



Research Article



## Integrating Miranda Rights to Promote Human Rights Compliance

Putu Sekarwangi Saraswati <sup>1,\*</sup>, Olim Narzullayev <sup>2</sup>

<sup>1</sup>Faculty of Law, Universitas Mahasaraswati Denpasar, Denpasar, Indonesia

<sup>2</sup>Tashkent State University of Law, Tashkent, Uzbekistan

\* Correspondence: [sekarwangisaraswati@unmas.ac.id](mailto:sekarwangisaraswati@unmas.ac.id)

Received: January 20, 2025 / Accepted: September 10, 2025 / Published: September 14, 2025

**Abstract:** Despite the Indonesian Constitution recognizing the rule of law and Indonesia's ratification of several international human rights treaties, the actual protection of suspects' rights within criminal proceedings remains weak, largely because the provisions are declarative and poorly enforced. This research examines the possibility of incorporating Miranda Rights into the Indonesian legal framework as a means to improve adherence to global human rights standards. The research applies a normative juridical method with a conceptual approach, drawing upon statutory analysis and a comparative review of the United States criminal justice system. Findings reveal a persistent discrepancy between legal norms and their implementation, reflected in ongoing practices of torture and infringements on the rights to silence and legal counsel. While certain aspects of Miranda principles are embedded in the Criminal Procedure Code, explicit regulations requiring Miranda Warnings, as mandated in the United States, are absent. As a result, the safeguarding of suspects' rights continues to rely heavily on the discretion of law enforcement officers, leaving significant room for abuse. Integrating Miranda Rights into Indonesia's legal system is therefore a strategic reform to strengthen the protection of human rights in criminal justice. Such integration would enhance the credibility of law enforcement, deter torture, and align national practices with international obligations, especially the ICCPR's fair trial guarantees. Ultimately, Miranda Rights offer a concrete tool to foster a more humane, transparent, and equitable justice system.

**Keywords:** Criminal Justice; Human Rights; Miranda Rights;



This is an open-access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

## INTRODUCTION

Indonesia is a country that uses Pancasila as the basis and source of law. It upholds the values of justice and humanity. Therefore, human rights must be protected when they are being carried out.<sup>1</sup> The Indonesian government recognizes and protects human rights and basic freedoms as the inherent and inalienable rights of all individuals, which must be respected, honored, and preserved to enhance human dignity, prosperity, happiness, intelligence, and justice.<sup>2</sup> Therefore, the Republic of Indonesia, including its government, has a legal, political, economic, social, and moral

<sup>1</sup> Arsyad Aldyan and Abhishek Negi, 'The Model of Law Enforcement Based on Pancasila Justice', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 178–90 <https://doi.org/10.53955/jhcls.v2i3.51>

<sup>2</sup> Madhuri Sharma, Lisa Stolzenberg, and Stewart J. D'Alessio, 'Evaluating the Cumulative Impact of Indigent Defense Attorneys on Criminal Justice Outcomes', *Journal of Criminal Justice*, 81 (2022), 101927 <https://doi.org/10.1016/j.jcrimjus.2022.101927>

duty to protect and promote Human Rights and Fundamental Freedoms, as well as to take concrete steps to ensure their implementation.<sup>3</sup>

As Indonesia is a state founded on the rule of law, legal norms must guide every aspect of state administration. The principle of the rule of law provides the foundation for ensuring constitutional guarantees and protection of citizens' rights.<sup>4</sup> This includes ensuring individual rights through procedural measures, maintaining an independent and impartial judiciary, upholding equality before the law, and safeguarding human rights as guaranteed by law and court decisions, all within the framework of the supremacy of law. "A person can only be punished if he violates the law, as arbitrary power is suppressed."<sup>5</sup>

The constitution states that Indonesia is a state of law, which influences how the government operates and how people live their lives.<sup>6</sup> The principle of the Rule of Law rests on the notion that the constitution safeguards individual rights and outlines mechanisms to guarantee their protection. It further requires the existence of an impartial and independent judiciary, as well as the assurance of equality under the law. The idea of equal standing and fair treatment before the law emphasizes that every citizen must receive the same rights and opportunities without discrimination.<sup>7</sup> Article 3 paragraph (2) of Law No. 39 of 1999 on Human Rights stipulates that every individual is entitled to legal certainty, equal treatment before the law, as well as protection, recognition, and guarantees of their rights. Furthermore, Articles 4 and 5 paragraph (1) reaffirm that all persons must be treated equally by the law. The essence of Law No. 39 of 1999 is to guarantee fairness and equality in legal treatment. This principle is rooted in Article 27 paragraph (1) of the 1945 Constitution, which explicitly declares that all Indonesian citizens possess equal status before the law, forming the constitutional foundation for the Human Rights Law.<sup>8</sup>

The Constitution says that everyone must have the same legal rights. The government must ensure that this fundamental requirement is consistently followed, protected, and maintained in good condition. The principle of acknowledging liberty and freedom affords those involved in legal disputes, such as witnesses, interrogators, investigators, suspects, defendants, prisoners, or convicted individuals, certain rights. These rights include the suspect's right to have a lawyer, the right to be presumed

---

<sup>3</sup> Robert Kohn, 'The Current State of International Human Rights of Older Persons', *The American Journal of Geriatric Psychiatry*, 2025 <https://doi.org/10.1016/j.jagp.2025.08.004>

<sup>4</sup> J. Craig Phillips and others, 'Advancing Human Rights, Health Equity, and Equitable Health Policy with LGBTQ+ People: An American Academy of Nursing Consensus Paper', *Nursing Outlook*, 73.5 (2025), 102496 <https://doi.org/10.1016/j.outlook.2025.102496>

<sup>5</sup> Chioma Vivian Basil and Raphael Heffron, 'A Systematic Review of the Intersection between Energy Justice and Human Rights', *Renewable and Sustainable Energy Reviews*, 221 (2025), 115892 <https://doi.org/10.1016/j.rser.2025.115892>

<sup>6</sup> Eric Martínez, Francis Mollica, and Edward Gibson, 'Even Lawyers Do Not like Legalese', *Proceedings of the National Academy of Sciences*, 120.23 (2023) <https://doi.org/10.1073/pnas.2302672120>

<sup>7</sup> Ellen Vandennieuwenhuysen and others, 'When the Security Measure Meets Bordered Penalty: Release Procedures for Persons Who Are Not Criminally Responsible without Residence Rights in Belgium', *International Journal of Law and Psychiatry*, 91 (2023), 101922 <https://doi.org/10.1016/j.ijlp.2023.101922>

<sup>8</sup> Ahmad Asari Taufiqurrohman, Dwi Edi Wibowo, and Ong Victoria, 'The Regulation on Sexual Harassment in ASEAN Workers: Evidence from Several Countries', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 538–68 <https://doi.org/10.53955/jhcls.v4i2.198>

innocent, and many more. The rights of the suspect, which are part of due process as a means to protect human rights, are not equivalent to justice. In practice, these rights are often disregarded, resulting in suspects losing basic protections, despite being technically protected in many national legal documents. In this scenario, the Miranda Rule principle is relevant as a more effective protective measure.<sup>9</sup>

Article 19, paragraph (4) of Law Number 39 of 1999 on Human Rights says that the right to get legal help from the time of the investigation until the court's decision becomes final is also a violation of legal rights and human rights. This right is also relevant to the Miranda Rule (see also: Article 17, Article 5 paragraph (2), Article 18 paragraph (1), Article 18 paragraph (3), Article 18 paragraph (2), Article 18 paragraph (5) of the Human Rights Law). The Miranda Rule is used in Indonesia to ensure that suspects are treated equally and have the same rights as all other individuals. Breaking it can cause problems with the legal process.<sup>10</sup> The Miranda Rule has made it much more dangerous for Indonesia to enforce its laws. About 80% of the cases that fall under Article 56 paragraph (1) of the Criminal Procedure Code include suspects who were questioned without the help of a lawyer. For example, Article 115 of the Criminal Procedure Code says that many suspects are held without a lawyer throughout the investigative phase of drug investigations and other offenses that could lead to a sentence of five years or more. Judges often ignore violations of Article 56 paragraph (1) of the Criminal Procedure Code, and the courts keep letting these violations happen because they say they need to protect the "public interest." It is time for judges to stop putting up with violations of Article 56, paragraph (1) of the Criminal Procedure Code. This is because Law No. 39 of 1999 regarding Human Rights was passed, and legal reforms were implemented to strengthen the fight for Human Rights within the law enforcement process.<sup>11</sup>

Investigators and other officials sometimes disregard the right of suspects to be assisted by legal counsel during the legal process. Article 56 paragraph (1) of the Criminal Procedure Code obliges investigators, public prosecutors, and court officials to ensure that suspects and defendants receive this protection. A central element of the Miranda Rule, or Miranda Principle, is the entitlement of suspects to obtain such assistance from the competent authorities at every stage of the legal process.<sup>12</sup> Several provisions of the Indonesian Criminal Procedure Code, particularly Article 56 paragraph (1) of Law No. 8 of 1981, guarantee this right. In practice, however, authorities frequently deprive individuals suspected of committing a crime, especially those facing potential imprisonment of five years or more, of these rights. This condition directly contradicts the intention of the legislator. The Criminal Procedure

---

<sup>9</sup> Inge Sebyan Black and Lawrence J. Fennelly, 'Miranda Warning and the Equivalent across the Globe', in *Investigations and the Art of the Interview* (Elsevier, 2021), pp. 3–9 <https://doi.org/10.1016/B978-0-12-822192-1.00001-5>

<sup>10</sup> Jade T. Mitchell and others, 'Comprehension of Miranda Warnings in Adults with Chronic, Moderate-Severe Traumatic Brain Injury', *Journal of Communication Disorders*, 111 (2024), 106452 <https://doi.org/10.1016/j.jcomdis.2024.106452>

<sup>11</sup> Simon Butt, 'Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?', *Griffith Law Review*, 32.2 (2023), 190–214 <https://doi.org/10.1080/10383441.2023.2243772>

<sup>12</sup> Albin Stenström, Felipe Estrada, and Henrik Tham, "'It Should Be Hard to Be a Drug Abuser" An Evaluation of the Criminalization of Drug Use in Sweden', *International Journal of Drug Policy*, 133 (2024), 104573 <https://doi.org/10.1016/j.drugpo.2024.104573>

Code provides a fundamental framework for the enforcement of criminal law, and law enforcement officials must comply with it. Ignoring its provisions under the pretext of enforcing the law ultimately prevents the proper implementation of criminal justice.<sup>13</sup>

From 2021 to 2024, the number of times that defendants' rights were violated in Indonesia showed a worrying trend. Amnesty International Indonesia says that between 2021 and 2022, there were 15 cases of torture in Indonesia, which hurt 25 people. In 2022–2023, this number rose to 16 cases and 26 victims.<sup>14</sup> In 2023–2024, the number rose even further to 30 cases and 49 victims. This big rise shows that police officers are still torturing people and that it is growing more common. The National Commission on Human Rights (Komnas HAM) confirmed this by saying that there were 282 complaints about torture between 2020 and 2024. This fact indicates that even though rules are in place to protect the rights of suspects, they are not being followed properly. This means that the actual actions of law enforcement are not in line with the legal standards.<sup>15</sup>

