



PROTECTION OF THE RIGHTS OF SUSPECTS DURING THE INVESTIGATION STAGE ACCORDING TO THE KUHAP

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Article Info	Abstract
Article History Received: 2025-05-05 Revised: 2025-05-06 Published: 2025-06-06 Keywords: <i>suspect's rights,</i> <i>criminal investigation,</i> <i>systemic torture</i>	<p>This paper critically examines the legal protection provided to suspects during the investigation phase under the Criminal Procedure Code (KUHAP), and exposes the gaping gap between normative provisions and actual practice. The KUHAP contains a series of fundamental rights for suspects, such as the right to information about the charges, the right not to be tortured, the right to remain silent, and the right to legal counsel from the outset of the legal process. However, reality shows that these articles often serve more as empty slogans than as truly protected norms. This research uses a normative juridical approach and is supported by empirical data from institutions such as Komnas HAM, LBH, and KontraS, which prove that violations of suspects' rights, particularly in the form of torture and restrictions on legal aid, have become a systemic and recurring practice. Law enforcement officials knowingly violate the principle of legality and human rights principles, while the state allows these violations to continue without effective control. Law enforcement in Indonesia is currently in danger of decadence, where legal instruments are used only to strengthen power, rather than guarantee justice. The Criminal Procedure Code, which should serve as a shield of protection, is often misused as a tool of repression. Without structural reform and the political courage to firmly address violations, this country is not enforcing the law, but rather producing institutionalized injustice. It's time to stop being lenient on human rights violations by the authorities and start demanding the strict implementation of every norm of the Criminal Procedure Code. Criminal procedure law must not be subject to the logic of power. It must return to the people, as a tool of protection, not a snare that silences.</p>

I. INTRODUCTION

In the Indonesian criminal justice system, the protection of human rights in the judicial process is a fundamental principle that must be consistently upheld. One of the most crucial stages in the criminal justice system is the investigation and inquiry stage, where a person suspected of committing a crime begins to face law enforcement officials.(Abidin 2022)It is at this stage that the suspect's rights are most vulnerable to violations, as they lack the same legal defense as defendants who have already entered the trial stage. In this context, the Criminal Procedure Code (KUHAP), as the formal law governing the criminal justice process in Indonesia, exists with the aim of protecting every individual from arbitrary treatment and guaranteeing due process of law.(Hasibuan, Tanjung, and Panjaitan 2024)

The Criminal Procedure Code (KUHAP), enacted through Law No. 8 of 1981, was a significant milestone in post-colonial criminal procedural law reform. It abolished the *Herziene Indonesisch Reglement* (HIR), which tended to place suspects in a subordinate position without adequate protection.(Aldivie et al. 2024)Through the Criminal Procedure Code (KUHAP), the state guarantees the rights of suspects, including protection from torture, the right to legal aid, the right to be clearly informed of the charges, the right to remain silent, and the right to humane treatment at every stage of the legal process. These provisions implement the principle of the "presumption of innocence," a universal principle in modern legal systems.(Sulistono 2019)

Article 50 of the Criminal Procedure Code explicitly states that a suspect or defendant has the right to be immediately questioned by

investigators and have their case immediately transferred to the public prosecutor. This article emphasizes the importance of the principle of speed and simplicity in the legal process, while also protecting against abuse of power in the form of unjustified detention. Furthermore, Article 51 of the Criminal Procedure Code details the suspect's rights during the investigation process, including the right to be clearly informed in a language they understand about the charges against them (letter a), and the right to provide information freely to investigators (letter b). These articles make transparency and accountability the main pillars of the investigation process.

