

INTERNATIONAL JOURNALOF LAW AND CONSTITUTION STUDY

Journal home page: https://jurnal.asrypersadaquality.com/index.php/ijlacos

THE APPLICATION OF FAIR TRIAL PRINCIPLE IN INDONESIA'S CRIMINAL JUSTICE PRACTICE

Dina Mariani Siregar,Bagus Herlambang,Abdilbar Alfahrizy,Alfa Cigny

Bachelor of Law Study Program, Faculty of Sharia and Law,State Islamic University of North Sumatra,Indonesia

Dinamarianis24@gmail.com attarxabiru@gmail.com arctyc1@gmail.com abdifarizi@gmail.com

Abstract

The idea of a fair trial requires significant attention from the government since it serves as a tangible reflection of efforts to realize fundamental human rights. When these rights are neglected or violated by authorities whose duty is to maintain justice and equality, it creates a serious issue that must be addressed through effective legal protections. By safeguarding the fair trial principle, injustices can be reduced, supporting the achievement of justice and equality as mandated in Pancasila and the 1945 Constitution of the Republic of Indonesia. This study adopts a qualitative approach using a literature review method. The findings reveal that all elements encompassed within the fair trial principle must be assured and preserved. Any form of torture, inhumane or degrading acts, arrests without sufficient evidence, or criminal accusations made without the individual's awareness must be strictly prohibited. Academically, this paper contributes to enhancing understanding of fair trial rights within the broader context of humanrightsprotection

Keyword: Human Rights, Protection, Fair Trial

INTRODUCTION

The idea of a fair trial requires significant attention from the government since it serves as a tangible reflection of efforts to realize fundamental human rights. When these rights are neglected or violated by authorities whose duty is to maintain justice and equality, it creates a serious issue that must be addressed through effective legal protections. By safeguarding the fair trial principle, injustices can be reduced, supporting the achievement of justice and equality as mandated in Pancasila and the 1945 Constitution of the Republic of Indonesia. This study adopts a qualitative approach using a literature review method. The findings reveal that all elements encompassed within the fair trial principle must be assured and preserved. Any form of torture, inhumane or degrading acts, arrests without sufficient evidence, or criminal accusations made without the individual's awareness must be strictly prohibited. Academically, this paper contributes to enhancing understanding of fair trial rights within the broader context of human rights protection.

In the realm of law, there exists a fundamental right that must be safeguarded as a guarantee of human rights. This concept aligns with the core principle of the Indonesian nation, Pancasila, which is known as the Volkgeist or the "Spirit of the Nation," where its values are derived from the norms and customary laws that live within society (Folkways). In Pancasila, the value of human rights is reflected in the second principle, "Just and Civilized Humanity." Moreover, human rights are also enshrined in the 1945 Constitution of the Republic of Indonesia, specifically in Articles 28A to 28J.

When viewed through the lens of the right to a fair trial, these human rights provisions are evident in Article 27 paragraph (1), which states that "all citizens are equal before the law and the government and are required to uphold both without exception." Meanwhile, Article 28D paragraph (1) affirms that "every person has the right to recognition, guarantee, protection, and fair legal certainty, as well as equal treatment before the law." These provisions demonstrate Indonesia's recognition of the equality of rights among all citizens, without exception or influence, ensuring that no one may violate the principle of a fair trial within the legal process.

Guaranteeing a fair judicial process aims to protect human beings and uphold human dignity, in harmony with Indonesia's theistic and moral foundations. Justice must be upheld for everyone; therefore, the Indonesian government bears a moral obligation to ensure a just and civilized society by strengthening justice and the protection of human rights, as implemented through Human Rights Courts.

Failure to do so would signify a decline in the nation's moral standing.

English legal literature has long explored the concept of equality before the law, emphasizing the distinction between legal rights and other types of normative rights. Paton asserts that legal rights are those acknowledged and protected by law, while Sarah Worthington argues that legal rights often contrast with moral rights. The Indonesian legal system, historically influenced by the civil law tradition introduced by the Dutch colonial administration in the 17th century, reflects the adaptation of modern legal principles that gradually replaced traditional societal norms. Satjipto Rahardjo described this as the legal system being a distinctive form of social life.

