recommendations that can be applied to improve human rights protection in the criminal justice system, so that a balance is created between law enforcement and respect for individual rights following the principles of justice and democracy.

RESEARCH METHODS

This research adopts a normative legal research method employing both a statutory approach and a conceptual approach. The statutory approach is used to examine legal norms governing the protection of suspects' rights within Indonesia's criminal justice system, particularly the Indonesian Criminal Procedure Code, Law Number 39 of 1999 on Human Rights, and relevant international human rights instruments ratified by Indonesia. Meanwhile, the conceptual approach is applied to analyze doctrines and theoretical frameworks concerning due process of law, fair trial standards, and human rights protection in criminal proceedings. The study relies on secondary legal materials, including legislation, legal scholarship, and judicial decisions, which are systematically analyzed to assess the adequacy of existing legal frameworks and to formulate prescriptive recommendations for strengthening human rights protection for suspects within the Indonesian criminal justice system.

RESULTS AND DISCUSSION

Problems of Human Rights Protection for Suspects in the Criminal Law System

The unclear maximum limit of the investigation period in the criminal law system in Indonesia may create legal uncertainty for suspects. Although the Criminal Procedure Code has regulated the investigation process in Article 110, which requires investigators to immediately submit case files to the public prosecutor after the investigation is completed, this provision still has loopholes in practice. One of the main obstacles is the absence of a time limit regarding when an investigation must be considered complete, especially in cases that are returned by the public prosecutor to be completed. As a result, the investigation process can take place without any time certainty for the suspect to remain in an unclear legal status.

The extension of the detention period regulated in Article 29 of the Criminal Procedure Code is also a problem that can have implications for the suspect's rights. The article does provide a maximum time limit for the extension of detention, but the reasons used for the extension, such as the suspect's physical or mental disorders and the threat of a sentence of nine years or more, are still subjective and can be exploited unfairly.²⁰ In

²⁰ Alfajri Firmansyah, "Tinjauan Hukum Kewenangan Jaksa dalam Pemeriksaan Tambahan menurut Asas Dominus Litis Berdasarkan KUHAP," *Jurnal Hukum Jurisdictie* 2, no. 1 (2020): 54–80, <https://doi.org/10.34005/jhj.v2i1.19>.

practice, extensions of detention are often carried out repeatedly on the grounds that the investigation has not been completed, so that the suspect is forced to remain in detention without obvious legal certainty. It is contrary to the principle of human rights protection, especially the right to liberty and the right to be tried within a reasonable time.

Uncertainty during the investigation has harmed many suspects, especially in cases involving political or economic interests. For example, there are cases where a person is detained for a long time without clarity on their legal status due to a protracted investigation. Practices like this not only harm the suspect individually but also reflect the weakness of the criminal justice system in guaranteeing legal certainty. Therefore, reforms are needed in the investigation system, including the implementation of stricter time limits and more effective oversight mechanisms to ensure that the suspect's rights are protected following the principles of a democratic state of law.

The practice of torture and inhumane treatment during the investigation process is a serious violation of human rights, and is contrary to the principles of justice in the criminal law system. Indonesia already has several regulations that prohibit this practice, both in national law and in ratified international instruments. Law No. 39 of 1999 concerning Human Rights explicitly prohibits all forms of torture, cruel treatment, and acts that degrade human dignity as regulated in Article 33. In addition, Indonesia has also ratified the Convention Against Torture and Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) through Law No. 5 of 1998, which binds the state to prevent and punish perpetrators of torture in the criminal justice system.

Although torture is legally prohibited, the facts on the ground show that this practice still occurs, especially in the investigation process by law enforcement officers. One form of violation that often occurs is forced confessions through physical or psychological violence. Several reports from human rights organizations and the National Human Rights Commission reveal that suspects often experience intimidation, beatings, or threats to get them to confess to acts that they may not have committed. This shows that even though regulations exist, their implementation is still weak and law enforcement officers still tend to use violence as the main method in obtaining confessions from suspects.