Policy directions addressing unequal treatment in law enforcement within the framework of the Unitary State of the Republic of Indonesia must ensure the protection and fulfillment of human rights, particularly for marginalized and economically disadvantaged groups.<sup>16</sup> To realize a fair legal process (due process of law), it is necessary to establish a national criminal procedure code that is both humane and capable of safeguarding the rights of suspects. Within this framework, the presence of legal counsel becomes a pivotal element of the integrated criminal justice system, serving as an instrument of control and supervision to minimize irregularities and ensure consistency in law enforcement practices.<sup>17</sup> When handling criminal cases, the police often resort to physical violence and intimidation to extract confessions from individuals who have been arrested, interrogated, and designated as suspects.<sup>18</sup>

Suspects are frequently denied the right to remain silent and to consult legal counsel prior to interrogation. This practice directly contradicts the Miranda Rule and weakens fundamental human rights protections. It also conflicts with the provisions of the Criminal Procedure Code (KUHP), Law No. 48 of 2009 on Judicial Power, and Law No. 39 of 1999 on Human Rights, particularly Article 8, which affirms the

---

<sup>13</sup> Mary Akbary and others, 'Evaluating the Utility of Elicited Imitation as a Measure of Listening Comprehension in the Context of Forensic Linguistics', *Research Methods in Applied Linguistics*, 2.3 (2023), 100067 <https://doi.org/10.1016/j.rmal.2023.100067>

<sup>14</sup> Muridah Isnawati, 'The Urgence of Indonesian Penal Code (KUHP) Reform to Realize Humanistic-Based Imprisonment', *Borobudur Law Review*, 3.1 (2021), 73–83 <https://doi.org/10.31603/burrev.5337>

<sup>15</sup> Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, 'The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia', *Heliyon*, 9.11 (2023), e21602 <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e21602>

<sup>16</sup> Arthur Josias Simon Runturambi and Ridwan Arifin, 'New Patterns and Trends of Migration: Hybrid-Crimes among Indonesian Migrant Workers in Southeast Asia', *Regional Science Policy & Practice*, 17.10 (2025), 100215 <https://doi.org/10.1016/j.rsp.2025.100215>

<sup>17</sup> Anna Zlobina and others, 'Back to Basics: Human Rights Violations and Dehumanization', *Current Opinion in Behavioral Sciences*, 51 (2023), 101263 <https://doi.org/10.1016/j.cobeha.2023.101263>

<sup>18</sup> Vandennieuwenhuysen and others.

principle that every individual shall be presumed innocent until proven guilty.<sup>19</sup> The Draft Criminal Procedure Code (KUHAP) must be harmonized with contemporary developments in human rights standards. Its revision should therefore prioritize the incorporation of relevant principles and instruments, including those established under international treaties. Numerous international human rights instruments regulate law enforcement and judicial mechanisms, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Basic Principles on the Independence of the Judiciary, the Vienna Declaration and Programme of Action, the Universal Declaration on the Independence of Justice, the Convention Against Torture, and the Miranda Rule. Many of these standards have already been incorporated into Indonesia's legal framework, particularly the Constitution and statutory regulations, including Law No. 39 of 1999 on Human Rights, the Law on Judicial Power, Law No. 12 of 2005 ratifying the ICCPR, Law No. 15 of 1998 ratifying the Convention Against Torture, as well as several provisions of the current KUHAP.<sup>20</sup>

Legal policy designed to promote respect for human rights must be translated into procedural legislation that expressly incorporates human rights principles and instruments in line with democratic values. The integration of these concepts into the Criminal Procedure Code (KUHAP) is essential to safeguard the rights of marginalized and vulnerable groups while ensuring meaningful access to justice. Although KUHAP has the potential to reflect international human rights standards, its provisions and implementing regulations do not explicitly establish mechanisms equivalent to Miranda Rights. Consequently, the protection of suspects' rights remains largely declarative, as these rights are embedded in legal texts without guaranteeing that individuals are properly informed of them. By contrast, the United States requires the Miranda Warning, which obliges investigators to inform every suspect of the right to legal counsel and the right to remain silent. The absence of such a mandatory procedure in Indonesia frequently leaves suspects vulnerable to risks and violations during the investigative process.<sup>21</sup>

Miranda Rights in the United States are in effect, required and have clear legal repercussions. This makes sure that the defendant's rights are protected. In Indonesia, however, this protection is more normative and declarative, as there is no requirement for officials to notify people of their rights or automatically punish them if they don't.<sup>22</sup> This disparity underscores the urgency of integrating Miranda Rights into Indonesia's criminal procedure law to promote a fairer justice system and ensure

---

<sup>19</sup> David Androff and Cherra Mathis, 'Human Rights-Based Social Work Practice with Immigrants and Asylum Seekers in a Legal Service Organization', *Journal of Human Rights and Social Work*, 7.2 (2021), 178–88 <https://doi.org/10.1007/s41134-021-00197-7>

<sup>20</sup> Bethanie Carney Almroth, Natalia de Miranda Grilli, and Peter Stoett, 'Including a Human Rights Approach in the Global Plastics Treaty Can Ensure Protection of People and the Environment', *Cambridge Prisms: Plastics*, 2025, 1–10 <https://doi.org/10.1017/plc.2025.10017>

<sup>21</sup> Paul M. Silvasi and others, 'Miranda Warning Comprehension: The Influence of Verbal Aptitude and Hearing Status', *Psychological Reports*, 126.1 (2023), 361–79 <https://doi.org/10.1177/00332941211051266>

<sup>22</sup> Zhilong Guo, Jie Hao, and Lewis Kennedy, 'Protection Path of Personal Data and Privacy in China: Moving from Monism to Dualism in Civil Law and Then in Criminal Law', *Computer Law & Security Review*, 52 (2024), 105928 <https://doi.org/10.1016/j.clsr.2023.105928>

compliance with international human rights norms. The principles embodied in Miranda Rights are consistent with Articles 9 and 14 of the ICCPR, which safeguard the right to a fair trial, the right to be informed of the reasons for arrest, and the right not to be compelled to confess guilt. These provisions illustrate that the U.S. legal framework is more closely aligned with international human rights standards. Conversely, Indonesia continues to face significant challenges in harmonizing its domestic legislation with its international commitments, despite having ratified the ICCPR through Law No. 12 of 2005. The Covenant guarantees every individual's right to be promptly informed of the grounds for arrest, the right to access legal assistance, and protection against coerced confessions. The absence of Miranda-like provisions in Indonesian law reveals a gap between the state's obligations under international law and the practical enforcement of those commitments at the national level.<sup>23</sup>

Lucas M. Alward's previous research examined the relationship between the legitimacy of parole officers and the perceptions of procedural justice among clients (probationers), as well as the influence of these judgments on their sense of obligation to comply. The results support the claim that procedures viewed as fair, including procedural safeguards and rights notification, markedly enhance the legitimacy and compliance of officers.<sup>24</sup> Glenn D. Walters' research suggests that institutional legitimacy may lead to a reduction in infractions; however, alterations in perceptions of penalty certainty can impact the fairness of judicial procedures. Robust perceptions of procedural fairness in the judiciary may indirectly lead to a decline in juvenile delinquency over time, while also offering insights into the management of this process through legislative efforts and therapeutic interventions. The results reveal the components of the process (voice, neutrality, respect, and trust) that influence how people perceive justice. These elements are intimately linked to the safeguarding of suspects' rights, encompassing the right to silence and the right to legal representation. This is beneficial for the growth of certain parts that require addition while modifying Miranda-type protections.<sup>25</sup> Ana Fauzia and Fathul Hamdani's research also shows that, even though the right to legal aid is formally protected, many suspects do not receive sufficient legal assistance in practice. The legal assistance system in Indonesia can be used to enforce the Miranda Principles. However, this mechanism is still not being used properly. To address this, regulatory reform, stronger institutions, the effective use of technology, and penalties for careless advocates are necessary.<sup>26</sup>

---

<sup>23</sup> Hayley M. D. Cleary and Ray Bull, 'Contextual Factors Predict Self-Reported Confession Decision-Making: A Field Study of Suspects' Actual Police Interrogation Experiences.', *Law and Human Behavior*, 45.4 (2021), 310–23 <https://doi.org/10.1037/lhb0000459>

<sup>24</sup> Lucas M. Alward, 'Procedural Justice and Probation Officer Legitimacy: Testing the Process-Based Model in Community Supervision', *Journal of Criminal Justice*, 92 (2024), 102187 <https://doi.org/10.1016/j.jcrimjus.2024.102187>

<sup>25</sup> Glenn D. Walters, 'Mediating the Court Procedural Justice Delinquency Relationship with Certainty Perceptions and Legitimacy Beliefs', *International Journal of Law and Psychiatry*, 97 (2024), 102031 <https://doi.org/10.1016/j.ijlp.2024.102031>

<sup>26</sup> A Fauzia and F Hamdani, 'Penegakan Miranda Principles Melalui Pemberian Bantuan Hukum Pendampingan Di Masa Pandemi Covid-19', *Seminar Nasional Hukum ...*, 7.1 (2021), 1–20 <https://doi.org/https://doi.org/10.15294/snhunnes.v7i1.699>

Nonetheless, there has been no extensive research examining the incorporation of the Miranda Rights principle into the Indonesian criminal procedure system to meet the human rights duties stipulated by the ICCPR and the Constitution. This research makes a unique contribution by offering a normative and procedural approach to the contextual integration of Miranda Rights into the Criminal Procedure Code, aligning with Pancasila ideals. The goal is to better protect the rights of suspects and enhance the legitimacy of the Indonesian criminal justice system in the eyes of the public and on the international stage.<sup>27</sup>

## METHOD

This study applies a normative legal method that incorporates three main approaches: comparative, statutory, and conceptual. The conceptual framework is used to explain key principles including Miranda Rights, procedural justice, and due process of law and to analyze their connection to human rights within the context of a fair trial.<sup>28</sup> The statutory approach is applied to analyze Indonesian legal frameworks such as the Criminal Procedure Code, Law No. 39 of 1999 on Human Rights, and Law No. 12 of 2005 ratifying the ICCPR in order to evaluate the extent to which defendants' rights are regulated and to uncover potential shortcomings. In parallel, the comparative method is employed by reviewing the protection of defendants' rights in the United States following the landmark case *Miranda v. Arizona* (1966), which serves as a reference point for international standards. These findings are then contextualized with Indonesian criminal procedural law. The research further adopts descriptive and prescriptive analysis through a systematic review of national legal provisions concerning defendants' rights, including those enshrined in the Criminal Procedure Code, Law No. 39 of 1999, and Law No. 12 of 2005. The results are compared with the implementation of Miranda Rights in the U.S., providing an overview of the normative framework, the actual protection of defendants' rights in Indonesia, and identifying gaps and weaknesses in its legal system.<sup>29</sup> This research prescriptively offers legal arguments and normative recommendations underscoring the necessity of incorporating Miranda Rights into Indonesia's criminal procedural framework. Such integration can be pursued through regulatory reform and institutional reinforcement, thereby ensuring that the protection of defendants' rights is consistent with international human rights standards while simultaneously strengthening the legitimacy of the national criminal justice system.<sup>30</sup>