Countries adopting the civil law system codify their laws into written statutes, whereas common law countries identify legal rights through judicial sanctions imposed upon violations. Thus, when a court imposes a sanction, it is viewed as the realization of legal rights and obligations. The criminal justice system carries the responsibility of enforcing the law and protecting human rights. The fair trial principle ensures that every individual's fundamental rights are respected, including access to legal counsel and an impartial judicial process where all parties are treated equally before the law.

However, one recurring issue—often overlooked by law enforcement officials—is the violation of rights during detention. Such violations may include inhumane or degrading treatment, and sometimes physical or psychological pressure exerted on defendants, all of which can lead to breaches of human rights. Therefore, this research focuses on how the enforcement of the fair trial principle can guarantee the protection of fundamental rights that every individual is entitled to throughout the judicial process.

FORMULATIONOFTHE PROBLEM

The right to a fair trial represents one of the most essential guarantees of human rights protection within a democratic legal system. In Indonesia, this principle is closely intertwined with the fundamental values of Pancasila and the 1945 Constitution, both of which emphasize justice, equality, and respect for human dignity. The second principle of Pancasila, "Just and Civilized Humanity," reflects the nation's commitment to ensuring that every citizen receives equal treatment before the law, as affirmed in Article 27 paragraph (1) and Article 28D paragraph (1) of the Constitution. These provisions highlight that every individual deserves recognition, protection, and fair legal certainty without discrimination or abuse of power.

However, in practice, the enforcement of fair trial rights remains a major challenge within Indonesia's criminal justice system. Violations often occur during arrest, investigation, or detention processes, where suspects may face arbitrary

treatment, coercion, or even physical and psychological abuse. Such practices contradict the spirit of justice and equality mandated by the Constitution and undermine public trust in law enforcement institutions.

The legal system, historically influenced by the civil law tradition introduced during the colonial period, has yet to fully embody the principles of fairness and equality before the law. While numerous legal instruments and human rights frameworks have been established, their implementation often remains inconsistent. Consequently, the protection of fair trial rights demands not only strong legal norms but also effective mechanisms to ensure that law enforcement officers, prosecutors, and judges adhere to these principles in practice.

This study aims to explore how the principle of a fair trial is enforced within Indonesia's criminal justice system, particularly in relation to the protection of fundamental human rights. Through a normative and descriptive legal approach supported by literature analysis, the research seeks to provide a deeper understanding of the fair trial principle as a cornerstone of justice and human rights inIndonesia..

METHOD

This study employs a normative legal research approach with a descriptive qualitative method. The normative method is used to examine legal norms and principles related to the protection and enforcement of the right to a fair trial within Indonesia's criminal justice system. The descriptive element aims to provide a detailed and systematic explanation of how fair trial principles are implemented as a form of safeguarding human rights.The research relies primarily on library-based data collection (library research), drawing from both primary and secondary legal sources. The primary sources consist of authoritative legal documents, including the 1945 Constitution of the Republic of Indonesia, particularly the provisions concerning human rights, as well as relevant national legislation. Secondary sources include academic literature such as law books, journal articles, and other scholarly works that discuss human rights and fair trial principlesAll legal materials were analyzed using qualitative content analysis techniques. The data were classified, systematized, and interpreted through several methods of legal interpretation, including grammatical, systematic, and contextual interpretation. This analytical process was intended to provide a comprehensive understanding of how the concept of a fair trial is upheld in practice and how it contributes to the broader realization of human rights protection in Indonesia.

RESULTSAND DISCUSSION

This study employs a normative legal research approach with a descriptive qualitative method. The normative method is used to examine legal norms and principles related to the protection and enforcement of the right to a fair trial within Indonesia's criminal justice system. The descriptive element aims to provide a detailed and systematic explanation of how fair trial principles are implemented as a form of safeguarding human rights.

