



# Implementation of Suspects' Rights as an Embodiment of the Presumption of Innocence Principle in the Examination Process at the Investigation Level

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## Abstract

This study aims to find out and analyze the implementation of the rights of suspects as a manifestation of the principle of presumption of innocence in the examination process at the investigation level and to find out the factors that hinder the investigator in the implementation and analyze the rights of suspects as a manifestation of the principle of presumption of innocence at the examination process at the investigation level. This

study used the Empirical Law research method, with interviews with related samples/respondents. The source of this research data is to the investigators of the Makassar City Police and some of the rights of suspects as a manifestation of the principle of presumption of innocence in the examination process at the level of investigation of victims of abuse. The results of this study The factors that caused the suspect not to get his rights in the investigation process were the lack of communication between the investigator and the suspect regarding the rights of the suspect contained in the Criminal Procedure Code, in the investigation process the suspect refused to get legal assistance because he was afraid and unable to pay legal counsel even though it was known that there was a right to get legal assistance free of charge.

**Keywords: Suspects; Principles; Presumption of Innocence; And Investigation;**

### **Abstrak**

Penelitian ini bertujuan Untuk mengetahui dan menganalisis implementasi hak-hak tersangka sebagai perwujudan asas praduga tak bersalah dalam proses pemeriksaan ditingkat penyidikan dan Untuk mengetahui faktor-faktor yang menjadi hambatan penyidik dalam implementasi dan menganalisis hak-hak tersangka sebagai perwujudan asas praduga tak bersalah pada proses pemeriksaan ditingkat penyidikan. Penelitian ini menggunakan metode penelitian Hukum Empiris, dengan wawancara terhadap sampel/responden terkait. Adapun sumber data penelitian ini adalah kepada pihak penyidik Polrestabes Kota Makassar serta beberapa hak-hak tersangka sebagai perwujudan asas praduga tak bersalah dalam proses pemeriksaan ditingkat penyidikan korban penganiayaan. Hasil penelitian ini Faktor-faktor yang menyebabkan sehingga tersangka tidak mendapatkan haknya dalam proses penyidikan kurangnya komunikasi

pihak penyidik dengan tersangka mengenai hak-hak tersangka yang terdapat di dalam KUHAP, pada proses penyidikan tersangka menolak untuk mendapatkan bantuan hukum karena takut dan tidak mampu untuk membayar penasehat hukum padahal diketahui bahwa ada hak mendapatkan bantuan hukum secara cuma-cuma.

**Kata kunci: Tersangka, Asas, Praduga, tak , Bersalah, Dan Penyidikan**

## **A. Introduction**

The implementation of human rights has actually been implicitly recognized in Law of the Republic of Indonesia no. 8 of 1981 concerning criminal procedural law (KUHAP). According to the provisions of Article 117 Paragraph 1, "the suspect's and/or witness's statement to investigators is given without pressure from anyone and/or in any form." This means that with this Article, examinations by investigators for investigative purposes must be in accordance with existing law and respect Human Rights (HAM). In addition, the inclusion of human rights in the police's duties as investigators is also confirmed in Article 4 of Law Number 2 of the Year 2002 concerning the Police, "The State Police of the Republic of Indonesia aims to realize domestic security which includes maintaining public security and order, orderly and upholding the law, providing protection, protection and service to the community, as well as maintaining public peace and upholding human rights.

If the police are not professional, the law enforcement process will be unequal, as a result, public security and order will always be threatened as a result of the police not being professional in carrying out their duties. We can see this in the conflict between the police and the community which often occurs due to unprofessionalism in carrying out their duties, for example carrying out investigations without letters and a strong legal basis, carrying out arrests and detention without procedures, committing violence

against suspects. Arrest is an investigator's action in the form of temporarily restraining the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or justice in matters and according to the methods regulated in the Law. The arrest of suspects is regulated in articles 16 to 19 of the Criminal Procedure Code, namely: 1. For the purposes of the investigation, the investigator, on the orders of the investigator, has the authority to make an arrest. 2. For investigative purposes, investigators and assistant investigators have the authority to make arrests. Arrests are made for investigative purposes, the person with authority to arrest is the investigator. As regulated in article 16 of the Criminal Procedure Code. Based on article 17 of the Criminal Procedure Code that: "An arrest order is issued against a person who is strongly suspected of committing a criminal act based on sufficient preliminary evidence." This article shows that arrest orders cannot be issued arbitrarily, but are directed at those who have actually committed criminal acts. In the Criminal Procedure Code it is also explained that arrests are divided into 2, namely arrests with an arrest warrant and without an arrest warrant (caught red-handed). In article 18 paragraph 1 of the Criminal Procedure Code, "In order to arrest someone suspected of committing a criminal act, the police must show a letter of assignment. The assignment letter must state the reason for the arrest as well as a brief description of the alleged crime and the place where he will be questioned."<sup>1</sup>

However, article 18 paragraph (2) states that regarding being caught red-handed, an arrest can be carried out without a warrant, provided that the arrested person must immediately hand over the arrested person along with any evidence to the closest investigator or assistant investigator. In carrying out the authority to arrest, investigators are not one hundred percent independent. Investigators are supervised and linked to the "Chairman of the District Court" in carrying out each arrest. For every arrest, investigators "must" require the assistance of the Chairman of the District Court. The reason why an arrest must first obtain permission from