Obstacles in efforts to prevent the practice of torture are also still quite significant. The lack of supervision of law enforcement officers, weak complaint mechanisms for victims, and the absence of strict sanctions against perpetrators of torture are the main factors that cause this practice to continue. Article 34 of the Human Rights Law emphasizes that no person may be arrested or detained arbitrarily, but in practice, detention that violates the rights of suspects still often occurs. In addition, the accountability mechanism for officers who commit torture often does not run effectively due to the culture of impunity in law enforcement institutions. Therefore, stricter legal reform is needed, including strengthening the supervision mechanism and imposing heavier sanctions on officers who are proven to have committed acts of torture, to ensure that the rights of suspects are protected at every stage of the investigation process.

The right to legal assistance for suspects is a fundamental part of the principle of fair trial which is guaranteed in various legal regulations in Indonesia. The Criminal Procedure Code explicitly stipulates that every suspect has the right to obtain legal assistance from the investigation stage, especially for those who are threatened with imprisonment of more than five years by Article 56 of the Criminal Procedure Code. In addition, Law Number 18 of 2003 concerning Advocates and Law Number 16 of 2011 concerning Legal Aid also regulate the state's obligation to provide free legal assistance

for the underprivileged. This regulation aims to ensure that every individual, regardless of social or economic status, receives fair legal protection in the criminal justice process.

However, in practice, many suspects face obstacles in obtaining adequate legal assistance. One of the main obstacles is the limited number of pro bono advocates willing to handle cases of underprivileged suspects. In addition, legal awareness among the public is still low, so many suspects do not know their right to receive legal assistance. Bureaucratic obstacles complicate access to legal assistance, such as complicated administrative procedures and a lack of coordination between investigators, courts, and legal aid institutions. As a result, many suspects, especially those from vulnerable groups, undergo the legal process without adequate assistance.

Lack of access to legal assistance can have serious impacts on criminal justice. Suspects who do not have legal representation are more vulnerable to unfair criminalization, including forced confessions and non-transparent legal processes. In addition, disparities in the treatment of suspects from certain social groups, such as the poor and marginalized, further exacerbate the inequality in the justice system. Without effective legal assistance, suspects' rights are potentially neglected undermining public trust in the legal system and the principles of justice in Indonesia. Therefore, reforms in the legal aid system, including increasing the number of pro bono advocates and simplifying procedures for accessing legal aid, are urgently needed.

Impact of Lack of Human Rights Protection for Suspects

Fundamental rights for suspects in the legal process have been regulated by various national and international legal instruments. The Criminal Procedure Code guarantees the right of suspects to obtain legal assistance, the right not to be treated inhumanely, and the principle of presumption of innocence. Meanwhile, international standards such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) which have been ratified by Indonesia also emphasize the prohibition of the practice of torture and the obligation to ensure a fair legal process. Unfortunately, in practice, these rights are often not implemented optimally, resulting in violations of the rights of suspects at various stages of the legal process.

The weak implementation of human rights protection in the criminal justice system has opened up space for abuse of authority by law enforcement officers. The practice of torture to obtain confessions from suspects still often occurs, even though it is prohibited by law. In addition, there are cases of arbitrary detention that exceed the investigation time limit without clear reasons. Restrictions on access to legal assistance are also a significant problem, especially for suspects from disadvantaged groups. Many suspects do not know their rights or do not have access to advocates who can defend their interests, making them vulnerable to injustice in the legal process.

The lack of firmness of the authorities in enforcing the principle of due process of law has harmed suspects. For example, there are cases where suspects are forced to confess under pressure or experience physical violence during questioning, which are later found to be false confessions. In addition, in some cases, suspects must wait years in detention before their cases are tried, even though they should receive fair and speedy treatment in the legal process. This situation shows that without serious efforts to improve the justice system and enforce human rights protection, the rights of suspects will continue to be ignored, which will ultimately damage the integrity of the law and public trust in the criminal justice system.

Discrimination in the criminal justice system often occurs against groups in society who have less access to legal resources, such as the poor, marginalized groups, or

individuals with low levels of education. This inequality is caused by various factors, including financial constraints to hire lawyers, lack of understanding of legal rights, and bias in law enforcement. In many cases, suspects from vulnerable groups tend to face harsher treatment, such as longer detention or non-transparent legal procedures. Meanwhile, those with more influence or resources tend to receive fairer treatment, including easier access to parole or reduced sentences.