However, the implementation of the normative provisions of the Criminal Procedure Code (KUHP) does not always run ideally. In practice, many cases have been found in which suspects do not receive their full rights, and in some situations even experience actions that are contrary to humanitarian principles. One form of violation that often occurs is physical or psychological violence by law enforcement officers during the examination process. In fact, Article 117 paragraph (1) of the Criminal Procedure Code expressly stipulates that "the suspect's statement to the investigator is given without pressure from anyone and in any form." This norm is reinforced by Article 52 of the Criminal Procedure Code which states that suspects have the right to provide information freely, which implicitly includes a prohibition against all forms of coercion, whether physical or mental.

The right of a suspect to receive legal assistance is also a constitutional right guaranteed by the Criminal Procedure Code. Article 54 states that for the purposes of defense, a suspect has the right to receive legal assistance from one or more legal advisors during and at every stage of the examination, in accordance with the procedures determined by law. This provision is imperative, not merely a right that can be ignored by investigators. In fact, under certain conditions, Article 56 paragraph (1) requires the appointment of legal counsel by the relevant official if the suspect or defendant is threatened with a prison sentence of five years or more and does not yet have his or her own legal counsel.

The ideal conditions outlined in the Criminal Procedure Code (KUHP) are not yet fully enjoyed by all suspects in Indonesia. Various reports from independent institutions such as the National

Commission on Human Rights (Komnas HAM), the Legal Aid Institute (LBH), and the Commission for Missing Persons and Victims of Violence (KontraS) indicate that torture of suspects remains common. Similarly, access to legal aid is limited, particularly for suspects from poor and vulnerable groups who cannot afford legal services. According to 2024 data from YLBHI, only around 7% of suspects receive effective legal assistance during the investigation stage, while the remainder experience the legal process without adequate legal representation. (Wiguna, Sepud, and Sujana 2020)

Even more concerning, many of these violations occur at the earliest stages of the criminal process, during the investigation and inquiry phase. This stage should be the starting point for ensuring the principles of due process of law and a fair trial. Violations of the suspect's rights at this stage not only impact individual justice but also have the potential to undermine the entire legitimate and fair criminal justice process. This is where the urgency of thoroughly examining and assessing how legal protection for suspects during the investigation phase is regulated in the Criminal Procedure Code (KUHP) and the extent of its implementation in practice in Indonesia becomes crucial.

The main focus of this research is: first, what is the form and scope of protection of suspects' rights during the investigation stage according to the provisions of the Criminal Procedure Code? Second, how is the implementation of the protection of suspects' rights in the practice of the criminal justice system in Indonesia, and what challenges are faced?

These two problem formulations are important to examine, given that violations of suspects' rights during the investigation stage often fail to receive serious attention from the public, even from the judicial system itself. One contributing factor is the lack of effective oversight mechanisms for the actions of law enforcement officers at this stage. Although the Criminal Procedure Code (KUHP) regulates the existence of pretrial motions as a means to test the legality of arrests, detentions, and seizures, this mechanism is often not optimally utilized by the public, either due to ignorance or fear of the subsequent impact of the ongoing legal process.

Furthermore, the provisions of the Criminal Procedure Code (KUHP) do not explicitly regulate the suspect's right not to provide self-incriminating testimony (*nemo tenetur*). Although the right to remain silent can be

interpreted from Article 52 of the Criminal Procedure Code, which states that a suspect's statement is given freely, there is no article that expressly states that a suspect has the right to refuse to answer or remain silent without legal consequences. This differs from countries that have adopted the Miranda Rule principle, which explicitly grants suspects the right to remain silent and the right to be accompanied by legal counsel before and during examination.

This lack of explicit regulation leaves law enforcement officials with the freedom to exert pressure on suspects, both verbally and physically, to obtain confessions. In some cases, confessions obtained in this way become the sole evidence in the trial. However, Article 183 of the Criminal Procedure Code stipulates that a defendant cannot be found guilty based on a single piece of evidence. This demonstrates that protecting the suspect's rights at an early stage is an absolute prerequisite for ensuring the validity of the entire legal process.(Mujiyono 2009)

In the context of national and international law, protection of the rights of suspects is part of respect for human rights. Article 28I paragraph (1) of the 1945 Constitution of the Republic of Indonesia expressly states that the right to life, the right not to be tortured, the right to freedom of thought and conscience, and the right not to be enslaved, are recognized as human rights that cannot be reduced under any circumstances. This provision is strengthened by the ratification of the Convention Against Torture (UNCAT) through Law Number 5 of 1998 and the International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 of 2005, which emphasizes that everyone accused of committing a crime has the right to humane treatment and fair legal protection.