---

<sup>27</sup> Bimo Bayu Aji Kiswanto and Anis Mashdurohatun, 'The Legal Protection Against Children Through A Restorative Justice Approach', *Law Development Journal*, 3.2 (2021), 223 <https://doi.org/10.30659/ldj.3.2.223-231>

<sup>28</sup> E. Kutscher and others, 'Pursuing Equity through Transformative Mixed Methods Research: The Case of Secondary Transition', *Methods in Psychology*, 12 (2025), 100188 <https://doi.org/10.1016/j.metip.2025.100188>

<sup>29</sup> Nuria Toledano and Juan D. Gonzalez-Sanz, 'Beyond the Good and the Right: Rethinking the Ethics of Academic Entrepreneurship from a Relational Perspective', *Research Policy*, 53.2 (2024), 104944 <https://doi.org/10.1016/j.respol.2023.104944>

<sup>30</sup> Edith L. Posada-Martinez and others, 'Association Between Three-Dimensional Right Ventricular Ejection Fraction and In-Hospital Outcomes in Patients Undergoing Cardiac Surgery: A Multicenter Study', *Journal of the American Society of Echocardiography*, 38.8 (2025), 685–93 <https://doi.org/10.1016/j.echo.2025.02.008>

## RESULT AND DISCUSSION

### *The Current Practice of Suspect Rights in Indonesia*

The goal of the criminal justice system is to either release or punish someone who has been charged with a crime. This procedure involves looking at criminal cases. The criminal justice system is what enables criminal justice to occur, and its primary goal is to bring justice to society. The Criminal Justice System has existed since the establishment of criminal legislation (substantial criminal law) and is not solely associated with law enforcement.<sup>31</sup> In Indonesia, this truth is not adequately acknowledged. The criminal justice system, as a whole, is often at odds with its individual components, unless the law dictates otherwise. The poor behavior of police and prosecutors, who have not acted professionally or with great moral character, is another reason why law enforcement is still not as strong as it should be. The legal facilities and infrastructure that law enforcement authorities require are still inadequate, which hinders their ability to perform their duties effectively and makes people feel less secure in society. In the end, institutional weaknesses and the competence of law enforcement officers play a decisive role in determining how human rights principles are applied in practice, particularly with regard to safeguarding the rights of suspects and defendants throughout every stage of the criminal justice process.<sup>32</sup>

The protection of suspects' and defendants' rights especially in relation to coercive practices by law enforcement officials largely depends on the extent to which human rights are embedded within the criminal justice framework. Herbert Packer identified two models in the development of criminal justice: the crime control model and the due process model. The latter is grounded in the principle of limiting state power, recognizing that unchecked authority may expose individuals to coercion and potential abuse<sup>33</sup> This perspective corresponds with the principle of culpability, which holds that a person may only be deemed guilty if the determination of guilt is conducted through proper procedures and by authorized institutions. Within this framework, the due process model is associated with *daderstrafrecht*, which emphasizes the impartial adjudication of guilt by the court. The principle ensures equal treatment of all individuals whether suspects or defendants before the law while considering formal safeguards that uphold human rights. Nevertheless, each model has inherent strengths and weaknesses. The due process approach, for instance, is often criticized for its rigid adherence to procedural rules, which may result in an excessive reliance on normative formalism.<sup>34</sup>

---

<sup>31</sup> Yulio Iqbal Cahyo Arsetyo, 'Indonesia's New Criminal Code and Its Implication Of International Treaties of Human Rights Commitment in Indonesia', *JURNAL PENELITIAN SERAMBI HUKUM*, 16.02 (2023), 179–86 <https://doi.org/10.59582/sh.v16i02.832>

<sup>32</sup> Jason C. Chow and others, 'A Systematic Review and Meta-Analysis of the Language Skills of Youth Offenders', *Journal of Speech, Language, and Hearing Research*, 65.3 (2022), 1166–82 [https://doi.org/10.1044/2021\\_JSLHR-20-00308](https://doi.org/10.1044/2021_JSLHR-20-00308)

<sup>33</sup> David Bright, Russell Brewer, and Carlo Morselli, 'Reprint of: Using Social Network Analysis to Study Crime: Navigating the Challenges of Criminal Justice Records', *Social Networks*, 69 (2022), 235–50 <https://doi.org/10.1016/j.socnet.2022.01.008>

<sup>34</sup> Maxime Gillot and others, 'Automatic Landmark Identification in Cone-beam Computed Tomography', *Orthodontics & Craniofacial Research*, 26.4 (2023), 560–67 <https://doi.org/10.1111/ocr.12642>

The second approach is the Crime Control Model (CCM), which aligns with the Daadstafrecht (State Law). This statute emphasizes the Criminal Justice System's role in enforcing the law efficiently and effectively. Law enforcement favors a management approach based on the quality of administrative fact-finding, which leads to the suspect's acquittal and willingness to plead guilty.<sup>35</sup> The investigative method has been altered, with violence and torture employed to get confessions that are often manufactured, stemming from the belief that the quality of fact-finding is just informal owing to efficiency demands. Also, having a lawyer at this time is worthless because the only requirement is that the person is factually guilty, not legally guilty. You only need a lawyer throughout the legal examination process in court. The Crime Control Model makes it clear that the primary goal of the criminal justice system is to reduce crime. It is essential to eliminate legal procedures that hinder the effectiveness of police operations. To achieve the primary goal of the Criminal Justice System, the suspect's factual guidance is often compromised.<sup>36</sup>

The Law gives the Indonesian National Police "special rights" or "privileged rights" to do the following things in the context of "investigation" and "investigation": "summoning, examining, arresting, detaining, searching, and confiscating" suspects and items that are thought to be related to criminal activities. It is essential that these "special powers" and "rights" are exercised in a manner that adheres to the principles of due process. Due process cannot be enforced, and suspects have the right to be examined and questioned according to the current "procedural law."<sup>37</sup> People keep sending in concerns about the many "investigation" and "investigation" methods that break procedural law or the "discretion" that investigators use. This is something that needs to be looked at. This goes against the human rights that must be protected during the examination, investigation, and inquiry processes. The goal of dealing with this issue is to encourage more "compliance" with the enforcement of the right to due process of law. To assess how well investigative and criminal investigation practices adhere to the principle of due process of law, it is essential to first understand the legal framework that establishes the rules for and safeguards the rights of suspects within the Indonesian criminal justice system.<sup>38</sup>

In Indonesia's criminal justice system, the rights of suspects originate from both constitutional guarantees and statutory provisions. The 1945 Constitution affirms that human rights apply universally, including to individuals accused of criminal acts. Article 28D paragraph (1) guarantees every person the right to recognition, protection, and legal certainty within a just legal system, while Article 28G paragraph (1) secures the right to personal security and protection from torture or other forms of inhumane

---

<sup>35</sup> Benjamin W. Fisher and Amy E. Fisher, 'Criminal Justice System Contact of Students with Disabilities by Race and Ethnicity: Examining the Role of School Police', *Children and Youth Services Review*, 149 (2023), 106953 <https://doi.org/10.1016/j.childyouth.2023.106953>

<sup>36</sup> Frida Kasumawati and others, 'Factors Related to the Protection of Women Workers Rights in CV. Miranda Moda Indonesia Rengas, East Ciputat', *Asia-Pacific Journal of Management and Technology*, 02.02 (2021), 30–34 <https://doi.org/10.46977/apjmt.2021v02i02.004>

<sup>37</sup> Peter Joyce and Wendy Laverick, *Criminal Justice* (London: Routledge, 2022) <https://doi.org/10.4324/9780429330537>

<sup>38</sup> Lu Longkun, 'A Comparison of Two Power Balance Laws to Elucidate the Role of Fracture Process Zone in Resolving the Transferability Problems', *Engineering Fracture Mechanics*, 327 (2025), 111480 <https://doi.org/10.1016/j.engfracmech.2025.111480>

treatment. These constitutional protections are further reinforced in the Criminal Procedure Code (KUHP), particularly Articles 50 to 68, which provide the statutory foundation for safeguarding the rights of suspects.<sup>39</sup> The rights afforded to suspects encompass, among others, the right to prompt examination by investigators, the right to be informed of the charges, the right to provide testimony without coercion, the right to legal counsel, and the right to compensation and rehabilitation in cases of unlawful arrest or detention. Additional protection is provided under Law No. 39 of 1999 on Human Rights, which explicitly guarantees fair treatment, access to legal assistance, and protection against torture for individuals within the criminal justice system. Taken together, these three legislative instruments establish that Indonesia formally possesses a comprehensive legal framework for safeguarding suspects' rights, although structural and cultural obstacles continue to hinder effective implementation.<sup>40</sup>

According to the Commission for Missing Persons and Victims of Violence (KontraS) annual report for 2023, at least 662 cases of torture and cruel treatment happened in 2022. Police officers were responsible for 80% of these cases throughout the investigation phase. This information shows that police still violate the rights of suspects, especially their right not to be tortured.<sup>41</sup> The Komnas HAM report also states that most complaints people make about the legal system concern arrests and detentions that lack a clear legal basis. Article 56 of the Criminal Procedure Code and Law No. 16 of 2011 regarding Legal Aid both state that individuals have the right to legal assistance. However, it is still hard for people to get legal help, especially for people who are suspected of a crime and come from low-income families.<sup>42</sup> The Jakarta Legal Aid Institute (LBH Jakarta) reported that a large number of suspects continue to undergo examinations without legal representation due to the scarcity of pro bono advocates and the authorities' lack of awareness regarding the provision of legal counsel from the outset. This highlights a significant disparity between the laws that protect the rights of suspects and how they are actually implemented. Criminal procedural law is necessary for providing clarity and justice.<sup>43</sup>

The establishment of a pretrial mechanism represents a concrete effort to safeguard human rights. Such an institution is expected to ensure that law enforcement authorities respect individual rights throughout the investigative process. Its primary function is to protect the human rights of suspects during investigations, thereby upholding the balance of justice. The law must guarantee that the criminal justice system prevents arbitrary or unreasonable infringements on suspects' rights. Although

---

<sup>39</sup> Fisher and Fisher.

