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HUMAN RIGHTS PROTECTION IN THE INDONESIAN CRIMINAL JUSTICE SYSTEM

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Nurfadilah Djafar

Faculty of Law, Universitas Negeri Gorontalo*, djafarnurfadilah@gmail.com*

Abstract: *Protecting human rights remains a fundamental concern in the criminal justice system, particularly in ensuring that law enforcement practices align with principles of justice and human dignity. Although Indonesia has established a strong constitutional and legal framework to safeguard human rights, significant challenges persist in its practical implementation, especially within criminal law enforcement. This study analyzes the role of criminal law in protecting human rights and examines how Indonesia's criminal justice system implements and challenges human rights protection. This research uses a normative legal research method with a juridical-normative approach, using statutory and conceptual approaches to analyze relevant legal provisions, doctrines, and principles. The study collects legal materials through a comprehensive literature review and analyzes them qualitatively using deductive reasoning. The findings indicate that criminal law plays a crucial role in protecting human rights by limiting state power, safeguarding suspects' and defendants' procedural rights, and ensuring protection and recovery for victims. However, a significant gap remains between normative legal standards and their implementation in practice, as reflected in issues such as coercive interrogation practices, disproportionate detention, and abuse of authority by law enforcement officials. Therefore, this study emphasizes strengthening the criminal justice system through improved professionalism, stronger oversight mechanisms, and legal reforms better aligned with human rights principles, ensuring criminal law functions not only as a tool of punishment but also as a framework for protecting human dignity and fundamental rights.*

Keywords: *Human Rights Protection; Criminal Law; Criminal Justice System; Law Enforcement; Indonesia*

I. INTRODUCTION

Human rights are inherent and fundamental rights attached to every individual by virtue of being human. These rights uphold human dignity by balancing individual freedoms with society's broader interests. Protecting human rights is therefore not only a moral obligation but also a legal responsibility shared by individuals, law enforcement authorities, and the state. In modern constitutional systems, written

constitutions formally recognize and guarantee human rights, reflecting their central role in shaping legal and institutional frameworks.[1]

As a state governed by law, Indonesia affirms this principle under Article 1(3) of the 1945 Constitution, which establishes law as the supreme foundation of governance. The Constitution explicitly protects human rights in Articles 28A to 28J, requiring the state to respect, protect, and fulfill all citizens' fundamental rights without discrimination. This framework reflects the rule of law principle, where law limits governmental power, ensuring equality before the law and protecting individual rights against arbitrary action.[2]

In the Indonesian criminal law system, criminal offenses fundamentally violate human rights, particularly those related to life, liberty, and personal integrity. However, criminal law's role extends beyond substantively regulating offenses. It also encompasses procedural safeguards in the criminal justice process, including investigation, prosecution, and adjudication, all of which must meet human rights standards. In this context, criminal law functions not only as an instrument of punishment but also as a mechanism for protecting human dignity.[3] Previous studies have emphasized criminal law's normative role in safeguarding human rights and highlighted the importance of due process, fair trial guarantees, and the protection of suspects, defendants, and victims. Nevertheless, these studies often focus primarily on legal provisions and theoretical frameworks, with limited attention to the persistent gap between normative standards and their practical implementation. This gap remains a critical issue in many developing legal systems, including Indonesia.[4]

In practice, enforcing criminal law may paradoxically lead to human rights violations. Issues such as disproportionate detention, coercive interrogation practices, abuse of authority, and limited access to legal assistance continue to be

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[1] K. Hadji, Devina Angelica, Efi Lailatun Nisfah, Erlingga Savril Maharani, Herfita Ayu Nayla, & Clara Oktaviana, "Perlindungan Hukum Terhadap Hak Asasi Manusia Dalam Hukum Tata Negara," *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora*, Vol. 2, No. 3 (2024), 25–33; A. Kumar, "Legal and Constitutional Concept of Human Rights," *Knowledgeable Research: A Multidisciplinary Journal*, Vol. 1, No. 10 (2023), 52–67

[2] I. Atma, "Implementation and Consequences of the Rule of Law and Human Rights," *International Journal of Contemporary Sciences (IJCS)*, Vol. 2, No. 1 (2024), 1–12; H. B. Widjayanto & Y. T. Hartanto, "The Rule Of Law, The Constitution, And Democracy In Indonesian State Administration Practice," *International Journal of Law, Crime and Justice*, Vol. 2, No. 4 (2025).

[3] I. Karina, Suhendar Suhendar, Kaharuddin Syah, & Anastasia Sarjono, "The Development of Criminal Law in the Context of Human Rights Protection: Analysis and Implementation," *Jurnal Sosial Humaniora Dan Pendidikan*, Vol. 4, No. 1 (2025), 702–714; E. P. Ningsih, "Protection of Human Rights in the Investigation Process Criminal Offenses in Indonesia," *Journal of Strafvordering Indonesian*, Vol. 1, No. 2 (2024), 6–12.