The lack of human rights protection in the criminal justice system also widens the gap in treatment between suspects who have legal representation and those who do not. Suspects who are represented by a lawyer have a greater chance of receiving an effective defense, appealing their case, or even getting their sentence reduced. In contrast, suspects who do not have access to legal assistance are often forced to face the legal process alone, without an adequate understanding of their rights. As a result, they are more vulnerable to unfair criminalization or receiving heavier sentences than those who have adequate defense.

The impact of discrimination against suspects is not only limited to the severity of the sentences imposed but includes injustice in the investigation and trial stages. In some cases, suspects from certain groups are subjected to more stringent and protracted investigations without a clear legal basis, while individuals from more powerful social groups can more easily obtain leniency or have their investigations terminated. This shows that discrimination in the criminal justice system not only harms the individuals who experience it but damages the principle of legal justice as a whole. If this inequality continues without any improvement efforts, public trust in the justice system will continue to decline, which could ultimately threaten the supremacy of law and justice in Indonesia.

Human rights violations in the criminal justice system can undermine the legitimacy of the law and reduce public trust in law enforcement institutions. When law enforcement officers torture, detain arbitrarily or restrict suspects' access to legal aid, the public will see the justice system as a tool of repression rather than an institution that upholds justice. As a result, many individuals are reluctant to report crimes or cooperate with law enforcement because they feel that the system prioritizes power over protecting citizens' rights. This is dangerous because legal legitimacy depends on public trust that the justice system acts fairly and by the principle of due process of law.

Injustice in the criminal justice system can also trigger social instability and increase the potential for wider human rights violations. When the public witnesses discriminatory treatment of suspects, such as differentiating treatment based on social or economic status, dissatisfaction and distrust of the government arise. In extreme cases, this can trigger social tensions, demonstrations, or even resistance to legal authorities. In addition, if human rights violations in the investigation and trial process are allowed to continue, there will be a domino effect where law enforcement officers will feel increasingly free to act arbitrarily, worsening the state of law and justice in the country.

Without reforms in the criminal law system to strengthen human rights protection, the public will become increasingly skeptical of legal justice, which could ultimately weaken the rule of law in Indonesia. If the public feels that the law does not provide fair protection, they will be more likely to seek extrajudicial means to resolve problems, such as taking the law into their own hands or avoiding interaction with the legal system altogether. It not only weakens the authority of the law but also opens up space for increased crime and social disorder. Therefore, reforms that focus on protecting the rights of suspects, strengthening the supervision of law enforcement officers, and increasing

transparency in the judicial process are urgently needed to maintain public trust in the law and justice in Indonesia.

Efforts That Can Be Made to Improve Protection of Human Rights for Suspects

The criminal law system in Indonesia regulates time limits in the investigation and detention process of suspects as stated in the Criminal Procedure Code. However, in practice, unclear rules and weak implementation often lead to prolonged detention without legal certainty. This can happen because law enforcement officers have the freedom to interpret the reasons for extending detention or delaying the investigation process without a strong legal basis. As a result, suspects can experience violations of their rights, especially the right to immediately receive a court decision and the right to freedom from arbitrary detention.

To prevent abuse of such authority, there needs to be stricter regulatory reform in determining the time limit for investigations and accountability mechanisms for law enforcement officers who violate these rules. One recommendation is to tighten the supervision of investigators in implementing detention extensions, as well as to provide strict sanctions for officers who deliberately slow down the investigation process without a valid reason. In addition, strengthening the role of pretrial judges in evaluating the legality of detention can be an important instrument to suppress the abuse of authority that often occurs in the criminal justice system in Indonesia.

The weak oversight mechanism for law enforcement officers in handling suspects is one of the main factors causing human rights violations in the criminal justice process. Currently, the internal mechanisms owned by the police and prosecutors are often ineffective due to conflicts of interest in prosecuting violations committed by their officers. Meanwhile, external oversight mechanisms such as those carried out by the National Police Commission, the Prosecutor's Commission, and the Ombudsman are still limited in their authority and scope of supervision. This has led to the practice of abuse of authority, such as torture of suspects, arbitrary detention, and legal discrimination, still often occurring without firm legal consequences for officers who violate.