Therefore, the preparation of this journal is expected to provide a significant academic contribution in examining the normative and empirical aspects of the protection of suspects' rights during the investigation stage according to the Criminal Procedure Code. This research will examine the legal provisions governing suspects' rights, explore various forms of violations that occur in practice, and offer normative and institutional solutions that can strengthen legal guarantees for suspects. It is hoped that the results of this research will not only contribute ideas to the academic world, but also can serve as a reference in the process of reforming criminal procedural law in Indonesia that is more in favor of justice and human rights.

II. RESEARCH METHODS

This research uses a normative juridical method, namely an approach that focuses on the study of applicable legal norms, especially the Criminal Procedure Code (KUHP) as the basis for protecting the suspect's rights at the investigation stage.(Indra Utama Tanjung 2024)This research also strengthens the normative approach with limited empirical legal analysis through secondary field data, such as annual reports from Komnas HAM, KontraS, the Legal Aid Institute (LBH), as well as relevant media publications and court decisions, to illustrate the reality of the implementation of suspects' rights in Indonesia. Data collection techniques were carried out through a literature review of laws and regulations, official documents, previous research results, and reports from independent institutions. While data analysis was conducted qualitatively by interpreting legal norms and comparing them with practices occurring in the criminal justice system.

III. RESULTS AND DISCUSSION

A. Legal Aspects of Protecting the Rights of Suspects in the Investigation Stage According to the Criminal Procedure Code

Legal protection for suspects is a key element of a modern, democratic criminal justice system. In Indonesia's criminal procedure system, the Criminal Procedure Code (KUHP) is the primary instrument that regulates and guarantees the rights of suspects, from the earliest stages of investigation and prosecution.(Adzikra, Suprijatna, and Ma'arif 2024)The provisions of the Criminal Procedure Code (KUHP) not only outline procedures but also guarantee the constitutional rights of suspects as legal subjects, not merely objects of criminal proceedings. Therefore, an analysis of the normative provisions in the KUHP concerning the protection of suspects' rights is crucial as a basis for proving that the Indonesian justice system upholds the principle of due process of law.(Abidin 2022)

Normatively, the Criminal Procedure Code has guaranteed the rights of suspects since the beginning of the investigation and inquiry stage. This dimension of protection begins with the guarantee of the right to a speedy and unprotracted examination. Article 50 of the Criminal Procedure Code states that: "A suspect or defendant has the right to be immediately

examined by an investigator, and the case must be immediately transferred to the public prosecutor." This provision is not only administrative but also substantive because it is directly related to the principle of legal certainty. Failure by investigators to fulfill the principle of "immediately" can open up space for the practice of arbitrary detention and violations of a person's right to liberty as guaranteed in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that: "Everyone has the right to protection of themselves, their families, their honor, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear."

Furthermore, the Criminal Procedure Code guarantees the suspect's right to clearly understand the actions he is accused of. Article 51 letter a of the Criminal Procedure Code states that: "The suspect has the right to be clearly informed in a language he understands about what he is accused of at the time the examination begins." This norm emphasizes that there is no reason for law enforcement officials to delay notification of the allegations or to convey the allegations vaguely. (Syarif, Januri, and Saribu 2024) If investigators present vague or undetailed charges, this constitutes a violation of the suspect's right to an effective defense. Incomplete or ambiguous information will limit the defense attorney's ability to develop a defense strategy and violate the principle of equality of arms between prosecutors and defense attorneys in the criminal justice system. (Iskandar 2023)