<sup>40</sup> Martitah Martitah and others, 'Insufficient Criminal Justice System Response to the Severity of Domestic Violence during the Pandemic in Indonesia', *Heliyon*, 10.14 (2024), e33719 <https://doi.org/10.1016/j.heliyon.2024.e33719>

<sup>41</sup> Taoufiq El Moussaoui, Chakir Loqman, and Jaouad Boumhidi, 'Decoding Legal Processes: AI-Driven System to Streamline Processing of the Criminal Records in Moroccan Courts', *Intelligent Systems with Applications*, 25 (2025), 200487 <https://doi.org/10.1016/j.iswa.2025.200487>

<sup>42</sup> NATALIA YASELSKA, 'ACCESS TO JUSTICE DURING MARTIAL LAW', *Law. Human. Environment*, 13.2 (2022) <https://doi.org/10.31548/law2022.02.010>

<sup>43</sup> Marie Claire Van Hout and others, 'Judicialisation of the Mentally Ill and/or Mentally Incapacitated in the Malawi Criminal Justice System: Gaps and Flaws of Human Rights Protection', *Forensic Science International: Mind and Law*, 4 (2023), 100121 <https://doi.org/10.1016/j.fsimpl.2023.100121>

the Criminal Procedure Code (KUHP) contains various provisions designed to protect suspects, their practical application remains challenging. Institutionalizing pretrial measures thus serves as a means of reinforcing the protection of suspects' rights while preserving the integrity of the legal process during the investigation stage.<sup>44</sup>

During the investigative process, individuals suspected of committing a crime must be guaranteed the same rights as detainees, as stipulated in the Criminal Procedure Code (KUHP). The effective protection of these rights requires the consistent implementation of Law No. 8 of 1981 on Criminal Procedure.<sup>45</sup> This protection is particularly crucial during criminal investigations, especially at the stage of suspect interrogation. At this stage, investigators frequently engage in practices that disadvantage suspects and compromise fairness. Such practices are often aimed at extracting confessions or direct statements, yet the methods employed are frequently unlawful. To ensure that the investigation proceeds properly and without deception, suspects must be able to provide information voluntarily, free from coercion or intimidation. During the examination process, investigators are obliged to record the information given by suspects in a manner that respects their rights and avoids the use of coercive measures, thereby safeguarding the integrity of the evidence obtained.<sup>46</sup> The Criminal Procedure Code says that violent techniques are against the law and can't be used. Law Number 8 of 1981, which pertains to criminal procedure, stipulates that the rights of suspects will be protected and that they will be treated fairly under the law.<sup>47</sup> A public court hearing must be held to determine whether a suspect or defendant is guilty. In this case, the legal interests of the party are the person seeking the arrest and imprisonment of the suspect. These interests must be taken into account and protected to prevent police officers from acting independently.<sup>48</sup>

The right to a fair trial constitutes one of the fundamental rights safeguarded under both national and international legal frameworks. Article 28D paragraph (1) of the 1945 Indonesian Constitution guarantees every individual equal treatment before the law, along with recognition, protection, and assurance of just legal certainty. This principle is consistent with the International Covenant on Civil and Political Rights (ICCPR), particularly Article 14, which affirms the entitlement of suspects and defendants to a fair and public hearing before an independent and impartial

---

<sup>44</sup> Mulyadi Alrianto Tajuddin, Marlyn Jane Alputila, and Amir Ilyas, 'Justice for Women in Handling the Case of Household Violence through Integrated Criminal Justice System (Study in Merauke District)', *Enfermería Clínica*, 30 (2020), 394–97 <https://doi.org/10.1016/j.enfcli.2019.11.006>

<sup>45</sup> Tejal Jesrani and Daimiris Garcia, 'Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law', *International Journal of Law, Crime and Justice*, 80 (2025), 100729 <https://doi.org/10.1016/j.ijlcj.2025.100729>

<sup>46</sup> Marie Claire Van Hout and Jakkie Wessels, 'Navigating the Complexities of the Mentally Ill and Mentally Incapacitated in the Criminal Justice System in South Africa', *Forensic Science International: Mind and Law*, 2 (2021), 100068 <https://doi.org/10.1016/j.fsimpl.2021.100068>

<sup>47</sup> G. Croci and J. Gomez, 'Breaking the Cycle: The Role of the Criminal Justice System in Understanding Homicide Rates', *Journal of Criminal Justice*, 99 (2025), 102450 <https://doi.org/10.1016/j.jcrimjus.2025.102450>

<sup>48</sup> Hanafi Amrani and Mahrus Ali, 'A New Criminal Jurisdiction to Combat Cross-Border Money Laundering', *Journal of Money Laundering Control*, 25.3 (2022), 540–50 <https://doi.org/10.1108/JMLC-06-2021-0059>

tribunal.<sup>49</sup> A fair trial functions as a crucial mechanism to guarantee that the enforcement of criminal law remains consistent with the protection of human rights. One landmark development in this regard is Constitutional Court Decision No. 21/PUU-XII/2014, which significantly broadened the scope of pretrial review. Previously, pretrial proceedings were confined to matters of arrest, detention, termination of investigation, and termination of prosecution. The ruling extended this authority to include judicial review of the suspect designation process, marking an important step toward strengthening the rights of suspects and limiting the potential for arbitrary arrests by law enforcement officials. Beyond securing the fundamental rights of suspects during the investigation stage, ensuring access to legal assistance is equally vital, as it enables individuals to navigate the complexities of the criminal justice system. The right to legal representation is particularly important, given that anyone may be designated as a suspect on the basis of sufficient preliminary evidence. Considering that many individuals may lack adequate knowledge of criminal procedures, legal aid serves as an essential safeguard against potential abuse of authority.<sup>50</sup>

It is therefore essential for suspects to obtain legal assistance from a lawyer, who bears responsibility for safeguarding them against self-incrimination and guiding them through the proper legal process. Suspects who lack legal knowledge or are illiterate are particularly vulnerable to violations of their human rights. This vulnerability is heightened by the authority vested in investigators of the Indonesian National Police, who possess the power to employ coercive measures such as arrest. As a counterbalance to this authority, the state guarantees suspect the right to legal assistance from a lawyer or advocate.<sup>51</sup>

The right to legal assistance also acts as an important safeguard against the potential misuse of coercive measures by investigators. The Criminal Procedure Code (KUHP) provides the normative foundation for this protection, particularly through Articles 54, 55, 56, 57, 60, and 62, along with Chapter VII on Legal Aid (Articles 69–74), which comprehensively regulates the suspect's right to legal counsel. While KUHP establishes the legal framework for due process and formally guarantees the protection of suspects' rights, it remains limited in terms of enforcement. The Code does not clearly stipulate the legal consequences of violations of these rights, such as the invalidation of investigations, indictments, or the exclusion of evidence obtained unlawfully. This normative gap weakens the practical implementation of suspects' rights and leaves room for procedural irregularities. The establishment of pre-trial institutions has been insufficient to safeguard the human rights of the suspect, as mandated by the principles of *ubi jus ibi remedium* and *ubi remedium ibi jus*. These ideas suggest that if the law grants you a right, you should be able to request it and

---

<sup>49</sup> Yong Ma and Xiaolin Zhang, 'Scientific Uncertainty and the Challenges of Applying Criminal Law: Lessons from China's COVID-19 Response', *Heliyon*, 10.14 (2024), e34777 <https://doi.org/10.1016/j.heliyon.2024.e34777>

<sup>50</sup> William Maxey and others, 'Discrepancy between Policy and Practice: A Case Study on Hegemony within an Indonesian Juvenile Correctional Center (LPKA)', *Children and Youth Services Review*, 177 (2025), 108469 <https://doi.org/10.1016/j.childyouth.2025.108469>

<sup>51</sup> Aga Natalis, Adventi Ferawati Sembiring, and Emy Handayani, 'From Rejection to Recognition: Human Rights, Morality, and the Future of Marijuana Policy in Indonesia', *International Journal of Drug Policy*, 140 (2025), 104817 <https://doi.org/10.1016/j.drugpo.2025.104817>

obtain it. A legal process is the only way to prove that a right exists. For this reason, police officers in Indonesia must demonstrate compassion and responsibility to improve the legal system. This is in the hopes that there would be no more illegal arrests, assaults, or torture during criminal case investigations in the future.<sup>52</sup>

### ***Miranda Rights in the Context of International Human Rights Standards***

In examining law enforcement mechanisms, the criminal justice process must be evaluated in light of the principles of legal certainty, impartiality, and humanism in judicial proceedings. Barda Nawawi Arief observes that the criminal justice system essentially represents the broader framework of criminal law enforcement, as both function as instruments of state authority intended to secure compliance with the law. Structurally, the Indonesian criminal justice system draws inspiration from the model developed in the United States, particularly in its integration of law enforcement agencies, public prosecutors, the judiciary, and correctional institutions.<sup>53</sup>

The criminal justice system is generally understood as comprising three principal components: law enforcement (primarily the police), the adjudication process (judges, prosecutors, and advocates), and correctional institutions (managed by correctional officers and officials). The terminology "Criminal Justice System" was first popularized by the President's Commission on Law Enforcement and Administration of Justice in 1967, and by the 1970s it had gained widespread acceptance in the United States. Notably, many academic centers that had previously used the term "Criminology" began to adopt "Criminal Justice" to reflect this systemic perspective. A significant milestone in this evolution was the establishment of the *Miranda Rules* in 1966, stemming from the case *Miranda v. Arizona*. These rules emphasized the legal protection of suspects by ensuring their right to remain silent and to obtain legal counsel, thereby strengthening the due process orientation of the U.S. criminal justice system.<sup>54</sup>

The *Miranda Rules* were first established in the United States in 1966 through the landmark case *Miranda v. Arizona*. Ernesto Miranda, accused of rape and kidnapping, was subjected to police interrogation without the presence of legal counsel. Under verbal pressure, he confessed and signed a written statement, despite being unaware of his constitutional rights. This practice conflicted with the protections enshrined in the Fifth Amendment, which guarantees due process and the right against self-incrimination, as well as the Sixth Amendment, which secures the right to legal counsel. The U.S. Supreme Court subsequently ruled that suspects must be informed of these rights before any custodial interrogation, thereby institutionalizing the *Miranda Rules* as a safeguard against coercive law enforcement practices.<sup>55</sup> In the

---

<sup>52</sup> Eny Kusdarini and others, 'Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia', *Heliyon*, 8.12 (2022), e11932 <https://doi.org/10.1016/j.heliyon.2022.e11932>

<sup>53</sup> Gustavo Magalhães de Oliveira and Bruno Varella Miranda, 'Environmental Enforcement, Property Rights, and Violence: Evidence from the Brazilian Amazon', *Journal of Institutional Economics*, 20 (2024), e27 <https://doi.org/10.1017/S1744137424000122>

<sup>54</sup> Christopher Sistrunk and others, 'Impact of Federal, State, and Local Housing Policies on Disparities in Cardiovascular Disease in Black/African American Men and Women: From Policy to Pathways to Biology', *Frontiers in Cardiovascular Medicine*, 9 (2022) <https://doi.org/10.3389/fcvm.2022.756734>

<sup>55</sup> Radina (Adi) Stoykova, 'A New Right to Procedural Accuracy: A Governance Model for Digital Evidence in Criminal Proceedings', *Computer Law & Security Review*, 55 (2024), 106040 <https://doi.org/10.1016/j.clsr.2024.106040>

*Miranda v. Arizona* case, the U.S. Supreme Court emphasized that interrogation practices aimed at compelling a confession even without physical violence constituted intimidation and a violation of human dignity. This landmark decision gave rise to the *Miranda Rules*, which guarantee, among others, the right to remain silent. While the principle of the right to silence is also embedded in Indonesia's Criminal Procedure Code (KUHP), significant distinctions exist between the two systems. In the United States, investigators are legally required to issue a *Miranda warning* prior to interrogation, explicitly informing suspects of their rights, including the right to silence and to legal counsel. In contrast, Indonesian law does not impose such a proactive duty on investigators. As a result, suspects in Indonesia are not automatically advised of their right to remain silent, which weakens the practical protection of this fundamental right during criminal investigations.<sup>56</sup>