To improve this condition, the supervision of law enforcement officers must be strengthened by increasing transparency in the investigation and prosecution process, including through independent audit mechanisms and more open public oversight. In addition, the public complaint system against actions by officers who violate the law must be more easily accessible and guaranteed security so that victims are not afraid to report. Stricter sanctions for officers who are proven to have committed violations, including dismissal and criminal charges, must be applied so that there is a real deterrent effect in law enforcement institutions.

Lack of understanding of law enforcement officers regarding human rights standards in criminal proceedings is often a major factor in violations against suspects. Many investigators, prosecutors, and judges do not fully understand or implement the principles of human rights protection in every stage of criminal justice. It forces torture to obtain confessions, discrimination against certain groups, and denial of access to legal aid to still occur at various levels of the legal process. To overcome this, regular training and education are needed for law enforcement officers so that they understand and apply human rights principles by national and international standards.

The public also needs to be given legal education so that they understand the rights of suspects in the criminal justice system. Low legal literacy often causes the public to be unaware that their rights have been violated or not to dare to seek justice. Therefore, socialization regarding the rights of suspects, fair legal procedures, and complaint

mechanisms for human rights violations must continue to be improved. With increasing legal awareness in the community, public supervision of the performance of law enforcement officers can be more effective, thereby reducing the potential for abuse of authority in the criminal justice system.

Law Number 16 of 2011 concerning Legal Aid has provided a legal basis for suspects who cannot afford to receive free legal assistance. However, in practice, the implementation of this policy still faces many obstacles, such as the limited number of pro bono advocates, lack of funding for legal aid organizations, and weak coordination between legal aid institutions and law enforcement officers. As a result, many suspects from vulnerable groups do not get access to proper legal defense, making them vulnerable to injustice in the criminal justice process.

To optimize the role of legal aid institutions, the government must increase the budget and support for organizations that provide legal aid services. Apart from that, cooperation with law universities and bar associations needs to be increased to increase the number of pro bono advocates who are ready to assist suspects in need. In addition, there needs to be a faster and more efficient mechanism to ensure that every suspect who cannot get direct access to legal assistance from the investigation stage so that the principle of due process of law can be truly upheld in the criminal justice system in Indonesia.

CONCLUSION

Criminal law enforcement in Indonesia still faces various serious problems that influence the protection of human rights for suspects. One of the main problems is the unclear maximum limit of the investigation which causes legal uncertainty, exacerbated by extending detention which is often carried out subjectively without a clear objective basis. The situation not only opens up space for abuse of authority by law enforcement officers but also may violate the basic principles of justice and human rights. Although normatively the Criminal Procedure Code and international instruments such as the ICCPR and CAT have guaranteed the fundamental rights of suspects, such as legal assistance, the presumption of innocence, and humane treatment, the practice of torture and restrictions on access to legal assistance still occur, especially against vulnerable groups who are often criminalized without adequate legal assistance. This inequality creates discrimination in the criminal justice system, weakens the legitimacy of the law, and reduces public trust in judicial officers and institutions.

To overcome these problems, comprehensive reform is needed in the Indonesian criminal justice system, especially in the investigation stage. This reform must include tightening regulations on investigation time limits so that there is no longer any legal ambiguity that is detrimental to suspects, strengthening the supervision system for law enforcement officers to prevent abuse of authority, and increasing access to effective and equitable legal aid for all levels of society, especially for marginalized groups. Additionally, understanding and human rights principles application in the criminal process need to be strengthened through legal education and proceeding training for officers and counseling for the general public. Optimizing the role of legal aid institutions is also crucial in ensuring legal protection for indigent suspects. Transparent, accountable, and human rights-based reforms are urgently needed so that the criminal justice system in Indonesia can truly uphold justice, prevent arbitrary criminalization, and ensure optimal protection of human rights.

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