The research relies primarily on library-based data collection (library research), drawing from both primary and secondary legal sources. The primary sources consist of authoritative legal documents, including the 1945 Constitution of the Republic of Indonesia, particularly the provisions concerning human rights, as well as relevant national legislation. Secondary sources include academic literature such as law books, journal articles, and other scholarly works that discuss human rights and fair trial principles.All legal materials were analyzed using qualitative content analysis techniques. The data were classified, systematized, and interpreted through several methods of legal interpretation, including grammatical, systematic, and contextual interpretation. This analytical process was intended to provide a comprehensive understanding of how the concept of a fair trial is upheld in practice and how it contributes to the broader realization of human rights protection in Indonesia.

The concept of a fair trial within Indonesia's criminal justice framework can be understood by revisiting the essence of law as a social norm that governs human conduct. Law, in its most fundamental sense, emerges simultaneously with the existence of society—reflected in the classical maxim ubi societas ibi ius, meaning "where there is society, there is law." This principle affirms that law is an inseparable part of human social life, evolving naturally alongside the development of community values and interactions.

Human existence comprises two essential dimensions: the physical and the existential. The physical aspect concerns biological needs such as food, shelter, safety, and reproduction, while the existential aspect relates to the deeper moral and emotional dimensions of humanity—the need for love, meaning, and purpose. As Gabriel Marcel explains, a person truly "exists" in the existential sense only when they live through compassion rather than mere survival. From this understanding, social rules emerge to maintain harmony and balance among individuals, and these shared rules ultimately evolve into what is recognized as law.

However, a common misconception persists that law only exists when established or enforced by a formal authority. This notion is inaccurate, since law can also develop organically within society, independent of official institutions. Even in traditional communities, collectively accepted norms that regulate social behavior function as a form of law, despite not being codified or institutionalized.

Within the context of criminal law, the execution stage of punishment plays a vital role because it directly affects the convicted individual. Therefore, the underlying purpose of punishment must be carefully considered. In legal theory, several schools of thought explain this purpose—namely, the classical, modern, social defense, and neo-classical schools. Broadly, the theories of punishment can be categorized into three major perspectives:

1. Retributive Theory, which emphasizes moral justice by viewing punishment as a fair response to wrongdoing;
2. Utilitarian Theory, which focuses on deterrence and the protection of society; and
3. Rehabilitative Theory, which aims to reform offenders so they can reintegrate into society productively.

In relation to the fair trial principle, the nature of law itself can be examined through classical legal theories. According to John Chipman Gray, law represents what courts apply in resolving disputes—reflecting the shared consciousness and values of the people. This view aligns with von Savigny's notion that law embodies the Volksgeist or "spirit of the people," meaning that law is not merely a product of state authority but an expression of a community's living legal awareness.

Allott, on the other hand, critiques attempts to define law universally, arguing that the term "law" is used across diverse contexts with varying meanings. He classifies law into three main typologies:

a. Law as an abstract concept, representing ideals and moral foundations of justice;
b. Law as a system, encompassing the formal institutions and procedural mechanisms through which legal authority operates; and
c. Law as a concrete rule, consisting of specific written provisions that directly regulate human conduct.

Understanding these perspectives illustrates that the fair trial principle serves not only as an embodiment of justice within a living legal system but also as a vital instrument to safeguard human rights within Indonesia's criminal justice process. Through the fair trial principle, the law fulfills its moral and social purpose—ensuring that justice, equality, and human dignity are upheld for every individual.

In identifying the structure of legal norms within a particular legal system, one may observe distinctions between articulated and inarticulate norms. According to Allott, inarticulate norms refer to latent or implicit rules that, although not formally expressed, evoke a natural sense of obedience to the law. These differ from phantom norms—norms that have never been articulated or endorsed by any legitimate authority—and from frustrated norms, which, despite their formal validity, have minimal or no actual compliance in practice (zero compliance).Within the scope of Indonesia's criminal justice system, the fair trial principle represents a human rights safeguard built upon three foundational values: human dignity, truth, and fairness in judicial processes.