The *Miranda Rule* was first established in the United States in 1966 and has since influenced many other jurisdictions worldwide. Indonesia has partially incorporated its principles into national laws and regulations. During the interrogation process, investigators whether police officers, prosecutors, or members of the Corruption Eradication Commission (KPK) are formally required to respect certain rights of criminal suspects. These include the right to remain silent and refrain from answering questions prior to interrogation, the right to contact and receive assistance from legal counsel, the right to select legal representation independently, and, where the suspect is unable to afford one, the right to be provided with legal counsel. These guarantees echo the well-known *Miranda Rights*, albeit with notable differences in enforcement and institutional practice.<sup>57</sup>

The implementation of *Miranda Rights* in the United States is distinctive because investigators are legally required to recite the *Miranda Warning* to suspects, unlike in most jurisdictions where the rights are merely codified. In practice, U.S. investigators must inform suspects of the so-called "four Miranda Warnings," which outline the right to remain silent, the right to legal counsel, and related procedural safeguards before custodial interrogation begins. While the U.S. Supreme Court has set binding benchmarks, it does not mandate a uniform formula for delivering the warning, so long as its substance is conveyed. Crucially, failing to administer the *Miranda Warning* renders subsequent statements inadmissible in court, thereby reinforcing its protective role. The primary objective of this requirement is to safeguard suspects' constitutional rights as enshrined in the Fifth and Sixth Amendments to the U.S. Constitution, and to prevent potential abuses during interrogation. Nonetheless, the *Miranda Rule* is not absolute: exceptions exist, particularly in cases where suspects are deemed to pose an immediate threat to public safety, such as terrorism or "enemy combatant" scenarios. Despite these exceptions, the underlying principle remains universal the protection of suspects' fundamental rights in criminal proceedings. This standard has been adopted,

---

<sup>56</sup> Richard Rogers, Amor A. Correa, and others, 'Protecting the Rights of the Accused: Use of Spanish-Language Miranda Warnings in Central Florida', *The Journal of Forensic Psychiatry & Psychology*, 32.1 (2021), 119–30 <https://doi.org/10.1080/14789949.2020.1833072>

<sup>57</sup> Patricia A. Ferreira, Breanna Curran, and Christian A. Meissner, 'The Miranda Waiver Literature: A Systematic Review and Meta-Analysis.', *Psychology, Public Policy, and Law*, 2025 <https://doi.org/10.1037/law0000466>

though often in a more declarative than practical manner, in other jurisdictions, including Indonesia.<sup>58</sup>

*Miranda Rights* refer to the constitutional safeguards granted to individuals under investigation or prosecution, particularly the right to remain silent and the right to legal counsel at all stages of the criminal process. These rights represent a constitutional privilege recognized in many jurisdictions, albeit with varying levels of implementation. In Indonesia, a state founded on the principle of the rule of law (*rechstaat*), the protection of suspects' rights is of fundamental importance. The Indonesian Criminal Procedure Code (KUHP) does recognize several principles consistent with *Miranda Rights*, reflecting a formal commitment to human rights protection. However, unlike in the United States, KUHP does not impose a mandatory obligation on investigators to inform suspects of these rights before questioning, which makes their enforcement largely declarative rather than practical. This gap illustrates Indonesia's partial adoption of *Miranda Rights* acknowledging them at the normative level but falling short in ensuring their full procedural implementation.<sup>59</sup>

One of the most fundamental aspects of *Miranda Rights* is the privilege against self-incrimination, which protects individuals from being compelled to testify against themselves. This principle is expressly affirmed in Article 14, paragraph (3)(g) of the ICCPR, which guarantees that the accused shall not be "compelled to testify against himself or to confess guilt." Beyond treaty law, this standard has evolved into a mandatory element of customary international law, given its close connection to the absolute prohibition of torture and coercion in investigations, as well as the broader protection of human dignity. In this context, *Miranda Rights* serve as a crucial procedural safeguard, ensuring that these guarantees are not merely abstract legal entitlements but are concretely implemented during the investigative process. By doing so, they operationalize the right against self-incrimination and enhance the practical protection of suspects' rights under both national and international law.<sup>60</sup>

Article 14 of the ICCPR explicitly guarantees the right to a fair trial for all individuals accused of a crime. This encompasses equal treatment before the law, trial by a competent, independent, and impartial tribunal, and the presumption of innocence until proven guilty. Within this framework, *Miranda Rights* provide a concrete procedural safeguard to uphold these guarantees, particularly during the inquiry or pre-trial stage. By requiring law enforcement officials to inform suspects of their rights at the outset of questioning, *Miranda Rights* reinforce the impartiality of the judicial process and protect the dignity and well-being of suspects. This corresponds to Article 14, paragraph (3) of the ICCPR, which affirms the rights of suspects to legal assistance, to defend themselves, and to be informed promptly of the

---

<sup>58</sup> Sydney Baker, Kamar Y. Tazi, and Emily Haney-Caron, 'A Critical Discussion of Youth Miranda Waivers, Racial Inequity, and Proposed Policy Reforms.', *Psychology, Public Policy, and Law*, 29.3 (2023), 320–35 <https://doi.org/10.1037/law0000389>

<sup>59</sup> Dakota Wing, "'It's Just Like on TV': An Analysis of the Mirandizing Process on TV", *Criminal Justice Review*, 50.2 (2025), 191–204 <https://doi.org/10.1177/07340168231196995>

<sup>60</sup> Richard Rogers, Lisa L. Hazelwood, and others, 'The Language of Miranda Warnings in American Jurisdictions: A Replication and Vocabulary Analysis.', *Law and Human Behavior*, 32.2 (2008), 124–36 <https://doi.org/10.1007/s10979-007-9091-y>

charges against them. In the United States, the failure of law enforcement to provide a *Miranda Warning* renders the arrest procedurally defective, since its primary purpose is to uphold the suspect's human rights guaranteed under the Fifth and Sixth Amendments to the U.S. Constitution. Although the *Miranda Rule* continues to evolve and has generated debate regarding its advantages and shortcomings, exceptions have been recognized most notably in cases involving individuals suspected of posing a threat to public safety, such as terrorists or so-called "enemy combatants."<sup>61</sup>

The *Miranda Rule* holds particular significance for developing countries, as it provides a mechanism to safeguard the rights of suspects within the criminal justice process. While the demand for effective law enforcement frequently encounters institutional resistance, entrenched legal cultures, and limited resources, these challenges cannot excuse states from ensuring that their criminal procedures comply with universally accepted human rights standards. As members of the international community, developing nations are obligated to align their legal systems with global commitments, particularly Article 14 of the ICCPR, which guarantees the right to a fair trial and upholds the principle against self-incrimination. Incorporating *Miranda Principles* into domestic law not only affirms a government's commitment to human rights but also demonstrates consistency in fulfilling its international legal obligations.<sup>62</sup>

The Criminal Procedure Code (KUHAP) in Indonesia establishes rules for the rights of suspects; however, these rules are often disregarded in practice.<sup>63</sup> For example, suspects are not allowed to see a lawyer right away, are forced to confess, or are tortured. The adoption of the Miranda principles would further underscore the duty of authorities to uphold fundamental rights. In Indonesia, the safeguarding of suspects' rights remains dependent on the adherence of authorities, given that the Criminal Procedure Code and associated legislation lack a robust and unequivocal warning system, unlike in the United States. So, there is still a chance for violations to happen. This comparison demonstrates that the Miranda principles are not only relevant in Indonesia but can also serve as a valuable tool for oversight, enhancing the effectiveness of protecting human rights within the criminal justice system.<sup>64</sup>

### ***Strengthening Human Rights Compliance Through Miranda Rights Integration***

Chapter VI of Law No. 8 of 1981 on the Criminal Procedure Code broadly incorporates elements of the *Miranda Principle*, with Article 56 paragraph (1) explicitly recognizing this safeguard. The provision affirms the rights of individuals accused or charged with a criminal offense, requiring that legal counsel be appointed for the defendant by the competent authority, a responsibility that cannot be

---

<sup>61</sup> Aneta Pavlenko, 'Language Proficiency as a Matter of Law: Judicial Reasoning on Miranda Waivers by Speakers with Limited English Proficiency (LEP)', *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, 37.2 (2024), 329–57 <https://doi.org/10.1007/s11196-023-10037-8>

<sup>62</sup> Silvasi and others.

<sup>63</sup> Wanqiang Wu and Xifen Lin, 'Access to Technology, Access to Justice: China's Artificial Intelligence Application in Criminal Proceedings', *International Journal of Law, Crime and Justice*, 81 (2025), 100741 <https://doi.org/10.1016/j.ijlcj.2025.100741>

<sup>64</sup> Kasumawati and others.

transferred or delegated.<sup>65</sup> The defendant's family does not have to wait or get a lawyer on their own. All levels of law enforcement in this country must adhere to Law No. 8 of 1981, as it pertains to the Criminal Procedure Code. This includes the Miranda Rule, which is found in Article 56, paragraph (1) of the Criminal Procedure Code. Articles 54, 55, 56, Paragraph (1), and 114 of Indonesia's Criminal Procedure Code (KUHP) explain the Miranda Rule. The Miranda Rule in Indonesia is based on the one in the United States. However, the Miranda Rule Principle is not entirely followed in Indonesia, even though it is fully adhered to in the United States.<sup>66</sup>

The *Miranda Rule*, or *Miranda Principle*, establishes that an investigation, prosecution, or trial becomes invalid if the suspect or defendant is not accompanied by legal counsel. This requirement forms one of the essential standards of the *Miranda Rule*. Within the Indonesian context, Article 56 paragraph (1) of the Criminal Procedure Code serves as a key provision, underscoring the necessity of legal representation for suspects and defendants. More broadly, the *Miranda Rule* obliges law enforcement officials to inform individuals of their fundamental rights prior to interrogation. These include the right to remain silent, with the understanding that any statement given may be used in court; the right to contact or be accompanied by a lawyer; and the right to state-appointed legal counsel when the individual lacks financial means. Similarly, Article 22 paragraph (1) of Law No. 18 of 2003 on Advocates reinforces this safeguard by mandating the provision of free legal assistance to those in need.<sup>67</sup>

The Indonesian Criminal Procedure Code explicitly guarantees several fundamental rights of suspects, including the right to remain silent, the right to legal assistance, and protection against torture. Nevertheless, in practice, serious violations continue to occur. Data from the National Commission on Human Rights (Komnas HAM) indicate that between 2020 and 2024, the Indonesian National Police received the highest number of complaints related to acts of torture committed by law enforcement personnel.<sup>68</sup> During this period, Komnas HAM recorded 176 complaints, while its annual report noted 282 cases of torture. Similarly, KontraS documented 62 incidents of torture and other inhumane practices between June 2019 and May 2020 alone, resulting in 220 deaths, 199 injuries, and 21 cases of enforced disappearance. The majority of these incidents involved police officers, indicating that torture and coerced confessions remain prevalent, particularly during the investigative stage.

---

<sup>65</sup> Monica Serena Perner and others, 'Criminal Justice Intimate Partner Victimization before, during and after Pregnancy among Birthing Parents Screened Postnatally by Public Health Nurses', *Annals of Epidemiology*, 110 (2025), 72–80 <https://doi.org/10.1016/j.annepidem.2025.07.063>

<sup>66</sup> Cahyo Arsetyo.