[4] D. Ario, S. A. Situngkir, F. Situngkir, & Elviandri, "Living Law, Kepastian Hukum, dan Hak Asasi Manusia: Politik Hukum dalam KUHP 2023 di Indonesia," *Lentera*, Vol. 7, No. 1 (2025), 31–42;

reported. These conditions indicate a tension between the objectives of law enforcement and the obligation to uphold human rights. The persistence of such challenges suggests that the protection of human rights within the criminal justice system has not yet been fully realized.[5] Based on these concerns, this study aims to analyze the role of criminal law in protecting human rights in Indonesia and to examine the implementation and challenges of human rights protection within the criminal justice system. The significance of this research lies in its effort to provide a comprehensive legal analysis that bridges the gap between normative legal principles and their practical application, thereby contributing to the development of a more human rights-oriented criminal justice system.

II. RESEARCH METHODS

This study employs a normative legal research method, which focuses on analyzing law as a system of norms, principles, doctrines, and legal rules. Normative legal research is used to examine legal issues through a comprehensive review of statutory regulations, legal concepts, and scholarly literature in order to provide systematic and reasoned solutions to the problems under study. This approach is particularly relevant for assessing the role of criminal law as both a regulatory framework and a mechanism for the protection of human rights.[6]

The research adopts a juridical-normative approach, which relies on existing positive law as the primary basis of analysis. Specifically, this study applies two main approaches: the statute approach and the conceptual approach. The statute approach is used to analyze relevant legal provisions governing human rights and criminal law in Indonesia, while the conceptual approach is employed to examine legal doctrines and theoretical perspectives related to human rights protection within the criminal justice system. These approaches enable a more comprehensive understanding of how criminal law functions not only as a tool of enforcement but also as an instrument for safeguarding the rights of individuals, particularly suspects and defendants.[7] The legal materials used in this study consist of primary, secondary, and tertiary sources relevant to human rights and criminal law. Primary legal materials include statutory regulations, while secondary materials consist of academic literature such as books and journal articles. Tertiary materials are used to support and clarify legal concepts. Data collection is conducted through a

[5] N. Hung, T. T. Hanh, & T. T. T. Nhung, "The Issue of Human Rights Protection in International and Vietnamese Criminal Law," *Multidisciplinary Reviews*, Vol. 7, No. 7 (2024), 2024135; P. T. Karisma & Y. P. Anggellina, "Konflik antara Hak Asasi Manusia dan Kepentingan Publik dalam Penegakan Hukum Pidana: Studi Kasus Kontemporer," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, Vol. 5, No. 2 (2023). 2297–2306.

[6] E. Suhadi, "Penerapan Metode Penelitian Hukum Normatif dalam Studi Tindak Pidana Korupsi di Indonesia," *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik*, Vol. 4, No. 1 (2026), 15–28.

[7] R. Ridwan dan I. Setiawan, "Kajian Yuridis Terkait Hak-Hak Tersangka Menurut Hukum Positif," *Syntax Literate; Jurnal Ilmiah Indonesia*, Vol. 8, No. 10 (2023).

literature review, as this research relies on document analysis rather than empirical fieldwork. The analysis of legal materials is carried out qualitatively using deductive reasoning. This method involves drawing conclusions from general legal norms and principles to address specific issues related to protecting human rights in criminal law enforcement. Through this analytical framework, the study aims to produce a structured and argumentative legal analysis that aligns with the research objectives.[8]

III. ANALYSIS AND DISCUSSION

The findings indicate that criminal law in Indonesia plays a significant role in protecting human rights. This role is reflected not only in the formulation of criminal offenses but also in the procedural safeguards embedded within the criminal justice system. Based on the normative analysis, three main dimensions of human rights protection within criminal law can be identified: limitation of state power, protection of suspects and defendants, and protection of victims. To provide a clearer overview, Table 1 summarizes these dimensions:

Table 1. ***Dimensions of Human Rights Protection in Indonesian Criminal Law***

Dimension	Description	Human Rights Aspect
Limitation of State Power	Restriction on arbitrary actions by law enforcement authorities	Protection from abuse of power, torture, and unlawful detention
Protection of Suspects/Defendants	Procedural rights during investigation and trial	Fair trial, legal assistance, presumption of innocence
Protection of Victims	Provision of restitution, compensation, and legal protection	Right to justice, recovery, and security

The first dimension emphasizes that criminal law serves as a mechanism to limit the power of the state. Law enforcement authorities are required to operate within legal boundaries and are prohibited from engaging in arbitrary or abusive practices. This reflects the fundamental principle of the rule of law, where the exercise of power

[8] F. A. Rahman, I. G. A. P. Arimbawa, R. Rostini, & A. F. Muhammad, "Law Enforcement and Human Rights Protection in Public Administration: A Qualitative Approach to the Implementation of Public Policy," *Jurnal Ilmiah Ilmu Administrasi Publik*, Vol. 14, No. 1 (2024), 303.

must always be subject to legal constraints. The second dimension relates to the protection of suspects and defendants. Despite being accused of committing a crime, individuals retain their fundamental rights, including the right to a fair trial, legal representation, and protection from inhumane treatment. These safeguards are essential to ensure that justice is administered fairly and without bias. The third dimension highlights the protection of victims within the criminal justice system. Victims are entitled to legal protection, compensation, and restitution, as well as protection from intimidation or retaliation. This shows that criminal law is not solely oriented toward punishing offenders but also toward restoring victims' rights and dignity. Overall, the findings confirm that, at a normative level, Indonesian criminal law has incorporated key principles of human rights protection within its legal framework.