Furthermore, the Criminal Procedure Code guarantees that all information from suspects must be provided without coercion or pressure in any form. Article 117 paragraph (1) of the Criminal Procedure Code explicitly states: "Statements from suspects or witnesses to investigators must be provided without pressure from anyone or in any form." This norm is a concrete form of the anti-torture principle, which is part of human rights that cannot be reduced under any circumstances (non-derogable rights). This right is not only juridical, but also moral and philosophical. Torture or physical or psychological pressure against suspects is not only contrary to the Criminal Procedure Code, but also to Article 28I paragraph (1) of the 1945 Constitution, which states: "The right to life, the right not to be tortured, the right to freedom of thought and conscience [...] are human rights that cannot be reduced under any circumstances."

Thus, officers who use violence or intimidation against suspects during examinations are not only violating positive law, but also committing serious human rights violations.

Within the framework of protecting the rights of suspects, the Criminal Procedure Code also explicitly guarantees the right to legal assistance. Article 54 of the Criminal Procedure Code states: "For the sake of defense, a suspect or defendant has the right to receive legal assistance from one or more legal advisors during and at every level of examination, according to the procedures determined in this law." This right is absolute, meaning that the state is obliged to guarantee its implementation. This provision is reinforced by Article 55 of the Criminal Procedure Code which gives suspects the freedom to choose their own legal advisor, and Article 56 of the Criminal Procedure Code which requires the state to appoint legal advisors for suspects who are threatened with a sentence of five years or more and do not have their own legal advisor. The full text of Article 56 paragraph (1) of the Criminal Procedure Code is: "In the event that a suspect or defendant is suspected of committing a crime that is threatened with the death penalty or a sentence of fifteen years or more or for those who are unable to afford a sentence of five years or more who do not have their own legal advisor, the relevant officials at all levels of examination in the judicial process are obliged to appoint legal advisors for them." This norm shows that in certain situations, the state is not only passive, but actively provides legal assistance as a form of state protection of citizens' constitutional rights.

However, it is regrettable that in practice, the implementation of these articles remains very weak. Suspects are often not adequately informed of their rights, and in many cases, investigators even prevent legal counsel from accompanying their clients during questioning. This practice not only violates criminal procedure law but also sets a bad precedent for criminal justice. The Criminal Procedure Code clearly positions the right to legal counsel as a fundamental human right that cannot be compromised, let alone ignored.

Furthermore, although the Criminal Procedure Code does not explicitly mention the term "right to remain silent," its substance can be found in Article 52 of the Criminal Procedure Code, which states: "A suspect or defendant has the right to freely provide information to investigators or judges." The phrase "freely" in this context should be interpreted to mean that the suspect has the freedom to provide or refuse

to provide information, including remaining silent without making any statement. This concept is in line with the principle of *nemo tenetur se ipsum accusare*, namely the legal principle that prohibits someone from being forced to provide information that incriminates themselves. However, the absence of an explicit norm in the Criminal Procedure Code regarding the right to remain silent opens up room for multiple interpretations, which in turn can be misused by investigators to pressure suspects to confess or provide information against their will.

It is important to note that more explicit provisions regarding the right to silence have been included in the latest draft of the Criminal Procedure Code, which states that suspects have the right not to testify and that their silence may not be used to infer guilt. This means that future legislative developments recognize the need for more concrete protection of the right to silence as part of a suspect's defense rights. However, until such provisions are adopted in positive law, the current Criminal Procedure Code remains the sole applicable normative framework and, therefore, needs to be interpreted progressively and constitutionally.

In the context of detention, the Criminal Procedure Code also provides inherent rights to detained suspects. Article 59 of the Criminal Procedure Code states: "In the event that a person is detained, the official authorized to carry out the detention is obliged to notify the suspect or defendant's family, or to other people living in the same household as the suspect or defendant, of the detention." This provision is absolute as a form of respect for the right to information and the family's right to know the whereabouts of their detained family member. The obligation to notify the detention also provides social control over the authority of law enforcement officers so that they do not carry out detentions secretly.