The first core value, protection of human dignity, requires all law enforcement officersat every stage of investigation, prosecution, and adjudication—to act consistently in ways that uphold and respect the moral worth of all parties involved, including suspects, defendants, convicts, victims, and witnesses. Human dignity constitutes a fundamental moral right that must be protected against any degrading or inhumane conduct. Law serves to regulate outward human behavior, as reflected in the classical legal maxim by Ulpianus, "cogitationis poenam nemo patitur"—no one can be punished merely for their thoughts. Similarly, the Dutch expression "gedachten zijn tolvrij" conveys that one is free to think, so long as those thoughts are not expressed through unlawful acts.

Since law governs external behavior, it does not penalize a person's internal intentions unless those intentions manifest through actions that violate legal norms. For instance, a person may harbor the desire to harm a rival but refrains from acting upon it due to awareness of the severe legal consequences. Nevertheless, the law sometimes extends into the inner dimension of human behavior. Concepts such as mens rea (intent) in criminal law and good faith in civil law exemplify this penetration into a person's state of mind. In court, a defendant's intention or attitude is frequently considered as a mitigating or aggravating factor in sentencing.

The second foundational value, truth, demands that every law enforcement officer ensure the correct application of normative provisions before bringing accusations, filing charges, or imposing punishment. The pursuit of truth is grounded in two essential elements: integrity and procedural rigor. Integrity requires that investigators, prosecutors, and judges consistently adhere to established procedures and base their decisions on evidence rather than assumptions. Procedural rigor, meanwhile, ensures that judicial processes involve checks and balances, allowing each decision to be tested and verified through multiple stages of review. This ensures that judgments are founded upon solid and credible evidence.

From a normative standpoint, the binding force of law arises either from formal authority or from customs and practices accepted by society. Law's obligatory nature, therefore, is not inherently internal to the human conscience but derives its power externallyeither through state enforcement or social acceptance. Even customary law, though not codified by the state, attains legitimacy through communal acknowledgment, often referred to as opinio necessitatis. This social recognition grants customary norms their binding authority.

Through this understanding, law can be seen as both a social construct and a moral framework that defines the rights and obligations of individuals within society. Unlike other social norms, law possesses an intrinsic binding quality that obligates compliance and ensures the balance between individual freedoms and collective order.

The findings of this study reveal that the principle of a fair trial functions as an essential component of the protection of human rights within Indonesia's criminal justice system. The concept, deeply rooted in the philosophy of Pancasila and the 1945 Constitution, underscores equality before the law, the recognition of human dignity, and the guarantee of legal certainty for every citizen. Yet, in practice, the implementation of this principle continues to face both structural and cultural challenges within the justice system.

1. The Nature of Law and Its Relationship with Society

Law, in its fundamental form, serves as a social norm that regulates human conduct. It emerges from human interaction and collective values, rather than being merely the product of state authority. This is reflected in the classical maxim ubi societas ibi ius—"where there is society, there is law."

The existence of law is therefore inseparable from society; it evolves as an inherent element of human civilization.

However, legal positivism often limits the understanding of law to formal rules created by the state. This view neglects the fact that law also embodies moral and cultural elements that grow organically within communities. The integration of these formal and informal dimensions determines the extent to which justice, fairness, and human rights can truly be realized. As Satjipto Rahardjo observed, law is not merely a system of norms but a living reality that reflects the spirit of the people (Volksgeist).