<sup>67</sup> Priyo Handoko and Anis Farida, 'Konsep Miranda Rule Dalam Hukum Pidana Di Indonesia Perspektif Maqasid Al-Shari'ah', *Al-Jinayah Jurnal Hukum Pidana Islam*, 7.2 (2021), 386–408 <https://doi.org/10.15642/aj.2021.7.2.386-408>

<sup>68</sup> Radina Stoykova, 'The Right to a Fair Trial as a Conceptual Framework for Digital Evidence Rules in Criminal Investigations', *Computer Law & Security Review*, 49 (2023), 105801 <https://doi.org/10.1016/j.clsr.2023.105801>

Compounding this issue is a structural barrier: the limited availability and accessibility of legal assistance for suspects.<sup>69</sup>

Although the Criminal Procedure Code and the Legal Aid Law (Law No. 16 of 2011) stipulate that everyone has the right to a lawyer, many suspects come from impoverished households or live in remote areas. The lack of pro bono advocates and the fact that authorities didn't actively inform the public about these rights at the start of the investigation exacerbate the situation.<sup>70</sup> This scenario is partly due to the fact that there are no punishments for police officers who violate human rights, and that the systems for monitoring them are not effective enough. Even though there is a lot of proof of torture or other wrongdoings, cops are often not punished, let alone charged with a crime. KontraS noted that many of the people who were responsible for the 22 torture events it watched were let go without being charged. This created a culture of impunity that encourages similar breaches to happen again. Independent outside controls are still better than internal controls, such as the legal profession, internal police procedures, and public complaints.<sup>71</sup> The importance of integrating Miranda Rights into the national legal framework is further emphasized by inadequate oversight and pervasive impunity, which guarantee that the safeguarding of suspects' rights transcends mere normative adherence and is executed in a consistent and accountable manner.<sup>72</sup>

The normative framework of the Criminal Procedure Code (KUHAP) and its implementing regulations still requires further development to ensure the effective incorporation of Miranda Rights into the Indonesian legal system. Although KUHAP recognizes several fundamental guarantees for suspects such as the right to legal counsel and the right against self-incrimination these provisions remain limited in scope and are not always effectively enforced in practice. Strengthening KUHAP to explicitly incorporate Miranda Rights would not only harmonize Indonesian law with international human rights standards but also provide stronger safeguards against coercion and abuse during criminal proceedings.<sup>73</sup> However, it does not clearly state that authorities must inform suspects of these rights at the outset of the investigation. As a result, an integration model can be implemented by adding rules to the KUHAP that require investigators to provide notice of rights in clear and understandable language. Technical provisions may also be included in implementing regulations, such as the National Police Chief Regulation, the Attorney General Regulation, and the Minister of Law and Human Rights Regulation. These rules outline how to inform people about their rights, the required format, and the procedures for creating official

---

<sup>69</sup> Febryan Alam Susatyo and Muchlas Rastra Samara Muksin, 'Constructing the Concept of Commissioner Judge in Enforcing the Exclusionary Rules Principle in Indonesia', *JUSTISI*, 10.3 (2024), 505–17 <https://doi.org/10.33506/js.v10i3.2607>

<sup>70</sup> Smart E. Otu and others, 'Revisiting Packer's Models: Examining Nigeria's Criminal Justice System in the COVID-19 and Post-COVID-19 Era', *International Journal of Law, Crime and Justice*, 77 (2024), 100663 <https://doi.org/10.1016/j.ijlcrj.2024.100663>

<sup>71</sup> Toledano and Gonzalez-Sanz.

<sup>72</sup> Miranda Risang Ayu Palar, Laina Rafianti, and Helitha Novianty Muchtar, 'Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation', *Cogent Social Sciences*, 9.2 (2023) <https://doi.org/10.1080/23311886.2023.2274431>

<sup>73</sup> Emaediong I. Akpanekpo and others, 'Criminal Justice Transitions among Adolescents in Australia: A Multi-State Model', *Journal of Criminal Justice*, 92 (2024), 102189 <https://doi.org/10.1016/j.jcrimjus.2024.102189>

documents using audio-visual recordings. The KUHAP in Indonesia should be viewed as a step forward in the Criminal Procedure Law regarding the rights of suspects. It has new ideas that are even similar to those in international law.<sup>74</sup>

The implementation framework requires law enforcement officials to perform their duties effectively. The police, who are in charge of investigations, must always inform suspects of their rights, including the right to remain silent and the right to legal counsel. They must also ensure that these rights are fully understood before the investigation can continue.<sup>75</sup> As the case controller (*dominus litis*), the Prosecutor's Office is also responsible for ensuring that investigations are conducted properly. This means that they can throw out case files if the suspect's rights are violated. Judicial aid organizations help suspects at the early stages of an investigation to make sure they aren't alone in dealing with the judicial system. They also act as informal monitors of investigative techniques.<sup>76</sup>

The Inspectorate and the National Police's Propam Division are two examples of internal oversight processes that require improvement. The National Commission on Human Rights and the Ombudsman are two examples of external monitoring mechanisms that require improvement.<sup>77</sup> Sanctions for infractions must be strictly enforced, and they can be either administrative (like reprimands and delaying promotions) or criminal (like torture or coerced confessions).<sup>78</sup> Furthermore, courts must implement the exclusionary rule by rendering evidence or statements inadmissible if gathered in violation of Miranda Rights. This integration aligns with the tenets of restorative justice, which emphasize substantive justice and the restoration of relationships. Early notification of rights ensures that suspects participate in the legal process voluntarily and without pressure, which preserves the validity of peaceful case resolution. So, adding Miranda Rights not only makes law enforcement better, but it also lays the groundwork for a criminal justice system that is fairer, open, and humane. As a result, compliance with human rights is at its best.<sup>79</sup>

Adding Miranda Rights to the national legal system is expected to have a big impact on protecting human rights.<sup>80</sup> First and foremost, it is essential to inform

---

<sup>74</sup> Yenny Eta Widyanti, 'Human Rights and Indonesian Legal Protection of Traditional Cultural Expressions: A Comparative Study in Kenya and South Africa', *Jurisdictie: Jurnal Hukum Dan Syariah*, 14.2 (2024), 315–34 <https://doi.org/10.18860/j.v14i2.24318>

<sup>75</sup> Robin Lennon-Dearing, 'Criminalization of Human Immunodeficiency Virus in the United States', *Nursing Clinics of North America*, 59.2 (2024), 201–17 <https://doi.org/10.1016/j.cnur.2024.01.001>

<sup>76</sup> Eko Iswahyudi, 'Human Rights and Legal Reforms in Indonesia: Challenges and Progress', *The Journal of Academic Science*, 2.2 (2025), 734–43 <https://doi.org/10.59613/ydvwta66>

<sup>77</sup> Aaron Sell and Daniel Sznycer, 'Societal Institutions Echo Evolved Human Nature: An Analysis of the Western Criminal Justice System and Its Relation to Anger', *Evolution and Human Behavior*, 44.3 (2023), 210–21 <https://doi.org/10.1016/j.evolhumbehav.2023.01.007>

<sup>78</sup> Ella Dumaresq and Katrina Skewes McFerran, 'Dance Therapy and the Criminal Justice System: Considering Traditional and Critical Perspectives in Prisons, Forensic Mental Health and Addiction Care', *The Arts in Psychotherapy*, 92 (2025), 102250 <https://doi.org/10.1016/j.aip.2025.102250>

<sup>79</sup> Ana Fauzia, Fathul Hamdani, and Deva Octavia, 'The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law', *Progressive Law Review*, 3.01 (2021), 12–25 <https://doi.org/10.36448/plr.v3i01.46>

<sup>80</sup> A.A. Jones and others, 'Just an Unfair Score: Perceptions of Gender Inequity in the Treatment of Substance Use Disorders among Women Involved in the Criminal Legal System', *Journal of Substance Use and Addiction Treatment*, 169 (2025), 209587 <https://doi.org/10.1016/j.josat.2024.209587>

people of their rights at the start of an investigation to help protect human rights within the criminal justice system. This is because suspects will no longer be able to be controlled by the police, or will not be aware of their rights. Second, this application could help people trust law enforcement more. If the public sees that police, prosecutors, and other authorities follow the law while protecting everyone's basic rights, it will make law enforcement agencies more legitimate and trustworthy.<sup>81</sup>

The integration of Miranda Rights into Indonesia's legal framework would also serve as a safeguard against coerced confessions and torture. When suspects are informed of their right to remain silent and their right to legal representation, they are better protected from arbitrary practices that often occur during the investigation process. Moreover, the consistent implementation of these principles would align Indonesia more closely with international human rights standards, particularly the International Covenant on Civil and Political Rights (ICCPR), which obliges states to guarantee the right to a fair trial and protection from cruel, inhuman, or degrading treatment. Thus, embedding Miranda Rights into Indonesian criminal procedure would not only strengthen compliance with human rights norms but also underscore Indonesia's commitment to upholding its international obligations.<sup>82</sup>

## CONCLUSION

Indonesia has ratified several international human rights treaties, and its Constitution underscores the primacy of the rule of law. Nevertheless, the protection of suspects' rights in the criminal justice system remains weak, as these rights are more declarative than effectively enforced. In practice, widespread violations persist, including torture, denial of the right to remain silent, and restricted access to legal counsel. While the Indonesian Criminal Procedure Code (KUHAP) incorporates certain elements of the Miranda principles, it does not mandate the Miranda Warning as in the United States. Consequently, the protection of suspects' rights in Indonesia largely depends on the discretion of law enforcement officers, creating space for abuses. Integrating Miranda Rights into the national legal system represents a strategic reform to strengthen human rights protection in criminal proceedings. Such integration not only enhances the credibility and accountability of law enforcement, but also prevents torture, ensures adherence to due process, and aligns Indonesia with international standards, particularly the ICCPR's guarantee of the right to a fair trial. In this regard, Miranda Rights can serve as a practical tool for advancing a criminal justice system that is more just, transparent, and humane.