Furthermore, the Criminal Procedure Code guarantees the right for suspects to communicate freely with their legal counsel, including correspondence. Article 61 of the Criminal Procedure Code states: "A suspect or defendant has the right to contact and receive visits from his or her legal counsel at any time for the purposes of his or her defense." Meanwhile, Article 62 of the Criminal Procedure Code states: "Correspondence between a suspect or defendant and his or her legal counsel may not be examined by investigators." This provision emphasizes that the relationship between a suspect and his or her legal counsel is privileged communication and

may not be tapped, examined, or restricted by law enforcement officials. If investigators examine or confiscate such communications without a valid legal reason, this constitutes a serious violation of the suspect's right to defense.

All the provisions of the Criminal Procedure Code (KUHP) outlined above demonstrate that, normatively, it provides a sufficiently comprehensive legal framework to guarantee the rights of suspects during the investigation phase. This protection includes the right to information, the right to freedom from coercion, the right to legal aid, the right to communication, and the right to humane treatment during the investigation and detention process. However, the main problem lies not in the legal provisions themselves, but in the implementation of these norms in practice. Progressive legal norms that protect human rights can be rendered useless if not consistently implemented by law enforcement officials.

Therefore, it is important to emphasize that the protection of suspects' rights under the Criminal Procedure Code (KUHP) is not merely symbolic, but a constitutional obligation that must be upheld with legal awareness and professional responsibility. Any deviation from the norms of the KUHP by investigators must be subject to strict legal sanctions as a form of upholding the rule of law. The state must not compromise on violations of suspects' rights, as this would undermine the integrity of the justice system and strengthen impunity. Without effective rights protection during the investigation phase, the entire criminal justice process will lose its moral and constitutional legitimacy.

B. Implementation of Protection of Suspects' Rights During the Investigation Stage and Challenges in Enforcement

Although the Criminal Procedure Code (KUHP) has normatively regulated various forms of legal protection for suspects, implementation in the field shows a reality that is far from ideal. The imbalance between these norms and practices is not merely administrative but also touches on substantive aspects of justice that directly impact the level of human rights protection. Law enforcement that does not comply with principles and deviates from procedures results in the loss of legitimacy of the criminal justice system, undermines the integrity of law enforcement officers, and increases the potential for wrongful arrest, torture, and criminalization. This discussion will specifically outline various forms of violations of suspects'

rights during the investigation stage, the structural and cultural obstacles that lead to these deviations, and the corrective measures needed to strengthen legal protection in the future. (Sarip 2020)

One of the most frequently encountered forms of violation of suspects' rights is the practice of physical and psychological torture by investigators during the interrogation process. This clearly violates Article 117 paragraph (1) of the Criminal Procedure Code, which states that: "Statements from suspects or witnesses to investigators must be given without pressure from anyone and in any form." However, in reality, torture is still a method frequently used to obtain confessions from suspects, even though these confessions are often obtained illegally. The 2024 National Human Rights Commission annual report shows an increase in complaints involving acts of violence against suspects by police officers. During 2023 alone, more than 280 complaints were recorded relating to violence during interrogation, most of which took place at sector and resort police stations. Amnesty International, in its 2024 report, even stated that there were at least 226 victims of torture by officers during the investigation process in Indonesia since 2019, and this number continues to increase.