2. Fair Trial as a Reflection of Human Rights

The right to a fair trial ensures that every person accused of a crime receives justice through a process that is impartial, transparent, and based on law. This right is not limited to the courtroom; it extends to every stage of the criminal process—from investigation and detention to judgment and punishment. In Indonesia, the fair trial principle encompasses three fundamental values that collectively ensure the integrity of justice: human dignity, truth, and fairness.

a. Human Dignity

Human dignity forms the moral foundation of the criminal justice process. Every law enforcement officer is obliged to protect the inherent value of human life and to treat individuals with respect, regardless of their legal status. Any form of torture, coercion, or degrading treatment contradicts both domestic law and international human rights standards.The Latin phrase cogitationis poenam nemo patitur—no one may be punished for thoughts alone—illustrates that law regulates external acts rather than inner intentions. Nonetheless, in specific cases such as determining mens rea (criminal intent) or assessing good faith in civil disputes, the law does consider the mental and moral aspects of human behavior. These considerations ensure that the justice system does not only judge actions but also seeks to understand human motivation, thereby harmonizing justice with compassion.

b. Truth

The pursuit of truth is central to the integrity of the fair trial process. Law enforcement officers, prosecutors, and judges must act with integrity and adhere to evidence-based procedures. Decisions must be guided by verifiable facts, not by assumptions, bias, or external influence. The value of truth in law is closely tied

to procedural rigor, which ensures that legal proceedings are conducted with consistency, transparency, and accountability.

A fair trial demands that the accused be informed of charges, given access to legal counsel, and tried before an independent and impartial court. Any deviation from these procedural safeguards risks violating the presumption of innocence and undermines public trust in the legal system. Thus, truth in legal proceedings is not merely factual accuracy but also procedural authenticity—the assurance that justice is delivered through fair and lawful means.

c. Fairness

Fairness represents the moral and legal equilibrium that guarantees equality before the law.

This principle ensures that all individuals—whether victims, witnesses, or defendants—are treated without discrimination and have equal access to legal protection. Fairness also involves proportionality: punishment must correspond to the gravity of the offense and the intent behind it.Modern legal developments have expanded the meaning of fairness beyond punishment, incorporating restorative justice mechanisms that emphasize rehabilitation and reconciliation rather than retribution. Such approaches aim to restore social harmony and promote the reintegration of offenders into society while ensuring that victims' rights are acknowledged and respected.

3. The Binding Force of Law and Social Recognition

The authority of law in Indonesia does not derive solely from governmental decree but also from societal acceptance. Legal norms become binding when recognized by the community as necessary and legitimate—a concept referred to as opinio necessitatis. This acknowledgment transforms law from a mere instrument of control into a moral and social force that governs behavior voluntarily.

However, this dual nature of law also exposes the justice system to potential inconsistencies. While formal law is designed to ensure equality, its implementation often reflects social disparities and institutional weaknesses. Unequal access to legal resources, prolonged detention, and selective prosecution continue to challenge the credibility of the system.

To strengthen the binding character of law, reform must focus not only on codification but also on cultivating legal awareness and ethics among law enforcement officers. The legitimacy of the fair trial principle depends on its consistent application, not merely on its presence in written statutes.

4. Structural and Cultural Challenges

Despite the constitutional guarantee of fair trial rights, violations remain prevalent in Indonesia's criminal justice process. Cases of arbitrary arrest, prolonged detention without trial, and coercive interrogation illustrate systemic shortcomings. These practices reveal a gap between normative ideals and practical realities.Culturally, the hierarchical nature of Indonesia's bureaucracy and law enforcement institutions often discourages accountability. Many legal practitioners still adhere to a punitive, rather than rights-based, approach to justice. This results in practices that prioritize conviction rates over fairness and human rights protection.

Therefore, strengthening the culture of legality requires comprehensive reformencompassing legal education, ethical training, and institutional oversight. Promoting transparency, judicial independence, and respect for due process are essential to rebuilding public confidence in the justice system.

5. The Fair Trial Principle as a Pillar of Democratic Justice

Ultimately, the fair trial principle is not only a procedural safeguard but also a moral commitment that reflects the democratic values of justice and equality. It ensures that law functions as a means of protecting, rather than suppressing, human freedom. Upholding this principle demands an integrated approach that combines legal reform with moral responsibility and institutional integrity.The fair trial standard, as recognized in both national and international human rights law, symbolizes the highest form of justice: one that values human dignity, seeks the truth, and delivers decisions based on fairness. When implemented effectively, it strengthens the rule of law, promotes public trust, and reinforces Indonesia's identity as a state governed by law (Rechtsstaat) rather than by power.