---

<sup>81</sup> M. Misbahul Mujib and Mustari Kurniawati Muchlas, 'Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China', *Journal of Human Rights, Culture and Legal System*, 3.2 (2023), 328–60 <https://doi.org/10.53955/jhcls.v3i2.98>

<sup>82</sup> Lita Tyesta Addy Listya Wardhani, Muhammad Dzikirullah H. Noho, and Aga Natalis, 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems', *Cogent Social Sciences*, 8.1 (2022) <https://doi.org/10.1080/23311886.2022.2104710>

## References

- Akbary, Mary, Leigh Anne Benzaia, Scott Jarvis, and Hae In Park, 'Evaluating the Utility of Elicited Imitation as a Measure of Listening Comprehension in the Context of Forensic Linguistics', *Research Methods in Applied Linguistics*, 2.3 (2023), 100067 <https://doi.org/10.1016/j.rmal.2023.100067>
- Akpanekpo, Emaediong I., Azar Kariminia, Preeyaporn Srasuebkul, Julian N. Trollor, John Kasinathan, David Greenberg, and others, 'Criminal Justice Transitions among Adolescents in Australia: A Multi-State Model', *Journal of Criminal Justice*, 92 (2024), 102189 <https://doi.org/10.1016/j.jcrimjus.2024.102189>
- Aldyan, Arsyad, and Abhishek Negi, 'The Model of Law Enforcement Based on Pancasila Justice', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 178–90 <https://doi.org/10.53955/jhcls.v2i3.51>
- Alward, Lucas M., 'Procedural Justice and Probation Officer Legitimacy: Testing the Process-Based Model in Community Supervision', *Journal of Criminal Justice*, 92 (2024), 102187 <https://doi.org/10.1016/j.jcrimjus.2024.102187>
- Amrani, Hanafi, and Mahrus Ali, 'A New Criminal Jurisdiction to Combat Cross-Border Money Laundering', *Journal of Money Laundering Control*, 25.3 (2022), 540–50 <https://doi.org/10.1108/JMLC-06-2021-0059>
- Androff, David, and Cherra Mathis, 'Human Rights–Based Social Work Practice with Immigrants and Asylum Seekers in a Legal Service Organization', *Journal of Human Rights and Social Work*, 7.2 (2021), 178–88 <https://doi.org/10.1007/s41134-021-00197-7>
- Ayu Palar, Miranda Risang, Laina Rafianti, and Helitha Novianty Muchtar, 'Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation', *Cogent Social Sciences*, 9.2 (2023) <https://doi.org/10.1080/23311886.2023.2274431>
- Baker, Sydney, Kamar Y. Tazi, and Emily Haney-Caron, 'A Critical Discussion of Youth Miranda Waivers, Racial Inequity, and Proposed Policy Reforms.', *Psychology, Public Policy, and Law*, 29.3 (2023), 320–35 <https://doi.org/10.1037/law0000389>
- Basil, Chioma Vivian, and Raphael Heffron, 'A Systematic Review of the Intersection between Energy Justice and Human Rights', *Renewable and Sustainable Energy Reviews*, 221 (2025), 115892 <https://doi.org/10.1016/j.rser.2025.115892>
- Bright, David, Russell Brewer, and Carlo Morselli, 'Reprint of: Using Social Network Analysis to Study Crime: Navigating the Challenges of Criminal Justice Records', *Social Networks*, 69 (2022), 235–50 <https://doi.org/10.1016/j.socnet.2022.01.008>
- Butt, Simon, 'Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?', *Griffith Law Review*, 32.2 (2023), 190–214 <https://doi.org/10.1080/10383441.2023.2243772>
- Cahyo Arsetyo, Yulio Iqbal, 'Indonesia's New Criminal Code and Its Implication Of International Treaties of Human Rights Commitment in Indonesia', *JURNAL PENELITIAN SERAMBI HUKUM*, 16.02 (2023), 179–86 <https://doi.org/10.59582/sh.v16i02.832>
- Carney Almroth, Bethanie, Natalia de Miranda Grilli, and Peter Stoett, 'Including a Human Rights Approach in the Global Plastics Treaty Can Ensure Protection of People and the

- Environment', *Cambridge Prisms: Plastics*, 2025, 1–10  
<https://doi.org/10.1017/plc.2025.10017>
- Chow, Jason C., Erin Stehle Wallace, Reed Senter, Skip Kumm, and Carolyn Q. Mason, 'A Systematic Review and Meta-Analysis of the Language Skills of Youth Offenders', *Journal of Speech, Language, and Hearing Research*, 65.3 (2022), 1166–82  
[https://doi.org/10.1044/2021\\_JSLHR-20-00308](https://doi.org/10.1044/2021_JSLHR-20-00308)
- Cleary, Hayley M. D., and Ray Bull, 'Contextual Factors Predict Self-Reported Confession Decision-Making: A Field Study of Suspects' Actual Police Interrogation Experiences.', *Law and Human Behavior*, 45.4 (2021), 310–23 <https://doi.org/10.1037/lhb0000459>
- Croci, G., and J. Gomez, 'Breaking the Cycle: The Role of the Criminal Justice System in Understanding Homicide Rates', *Journal of Criminal Justice*, 99 (2025), 102450  
<https://doi.org/10.1016/j.jcrimjus.2025.102450>
- Dumaresq, Ella, and Katrina Skewes McFerran, 'Dance Therapy and the Criminal Justice System: Considering Traditional and Critical Perspectives in Prisons, Forensic Mental Health and Addiction Care', *The Arts in Psychotherapy*, 92 (2025), 102250  
<https://doi.org/10.1016/j.aip.2025.102250>
- Fauzia, A, and F Hamdani, 'Penegakan Miranda Principles Melalui Pemberian Bantuan Hukum Pendampingan Di Masa Pandemi Covid-19', *Seminar Nasional Hukum ...*, 7.1 (2021), 1–20 <https://doi.org/https://doi.org/10.15294/snhunnes.v7i1.699>
- Fauzia, Ana, Fathul Hamdani, and Deva Octavia, 'The Revitalization of the Indonesian Legal System In The Order Of Realizing The Ideal State Law', *Progressive Law Review*, 3.01 (2021), 12–25 <https://doi.org/10.36448/plr.v3i01.46>
- Febryan Alam Susatyo, and Muchlas Rastra Samara Muksin, 'Constructing the Concept of Commissioner Judge in Enforcing the Exclusionary Rules Principle in Indonesia', *JUSTISI*, 10.3 (2024), 505–17 <https://doi.org/10.33506/js.v10i3.2607>
- Ferreira, Patricia A., Breanna Curran, and Christian A. Meissner, 'The Miranda Waiver Literature: A Systematic Review and Meta-Analysis.', *Psychology, Public Policy, and Law*, 2025 <https://doi.org/10.1037/law0000466>
- Fisher, Benjamin W., and Amy E. Fisher, 'Criminal Justice System Contact of Students with Disabilities by Race and Ethnicity: Examining the Role of School Police', *Children and Youth Services Review*, 149 (2023), 106953  
<https://doi.org/10.1016/j.childyouth.2023.106953>
- Gillot, Maxime, Felicia Miranda, Baptiste Baquero, Antonio Ruellas, Marcela Gurgel, Najla Al Turkestani, and others, 'Automatic Landmark Identification in Cone-beam Computed Tomography', *Orthodontics & Craniofacial Research*, 26.4 (2023), 560–67  
<https://doi.org/10.1111/ocr.12642>
- Guo, Zhilong, Jie Hao, and Lewis Kennedy, 'Protection Path of Personal Data and Privacy in China: Moving from Monism to Dualism in Civil Law and Then in Criminal Law', *Computer Law & Security Review*, 52 (2024), 105928  
<https://doi.org/10.1016/j.clsr.2023.105928>
- Handoko, Priyo, and Anis Farida, 'Konsep Miranda Rule Dalam Hukum Pidana Di Indonesia Perspektif Maqasid Al-Shari'ah', *Al-Jinayah Jurnal Hukum Pidana Islam*, 7.2 (2021), 386–408 <https://doi.org/10.15642/aj.2021.7.2.386-408>

- Van Hout, Marie Claire, Ruth Kaima, Victor Mhango, Stephanie Kewley, and Triestino Mariniello, 'Judicialisation of the Mentally Ill and/or Mentally Incapacitated in the Malawi Criminal Justice System: Gaps and Flaws of Human Rights Protection', *Forensic Science International: Mind and Law*, 4 (2023), 100121 <https://doi.org/10.1016/j.fsimpl.2023.100121>
- Van Hout, Marie Claire, and Jakkie Wessels, 'Navigating the Complexities of the Mentally Ill and Mentally Incapacitated in the Criminal Justice System in South Africa', *Forensic Science International: Mind and Law*, 2 (2021), 100068 <https://doi.org/10.1016/j.fsimpl.2021.100068>
- Isnawati, Muridah, 'The Urgence of Indonesian Penal Code (KUHP) Reform to Realize Humanistic-Based Imprisonment', *Borobudur Law Review*, 3.1 (2021), 73–83 <https://doi.org/10.31603/burrev.5337>
- Iswahyudi, Eko, 'Human Rights and Legal Reforms in Indonesia: Challenges and Progress', *The Journal of Academic Science*, 2.2 (2025), 734–43 <https://doi.org/10.59613/ydvwta66>
- Jesrani, Tejal, and Daimiris Garcia, 'Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law', *International Journal of Law, Crime and Justice*, 80 (2025), 100729 <https://doi.org/10.1016/j.ijlcrj.2025.100729>
- Jones, A.A., K. Brant, R.E. Bishop, S. Strong-Jones, and D.A. Kreager, 'Just an Unfair Score: Perceptions of Gender Inequity in the Treatment of Substance Use Disorders among Women Involved in the Criminal Legal System', *Journal of Substance Use and Addiction Treatment*, 169 (2025), 209587 <https://doi.org/10.1016/j.josat.2024.209587>
- Joyce, Peter, and Wendy Laverick, *Criminal Justice* (London: Routledge, 2022) <https://doi.org/10.4324/9780429330537>
- Kasumawati, Frida, Rita Dwi Pratiwi, Elisa Susanti, and Sandeep Poddar, 'Factors Related to the Protection of Women Workers Rights in CV. Miranda Moda Indonesia Rengas, East Ciputat', *Asia-Pacific Journal of Management and Technology*, 02.02 (2021), 30–34 <https://doi.org/10.46977/apjmt.2021v02i02.004>
- Kiswanto, Bimo Bayu Aji, and Anis Mashdurohatun, 'The Legal Protection Against Children Through A Restorative Justice Approach', *Law Development Journal*, 3.2 (2021), 223 <https://doi.org/10.30659/ldj.3.2.223-231>
- Kohn, Robert, 'The Current State of International Human Rights of Older Persons', *The American Journal of Geriatric Psychiatry*, 2025 <https://doi.org/10.1016/j.jagp.2025.08.004>
- Kusdarini, Eny, Anang Priyanto, Sri Hartini, and Suripno Suripno, 'Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia', *Heliyon*, 8.12 (2022), e11932 <https://doi.org/10.1016/j.heliyon.2022.e11932>
- Kutscher, E., W. Zeng, K. Reardon, S.L. McDaniel, and V.L. Mazzotti, 'Pursuing Equity through Transformative Mixed Methods Research: The Case of Secondary Transition', *Methods in Psychology*, 12 (2025), 100188 <https://doi.org/10.1016/j.metip.2025.100188>
- Lennon-Dearing, Robin, 'Criminalization of Human Immunodeficiency Virus in the United States', *Nursing Clinics of North America*, 59.2 (2024), 201–17 <https://doi.org/10.1016/j.cnur.2024.01.001>
- Longkun, Lu, 'A Comparison of Two Power Balance Laws to Elucidate the Role of Fracture