This phenomenon of torture is inextricably linked to weaknesses in internal and external control mechanisms for the investigation process. The Criminal Procedure Code (KUHP) does provide room for suspects to file a pretrial motion if they believe their arrest is illegal, but pretrial motions only examine formal aspects, not substantive ones. Furthermore, many torture victims are reluctant to report the violations they have experienced due to fear of retaliation from investigators or because they are unaware of the available complaint mechanisms. In many cases, confessions obtained through violence are used as primary evidence in the trial process, even though Article 183 of the Criminal Procedure Code states: "A defendant may not be convicted unless, with at least two valid pieces of evidence, a conviction has been reached that a crime has actually occurred and that the defendant is guilty of committing it." Thus, the practice of using single confessions obtained through torture directly contradicts the principle of proof under Indonesian criminal procedure law. (Maryani, Setyaningrum, and Baiquni 2022)

The next most common violation is the restriction or even obstruction of suspects' access to legal counsel. Article 54 of the Criminal

Procedure Code states that: "In the interests of defense, a suspect has the right to receive legal assistance from one or more legal counsel from the time of arrest and at every stage of the examination in accordance with procedures determined by law." However, according to data from the Indonesian Legal Aid Foundation (YLBHI), only around 7% of suspects receive effective access to state legal assistance, while the majority undergo examination without legal counsel. This disparity is particularly experienced by suspects from poor, marginalized, and uneducated groups. In such conditions, they are highly vulnerable to manipulation, intimidation, and coerced confessions by investigators. (Simanjuntak, Azed, and Gani 2017)

One of the main causes of weak access to legal aid is because law enforcement officials do not actively inform suspects of this right, even though the Criminal Procedure Code contains an imperative norm. Numerous reports indicate that investigators deliberately prohibit legal counsel from entering the examination room, or only allow legal counsel to sit outside the interrogation room without knowing the substance of the questions. This is a clear form of defiance of Article 55 of the Criminal Procedure Code, which states: "Suspects have the right to choose their own legal counsel." In many cases, legal counsel is only involved after the BAP (Examination Report) process is complete, even though legal counsel should be involved from the beginning of the examination to prevent irregularities. (Raja, Fauzi, and Sahari 2023)

Such practices are particularly ironic, given that Article 56 of the Criminal Procedure Code mandates the state to appoint free legal counsel to suspects who are indigent or face serious criminal penalties. Failure by authorities to appoint legal counsel as mandated by law should result in the cancellation of the investigation or at least invalidate the police investigation report as evidence. However, in practice, there is no provision in the Criminal Procedure Code that explicitly states the legal consequences if these rights are violated. This lack of firm sanctions leads to systemic and repeated violations.

Violations of suspects' rights are also frequently found in the arrest and detention process. Article 18 paragraph (1) of the Criminal Procedure Code stipulates that: "Arrests shall be carried out by officers of the Republic of Indonesia National Police by showing a letter of assignment and an arrest warrant containing the suspect's identity, the reason for the arrest, and a brief

description of the alleged crime and the place where he is being questioned." However, in reality, many arrests are carried out without a warrant or the warrant is not given in writing to the suspect. In a number of cases, arrests are carried out arbitrarily, and there are even cases of "wrongful arrest" which are only realized after the suspect has been detained for days.

The Indonesian Legal Aid Institute (YLBHI) report recorded at least 230 cases of wrongful arrest in the past two years. These cases demonstrate that Article 50 of the Criminal Procedure Code (KUHP), which stipulates that suspects have the right to prompt examination, is often ignored. Prolonged detention without defense and without a clear legal basis is highly susceptible to fabricated cases. Furthermore, the KUHP does not provide effective guarantees for victims of wrongful arrest regarding their right to compensation. Article 95 of the KUHP does provide a person with the right to seek compensation and rehabilitation if arrested, detained, charged, or tried without a valid reason, but in practice, very few people pursue this legal remedy because the process is complicated and requires considerable expense and time. (Suswantoro, Suhartono, and Sugianto 2018)

Another structural obstacle is the lack of a real-time oversight mechanism for investigators' actions. The Criminal Procedure Code (KUHP) does not stipulate the existence of a commissioner judge or independent internal oversight body that can promptly test the legality of an arrest, detention, or investigation. (Husna 2025) Control over investigations can only be exercised through pretrial proceedings or administrative complaints to the police internally, but these mechanisms are often ineffective because reports to the National Police's Propam division or the National Police Commission (Kopolnas) are often not seriously pursued. In this context, the Criminal Procedure Code (KUHP) appears to leave investigations in a dark room free from judicial oversight.