Discussion

The principle of a fair trial occupies a fundamental position within Indonesia's criminal justice system, serving as a vital instrument for the protection of human rights and the realization of justice. The concept of a fair trial reflects not only procedural fairness but also the broader moral values that underpin the rule of law in a democratic society. In understanding its essence, the fair trial principle can be analyzed through three foundational values: human dignity, truth, and fairness in process.

The first element, human dignity, emphasizes the obligation of all legal actorsinvestigators, prosecutors, judges, and correctional officers to respect and uphold the inherent worth of every individual involved in criminal proceedings. At every procedural stage, from arrest to trial, law enforcement officers must ensure that no act of torture, degrading treatment, or arbitrary deprivation of liberty occurs. This aligns with the maxim cogitationis poenam nemo patiturno person may be punished for mere thoughtsand the Dutch expression gedachten zijn tolvrij, which asserts the freedom to think as long as one's thoughts do not manifest in unlawful acts. Law governs external behavior, not internal intention; yet in certain circumstances, such as the determination of intent (mens rea) in criminal cases or good faith in civil law, the law necessarily examines the moral and mental dimensions of human conduct. These internal aspects often influence judicial decisions, where a defendant's intent or attitude may serve as an aggravating or mitigating factor in sentencing.

The second core value, truth, requires that justice be grounded on factual accuracy and adherence to legal norms. This value contains two dimensions: integrity and procedural rigor. Integrity demands that every law enforcement official act in accordance with the principles of legality and evidence-based reasoning. Decisions must be guided by factual findings rather than assumptions or prejudice. Procedural rigor, on the other hand, ensures that judicial proceedings maintain transparency, consistency, and accountability. It reflects the necessity of checks and balances within the legal process, where each stage of investigation and adjudication must be capable of scrutiny and review. Through this mechanism, the criminal justice process becomes a guardian of truth and a deterrent against arbitrary exercise of power.

The third fundamental value, fairness, represents the moral and procedural balance that guarantees equality before the law. Fairness obliges judicial institutions to treat all individuals—victims, suspects, and defendants—with impartiality and respect for their rights. It encompasses not only equality in treatment but also equality in access to justice. In this sense, fairness does not merely signify procedural regularity but embodies moral justice that acknowledges human dignity. Modern justice systems increasingly reflect this value through alternative mechanisms such as restorative justice, which focuses on reconciliation and social healing rather than retribution alone.

From a broader perspective, the binding force of law in Indonesia arises not only from state authority but also from social acceptance.

Law functions as a set of externally imposed norms that regulate human conduct, yet it also gains legitimacy from opinio necessitatis—the collective recognition of its necessity by society. This dual character reinforces the law's ability to balance individual rights with communal order. Hence, the fair trial principle operates as both a legal safeguard and a moral compass: it directs the justice system to respect human dignity, pursue the truth, and ensure equitable treatment for all.In practice, however, violations of fair trial rights remain a recurring issue in Indonesia's criminal proceedings. Instances of unlawful detention, forced confessions, and procedural irregularities continue to challenge the integrity of the system.

Therefore, strengthening the implementation of fair trial principles requires not only reform in procedural law but also a transformation in the ethical mindset of law enforcement officers. Upholding human rights within the judicial process is not solely a legal obligation but a moral duty embedded in the values of Pancasila and the 1945 Constitution of the Republic of Indonesia.Through this lens, the concept of a fair trial in Indonesia transcends its procedural definition; it becomes a manifestation of justice that reflects the nation's philosophical commitment to humanity, equality, and the rule of law.