- Process Zone in Resolving the Transferability Problems', *Engineering Fracture Mechanics*, 327 (2025), 111480 <https://doi.org/10.1016/j.engfracmech.2025.111480>
- Ma, Yong, and Xiaolin Zhang, 'Scientific Uncertainty and the Challenges of Applying Criminal Law: Lessons from China's COVID-19 Response', *Heliyon*, 10.14 (2024), e34777 <https://doi.org/10.1016/j.heliyon.2024.e34777>
- Martínez, Eric, Francis Mollica, and Edward Gibson, 'Even Lawyers Do Not like Legalese', *Proceedings of the National Academy of Sciences*, 120.23 (2023) <https://doi.org/10.1073/pnas.2302672120>
- Martitah, Martitah, Dewi Sulistianingsih, Rahmawati Mohd Yusoff, and Noraini Ismail, 'Insufficient Criminal Justice System Response to the Severity of Domestic Violence during the Pandemic in Indonesia', *Heliyon*, 10.14 (2024), e33719 <https://doi.org/10.1016/j.heliyon.2024.e33719>
- Maxey, William, Zainal Arifin, Hari Harjanto Setiawan, Sri Setiawati, and Rudi Febriamansyah, 'Discrepancy between Policy and Practice: A Case Study on Hegemony within an Indonesian Juvenile Correctional Center (LPKA)', *Children and Youth Services Review*, 177 (2025), 108469 <https://doi.org/10.1016/j.childyouth.2025.108469>
- Mitchell, Jade T., Malcolm Edwards, Kimberly Walsh, Sarah Brown-Schmidt, and Melissa C. Duff, 'Comprehension of Miranda Warnings in Adults with Chronic, Moderate-Severe Traumatic Brain Injury', *Journal of Communication Disorders*, 111 (2024), 106452 <https://doi.org/10.1016/j.jcomdis.2024.106452>
- El Moussaoui, Taoufiq, Chakir Loqman, and Jaouad Boumhidi, 'Decoding Legal Processes: AI-Driven System to Streamline Processing of the Criminal Records in Moroccan Courts', *Intelligent Systems with Applications*, 25 (2025), 200487 <https://doi.org/10.1016/j.iswa.2025.200487>
- Mujib, M. Misbahul, and Mustari Kurniawati Muchlas, 'Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China', *Journal of Human Rights, Culture and Legal System*, 3.2 (2023), 328–60 <https://doi.org/10.53955/jhcls.v3i2.98>
- Natalis, Aga, Adventi Ferawati Sembiring, and Emy Handayani, 'From Rejection to Recognition: Human Rights, Morality, and the Future of Marijuana Policy in Indonesia', *International Journal of Drug Policy*, 140 (2025), 104817 <https://doi.org/10.1016/j.drugpo.2025.104817>
- Oliveira, Gustavo Magalhães de, and Bruno Varella Miranda, 'Environmental Enforcement, Property Rights, and Violence: Evidence from the Brazilian Amazon', *Journal of Institutional Economics*, 20 (2024), e27 <https://doi.org/10.1017/S1744137424000122>
- Otu, Smart E., Babatunde M. Idowu, Gilbert Ordu, Benedictta Okezie, and Gilbert Aro, 'Revisiting Packer's Models: Examining Nigeria's Criminal Justice System in the COVID-19 and Post-COVID-19 Era', *International Journal of Law, Crime and Justice*, 77 (2024), 100663 <https://doi.org/10.1016/j.ijlcrj.2024.100663>
- Pavlenko, Aneta, 'Language Proficiency as a Matter of Law: Judicial Reasoning on Miranda Waivers by Speakers with Limited English Proficiency (LEP)', *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, 37.2 (2024), 329–57 <https://doi.org/10.1007/s11196-023-10037-8>

- Perner, Monica Serena, Natalia Pacifico, Maria Paula Godoy, Marni Brownell, and Marcelo Luis Urquia, 'Criminal Justice Intimate Partner Victimization before, during and after Pregnancy among Birthing Parents Screened Postnatally by Public Health Nurses', *Annals of Epidemiology*, 110 (2025), 72–80 <https://doi.org/10.1016/j.annepidem.2025.07.063>
- Phillips, J. Craig, Judith B. Cornelius, Paula M. Neira, Liam Hein, Dallas Ducar, Carol Dawson Rose, and others, 'Advancing Human Rights, Health Equity, and Equitable Health Policy with LGBTQ+ People: An American Academy of Nursing Consensus Paper', *Nursing Outlook*, 73.5 (2025), 102496 <https://doi.org/10.1016/j.outlook.2025.102496>
- Posada-Martinez, Edith L., Juan B. Ivey-Miranda, Xochitl A. Ortiz-Leon, Jose A. Arias-Godinez, Juan F. Fritche-Salazar, Hugo G. Rodriguez-Zanella, and others, 'Association Between Three-Dimensional Right Ventricular Ejection Fraction and In-Hospital Outcomes in Patients Undergoing Cardiac Surgery: A Multicenter Study', *Journal of the American Society of Echocardiography*, 38.8 (2025), 685–93 <https://doi.org/10.1016/j.echo.2025.02.008>
- Rogers, Richard, Amor A. Correa, John W. Donnelly, and Eric Y. Drogin, 'Protecting the Rights of the Accused: Use of Spanish-Language Miranda Warnings in Central Florida', *The Journal of Forensic Psychiatry & Psychology*, 32.1 (2021), 119–30 <https://doi.org/10.1080/14789949.2020.1833072>
- Rogers, Richard, Lisa L. Hazelwood, Kenneth W. Sewell, Kimberly S. Harrison, and Daniel W. Shuman, 'The Language of Miranda Warnings in American Jurisdictions: A Replication and Vocabulary Analysis.', *Law and Human Behavior*, 32.2 (2008), 124–36 <https://doi.org/10.1007/s10979-007-9091-y>
- Runturambi, Arthur Josias Simon, and Ridwan Arifin, 'New Patterns and Trends of Migration: Hybrid-Crimes among Indonesian Migrant Workers in Southeast Asia', *Regional Science Policy & Practice*, 17.10 (2025), 100215 <https://doi.org/10.1016/j.r spp.2025.100215>
- Sasmita, Randikha Prabu Raharja, Sigid Suseno, and Patris Yusrian Jaya, 'The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia', *Heliyon*, 9.11 (2023), e21602 <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e21602>
- Sebyan Black, Inge, and Lawrence J. Fennelly, 'Miranda Warning and the Equivalent across the Globe', in *Investigations and the Art of the Interview* (Elsevier, 2021), pp. 3–9 <https://doi.org/10.1016/B978-0-12-822192-1.00001-5>
- Sell, Aaron, and Daniel Sznycer, 'Societal Institutions Echo Evolved Human Nature: An Analysis of the Western Criminal Justice System and Its Relation to Anger', *Evolution and Human Behavior*, 44.3 (2023), 210–21 <https://doi.org/10.1016/j.evolhumbehav.2023.01.007>
- Sharma, Madhuri, Lisa Stolzenberg, and Stewart J. D'Alessio, 'Evaluating the Cumulative Impact of Indigent Defense Attorneys on Criminal Justice Outcomes', *Journal of Criminal Justice*, 81 (2022), 101927 <https://doi.org/10.1016/j.jcrimjus.2022.101927>
- Silvasi, Paul M., Daniel Bell, Jessica Contreras, Stefanie Fauchere and Gail Rothman-Marshall, Jennifer L. Ernest, and John E. Edlund, 'Miranda Warning Comprehension: The Influence of Verbal Aptitude and Hearing Status', *Psychological Reports*, 126.1 (2023), 361–79 <https://doi.org/10.1177/00332941211051266>
- Sistrunk, Christopher, Nora Tolbert, Maria Dulfary Sanchez-Pino, Loretta Erhunmwunsee, Nikita Wright, Veronica Jones, and others, 'Impact of Federal, State, and Local Housing

- Policies on Disparities in Cardiovascular Disease in Black/African American Men and Women: From Policy to Pathways to Biology', *Frontiers in Cardiovascular Medicine*, 9 (2022) <https://doi.org/10.3389/fcvm.2022.756734>
- Stenström, Albin, Felipe Estrada, and Henrik Tham, "It Should Be Hard to Be a Drug Abuser" An Evaluation of the Criminalization of Drug Use in Sweden', *International Journal of Drug Policy*, 133 (2024), 104573 <https://doi.org/10.1016/j.drugpo.2024.104573>
- Stoykova, Radina, 'The Right to a Fair Trial as a Conceptual Framework for Digital Evidence Rules in Criminal Investigations', *Computer Law & Security Review*, 49 (2023), 105801 <https://doi.org/10.1016/j.clsr.2023.105801>
- Stoykova, Radina (Adi), 'A New Right to Procedural Accuracy: A Governance Model for Digital Evidence in Criminal Proceedings', *Computer Law & Security Review*, 55 (2024), 106040 <https://doi.org/10.1016/j.clsr.2024.106040>
- Tajuddin, Mulyadi Alrianto, Marlyn Jane Alputila, and Amir Ilyas, 'Justice for Women in Handling the Case of Household Violence through Integrated Criminal Justice System (Study in Merauke District)', *Enfermería Clínica*, 30 (2020), 394–97 <https://doi.org/10.1016/j.enfcli.2019.11.006>
- Taufiqurrohman, Ahmad Asari, Dwi Edi Wibowo, and Ong Victoria, 'The Regulation on Sexual Harassment in ASEAN Workers: Evidence from Several Countries', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 538–68 <https://doi.org/10.53955/jhcls.v4i2.198>
- Toledano, Nuria, and Juan D. Gonzalez-Sanz, 'Beyond the Good and the Right: Rethinking the Ethics of Academic Entrepreneurship from a Relational Perspective', *Research Policy*, 53.2 (2024), 104944 <https://doi.org/10.1016/j.respol.2023.104944>
- Vandennieuwenhuysen, Ellen, Christelle Macq, Lars Breuls, and Marjolein De Pau, 'When the Security Measure Meets Bordered Penalty: Release Procedures for Persons Who Are Not Criminally Responsible without Residence Rights in Belgium', *International Journal of Law and Psychiatry*, 91 (2023), 101922 <https://doi.org/10.1016/j.ijlp.2023.101922>
- Walters, Glenn D., 'Mediating the Court Procedural Justice Delinquency Relationship with Certainty Perceptions and Legitimacy Beliefs', *International Journal of Law and Psychiatry*, 97 (2024), 102031 <https://doi.org/10.1016/j.ijlp.2024.102031>
- Wardhani, Lita Tyesta Addy Listya, Muhammad Dzikirullah H. Noho, and Aga Natalis, 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems', *Cogent Social Sciences*, 8.1 (2022) <https://doi.org/10.1080/23311886.2022.2104710>
- Widyanti, Yenny Eta, 'HUMAN RIGHTS AND INDONESIAN LEGAL PROTECTION OF TRADITIONAL CULTURAL EXPRESSIONS: A Comparative Study in Kenya and South Africa', *Jurisdictie: Jurnal Hukum Dan Syariah*, 14.2 (2024), 315–34 <https://doi.org/10.18860/j.v14i2.24318>
- Wing, Dakota, "It's Just Like on TV": An Analysis of the Mirandizing Process on TV', *Criminal Justice Review*, 50.2 (2025), 191–204 <https://doi.org/10.1177/07340168231196995>
- Wu, Wanqiang, and Xifen Lin, 'Access to Technology, Access to Justice: China's Artificial Intelligence Application in Criminal Proceedings', *International Journal of Law, Crime and Justice*, 81 (2025), 100741 <https://doi.org/10.1016/j.ijlcj.2025.100741>

Yaselska, Natalia, 'Access To Justice During Martial Law', *Law. Human. Environment*, 13.2 (2022) <https://doi.org/10.31548/law2022.02.010>

Zlobina, Anna, Maria Laura Bettinsoli, Mariana P Miranda, and Magdalena Formanowicz, 'Back to Basics: Human Rights Violations and Dehumanization', *Current Opinion in Behavioral Sciences*, 51 (2023), 101263 <https://doi.org/10.1016/j.cobeha.2023.101263>