Despite the strong normative framework, this study finds that the implementation of human rights protection within Indonesia's criminal justice system remains inconsistent. A significant gap persists between legal provisions and practical enforcement, which undermines the effectiveness of human rights safeguards.[9] One of the major challenges identified is the occurrence of coercive practices during the investigation stage, including the use of pressure or violence to obtain confessions. Such practices contradict fundamental human rights principles and indicate weaknesses in oversight mechanisms. In addition, pre-trial detention is often disproportionate, raising concerns about violations of personal liberty.[10] Another critical issue is the limited access to legal assistance, particularly for marginalized groups. Although the law guarantees the right to legal counsel, in practice, not all individuals can effectively exercise this right. This condition creates inequality before the law and weakens the principle of a fair trial.[11]

Furthermore, the study identifies the persistence of abuse of authority among law enforcement officials. Weak supervision and a lack of accountability mechanisms contribute to this problem, allowing human rights violations to occur without adequate consequences. These issues highlight the need for institutional reform and stronger enforcement of ethical and legal standards.[12] Beyond institutional

[9] D. Darmawati, "Efektivitas Penegakan Hak Asasi Manusia dalam Hukum Positif Indonesia," *Legal Studies Journal*, Vol. 5, No. 1 (2025), 12–19.

[10] A. M. Banjarnahor & L. Sihotang, "Praperadilan Sebagai Upaya Perlindungan Hak Asasi Tersangka dalam Proses Penyidikan," *Journal of Administrative and Social Science*, Vol. 7, No. 1 (2026), 255–268; A. K. Singh, "The Shattered Pillar of Justice: Human Rights Violations through Unfair Investigation and Trial in India's Criminal Justice Framework," *International Journal of Advanced Academic Studies*, Vol. 7, No. 8 (2025), 87–94.

[11] V. Shukla, "Pathways to Justice: Expanding Access for Everyone," *Asian Law & Public Policy Review*, Vol. 08 (2023).

[12] D. A. Kurniawan & K. Herman, "Strategy for Increasing Police Accountability and Professionalism through Evaluation of Preventive and Repressive Efforts against Authority Abuse," *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik*, Vol. 3, No. 3 (2025). 166–176.

challenges, broader structural issues also affect human rights protection, including discrimination, gender-based vulnerabilities, and limits on freedom of expression. These factors indicate that criminal law cannot address human rights protection through legal reform alone; it requires a comprehensive approach involving multiple stakeholders.[13] Therefore, strengthening human rights protection in Indonesia's criminal justice system requires several strategic efforts, including improving the professionalism of law enforcement officials, enhancing oversight mechanisms, and reforming legal regulations to better align with human rights principles. These measures are essential to bridge the gap between normative ideals and practical realities.

IV. CONCLUSION

This study concludes that criminal law plays a fundamental role in protecting human rights within Indonesia's legal system. Its function extends beyond imposing sanctions, encompassing the limitation of state power, the protection of suspects' and defendants' procedural rights, and the provision of justice and recovery for victims. These elements demonstrate that criminal law, when properly implemented, serves as an essential instrument for safeguarding human dignity and ensuring the realization of the rule of law. However, this study also finds that the implementation of human rights protection in Indonesia's criminal justice system remains inconsistent. Persistent challenges, including coercive practices during investigations, disproportionate use of detention, and abuse of authority by law enforcement officials, indicate a significant gap between normative legal frameworks and their practical application. This gap undermines the effectiveness of legal protections and raises concerns about the actual enforcement of human rights principles.

In light of these findings, strengthening human rights protection within the criminal justice system requires a more integrated and consistent approach. This includes enhancing the professionalism and accountability of law enforcement authorities, improving oversight mechanisms, and ensuring broader access to legal assistance. In addition, legal reforms should align criminal law practices more closely with human rights standards. These efforts are essential to transform criminal law from a merely punitive system into a more balanced and human-centered framework that effectively protects the rights of all individuals.

[13] A. Abrori, "Legal Study on Human Rights Protection in Cases of Violence against Women and Children," *Journal of Scientific Insights*, Vol. 2, No. 2 (2025), hlm. 127–139; S. Shanthakumar, "Human Rights and Criminal Law: Navigating the Intersection of Justice and Liberty," *Indian Journal of Law*, Vol. 2, No. 5 (2024), 26–31

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