

ABSTRACT

DUE PROCESS OF LAW IN CRIMINAL JUSTICE SYSTEM IN INDONESIA

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Due process of law is a crucial point for implementing criminal justice proceedings. This is due to the fact that in the proceedings, some of the rights of suspect and defendant are ignored. While the suspect's and defendant's rights are laid down in the Indonesian Criminal Procedure Code, which is a commitment for enforcing law fairly.

This dissertation is the study on due process of law in the context of the existing Indonesian law and on that in the future prospect. It is the study on law and legislation, case law, doctrines dealing due process of law.

The due process of law in the existing Indonesian law has a great relevance for protecting human rights, which are in this case the suspect or defendant's rights. In order to carry out due process of law, therefore, it is necessary to provide for rights that may be invoked by the suspect and defendant to avoid law enforcers' arbitrary conduct. Such rights are right to deliver statement freely, the right to counsel, the right to defense, and the right to a fair and impartial court. This is not the case with victim. Under Indonesian law, victim is not protected properly. From this research, it is found that the rules are designed to create procedural justice rather than substantif justice.

To carry out due process of law, there should be a law that not only protects suspect and defendant's rights, but that also considers crime victim's right in that to give crime victim opportunity to participate in criminal justice process. Accordingly, there will be a balance of interests of state, offender, and victim that are accommodated properly.

Key Words:

- Due process of law
- The right of suspect and defendant
- Victim's right
- Balance of interests