CONCLUSION

The analysis demonstrates that the principle of a fair trial stands as a cornerstone of justice and the protection of human rights within Indonesia's criminal justice system. It ensures that every individual—whether accused, victim, or witness—receives equal treatment before the law and that no one is deprived of their fundamental rights through arbitrary or discriminatory means. The fair trial principle embodies not only procedural fairness but also the moral and philosophical ideals rooted in Pancasila and the 1945 Constitution of the Republic of Indonesia.The findings of this study reveal that the right to a fair trial must be continuously safeguarded through both legal and institutional reforms. The legal framework, although comprehensive, often faces challenges in its practical implementation. Violations such as arbitrary arrest, torture, and denial of legal representation persist, reflecting the gap between normative ideals and judicial reality. Therefore, a fair and transparent criminal justice process requires strong commitment from all law enforcement bodies to uphold human dignity, respect due process, and maintain judicial independence.

To strengthen the protection of fair trial rights, the justice system must promote legal awareness, ethical professionalism, and accountability at every level. Law enforcement agencies should adopt human-rights-based approaches that prioritize integrity, equality, and transparency. Moreover, the collaboration between the government, judiciary, and institutions such as the National Commission on Human Rights (Komnas HAM) is essential to ensure that the principles of fairness are not only written in law but manifested in practice.

Ultimately, the enforcement of the fair trial principle is not merely a legal obligationit is a moral responsibility of the state to preserve justice, uphold the rule of law, and protect human dignity. Only through consistent adherence to these principles can Indonesia fulfill its vision of becoming a truly just and civilized society, in harmony with the ideals of Pancasila and the fundamental rights guaranteed by theConstitution.

ACKNOWLEDGEMENT

The author sincerely expresses profound gratitude to all individuals and institutions who have contributed to the completion of this study entitled “The Enforcement of the Right to a Fair Trial in the Criminal Justice System.”Special appreciation is extended to the Faculty of Sharia and Law, State Islamic University of North Sumatra (UIN Sumatera Utara), for providing invaluable academic support and an environment conducive to legal scholarship. The author is also indebted to the lecturers and mentors within the Law Study Program, whose constructive insights and critical guidance greatly enriched the substance of this research.

The author would also like to acknowledge the contribution of various scholars and legal practitioners whose works and perspectives on human rights and criminal justice have provided the intellectual foundation for this study. Their dedication to advancing the understanding of justice and fairness in law has been a continuous source of inspiration.Finally, heartfelt gratitude is offered to family, friends, and colleagues for their unwavering encouragement, patience, and moral support throughout the research and writing process. Without their presence and motivation, this work could not have reached its completion.This research is humbly dedicated to all who continue to uphold justice, equality, and the protection of human dignity in Indonesia’s legal system.

REFERENCES

Allott, A. N. (1980). *The Limits of Law*. London: Butterworths.

Gray, J. C. (1921). *The Nature and Sources of the Law*. New York: Columbia University Press.

Marcel, G. (1967). *The Mystery of Being: Reflection and Mystery*. Chicago: Henry Regnery Company.

Paton, G. W. (1972). *A Textbook of Jurisprudence (4th ed.).* Oxford: Clarendon Press.

Savigny, F. C. von. (1840). *Of the Vocation of Our Age for Legislation and* Jurisprudence. London: Littlewood & Co.

The 1945 Constitution of the Republic of Indonesia. (1945). Jakarta: State Secretariat.

The Republic of Indonesia. (1981). *Law No. 8 of 1981 on Criminal Procedure* Code (KUHAP). Jakarta: State Secretariat.

The Republic of Indonesia. (1999). *Law No. 39 of 1999 on Human Rights*. Jakarta: Ministry of Law and Human Rights.

The Republic of Indonesia. (2009). *Law No. 48 of 2009 on Judicial Power*. Jakarta: State Secretariat.

Ulpianus. (n.d.). Digest of Justinian. *In The Corpus Juris Civilis (Book* 1). Rome: Emperor Justinian Compilation.

United Nations. (1948). *Universal Declaration of Human Rights*. New York: United Nations.

United Nations. (1966). *International Covenant on Civil and Political Rights*. New York: United Nations.

Worthington, S. (2006). *Equity and the Law of Trusts*. Oxford: Oxford University Press