The weaknesses in the implementation of the Criminal Procedure Code are also closely related to the culture of law enforcement officers who still consider that the interrogation process aims to obtain a confession from the suspect. (Your Best Friend 2013) However, confessions are not exceptional evidence. The Criminal Procedure Code (KUHP) has emphasized that no one can be convicted based solely on a single piece of evidence, as stated in Article 183 of the KUHP. Therefore, the confession-based investigative approach must be immediately shifted to one

based on scientific evidence and respect for human rights.

Additionally, although Article 68 of the Criminal Procedure Code grants suspects who suffer losses due to unlawful arrest or detention the right to seek rehabilitation, this norm is rarely implemented. Bureaucratic obstacles, limited legal aid, and resistance by law enforcement agencies to accountability render this right a mere formality without implementation. However, if the state is serious about upholding the principle of protecting suspects' rights, this right to rehabilitation must be actively guaranteed.

As a final critical note, it is important to note that the Draft Criminal Procedure Code (RUU KUHP), currently under discussion, contains a number of provisions that are more progressive than the existing KUHP. For example, the RUU KUHP explicitly includes the suspect's right to remain silent, the right to obtain legal counsel within 24 hours of being detained, and sanctions for violations of the suspect's rights, such as invalidating evidence obtained unlawfully. Furthermore, there is talk of establishing a Preliminary Examining Judge institution as a form of judicial oversight of investigators' actions. (Sakna 2024) Unfortunately, until now the bill has not been enacted due to various political and technical reasons, even though the urgency of reforming the Criminal Procedure Code is increasingly undeniable amidst the rampant violations of the rights of suspects. (Vilano 2017)

Thus, it can be concluded that the protection of suspects' rights during the investigation phase under the Criminal Procedure Code (KUHP) faces two main challenges: first, inconsistency in the implementation of legal norms by law enforcement officials; second, weaknesses in the internal and external oversight and accountability structures within the Indonesian criminal justice system. Without systemic reform and institutional commitment, the progressive provisions in the KUHP will remain merely an impotent legal text. Protecting suspects' rights is not a moral choice, but rather a legal obligation that must be consistently implemented to maintain substantive justice and the credibility of the Indonesian criminal justice system.

IV. CONCLUSIONS AND RECOMMENDATIONS

The protection of suspects' rights during the investigation phase according to the Criminal Procedure Code (KUHP) is normatively regulated firmly and clearly, and includes

fundamental principles in criminal procedure law that uphold human rights. Rights such as the right to information about the suspect, the right not to be tortured, the right to remain silent, the right to be accompanied by legal counsel, and the right to communicate with family and defense counsel are inseparable parts of due process of law. However, the existence of norms without consistent implementation is merely a legalistic decoration that fools the logic of justice. When law enforcement officials systematically ignore, violate, or even trample on the provisions of the KUHAP, what occurs is no longer law enforcement, but rather an abuse of the law itself.

The state must not continue to turn a blind eye to the practice of torture, restrictions on access to legal aid, wrongful arrests, and other violations that undermine the integrity of the criminal justice system. Violations of suspects' rights are not merely "minor irregularities," but a betrayal of the principles of justice and the constitution. The progressive provisions of the Criminal Procedure Code (KUHAP) must be fully implemented, and any investigator or officer who violates them must face uncompromising criminal, ethical, and administrative sanctions. If the state fails to guarantee the protection of suspects at the initial stage of the legal process, the legitimacy and morality of the entire criminal justice system is questionable. Justice will never emerge from a system that allows its officials to torture, extort, and manipulate the fate of citizens behind bars. It is time for Indonesia to stop treating the KUHAP as a dead text and to begin enforcing it as a living guideline in law enforcement practices.

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