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<sup>1</sup> Andi Hamzah, *Hukum Acara Pidana Indonesia*, (2002), Jakarta: Sinar Graphics.

the Chairman of the District Court or in the event of being caught red-handed must immediately seek approval from the Chairman of the District Court, is intended as a "supervision" and "corrective" action for investigators because the issue of arrest is closely related to human rights.<sup>2</sup> This research aims to determine and analyze the implementation of suspects' rights as an embodiment of the principle of the presumption of innocence in the examination process at the investigative level and to determine the factors that become obstacles for investigators in implementing and analyzing the rights of suspects as an embodiment of the principle of the presumption of innocence in the examination process. at the investigative level. This research contributes thoughts and input to the development of legal science in general and provides a more concrete explanation regarding the implementation of suspects' rights as an embodiment of the principle of presumption of innocence in the investigation process in order to add to literature and scientific information materials as well as develop reasoning, form a dynamic way of thinking as well as to develop the writer's ability to criticize legal issues.

## **B. Method**

This research is empirical research, namely research using field data as the main data source, such as the results of interviews and observations. Empirical research is used to analyze legal rules which are seen as patterned social actors in community life who always interact and relate in social aspects. Types of research and primary data sources are data obtained directly by researchers from respondents at the research location. The primary data sought in this research are the results of interviews conducted with the Makassar City Police Department. Thus, direct interviews by Makassar City Police investigators were carried out with open-ended questions, and aimed at depth of information, and were carried out in a non-formal manner. structured to explore the views of the subject under

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<sup>2</sup> Republic of Indonesia, Law Number 48 of 2009 concerning judicial power.

study on many things which are very useful as a basis for extracting information further and in depth.

## C. Result & Discussion

### a) Implementation of suspects' rights as an embodiment of the principle of presumption of innocence in the examination process at the investigative level

To realize examinations and trials in accordance with the law, obligations are stipulated which aim to balance the rights of suspects or defendants. These obligations must be fulfilled by the suspect or defendant in carrying out his or her status as a person suspected or a person accused of committing a certain criminal act. Investigation is a series of investigatory actions to search for and discover an incident that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the method regulated in this law, namely Law Number 8 of 1981 concerning the Criminal Procedure Code of Articles 102 to Article 105 Investigation is a series of investigative actions in terms and according to the methods regulated in this law (Law Number 8 of 1981 concerning the Criminal Procedure Code, Articles 106 to Article 136) to search for and collect evidence, with this evidence to shed light on the crime that occurred and to find the suspect. Meanwhile, what is meant by investigator is a police official of the Republic of Indonesia or a certain civil servant official who is given special authority by law to carry out investigations. Investigation in the Indonesian Criminal Justice process is defined as a series of investigative actions in terms and according to the methods regulated in this law to search for and collect evidence that will shed light on the criminal act that occurred and in order to find the suspect.

**TABLE 1. Based on research results, data on motorbike theft case reports handled by the Republic of Indonesia Police, Makassar City Police, 2019 to 2022**

No.	Year	Number of Reports
1.	2019	162
2.	2020	104

3.	2021	143
4.	2022	84
<b>Amount</b>		<b>492</b>

*Data Source: Makassar City Police*

Based on the table above, it can be seen that the number of reports on the development of motorbike theft criminal cases that occurred from 2019 to 2021 in the Makassar City Police area was 492 cases. Based on this table, it is said that there is a decrease in case reports every year with the following details: In 2019 there were 162 cases recorded, in 2020 there were 104 cases recorded and in 2021 there were 143 cases recorded and in 2022 there were 84 cases recorded. occurred in the Makassar City Police area, to be precise, from 2019 to 2020 there was a decline and in 2021 there was another increase and in 2022 there was another decrease. From the results of the interview with Aipda Abdul Rachman R SUBNIT I IDIK IV at Makassar City Police.<sup>3</sup> the case resolution process is handled immediately, so that the status of the suspect subject to detention becomes clear. The aim is to provide legal certainty for suspects, to avoid the possibility of the suspect's fate being left in limbo and to prevent arbitrary and unfair treatment from occurring.

According to the interview results of Aipda Abdul Rachman R SUBNIT I IDIK IV at the Makassar City Police, what is done in dealing with the crime of motorbike theft is by carrying out or following up on every case that is suspected or reasonably suspected to be suspicious. Investigators immediately wrote a letter of request to PPATK to trace the suspects who had been collected and the facts found by investigators, then investigators carried out a case title.<sup>4</sup> Witnesses who can support the duties of law enforcement are a crucial element in the criminal justice process. The existence of witnesses in the criminal justice process has so far received little attention from the public and law enforcement. Many cases that remain unresolved and unresolved are caused by witnesses and victims who are

<sup>3</sup> Interview results with Aipda Abdul Rachman R SUBNIT I IDIK IV at Makassar City Police Headquarters 14 June 2022.

<sup>4</sup> Interview with Aipda Abdul Rachman R SUBNIT I IDIK IV at the Makassar City Police Headquarters on March 21 2022 at 11.00 WITA



afraid to give testimony to law enforcement officials because they receive threats from certain parties. To foster community participation in uncovering criminal acts, it is necessary to create a conducive climate by providing legal protection and security to everyone who knows and discovers something that can help uncover criminal acts that have occurred and report this to law enforcement. Results of interviews with Aipda Abdul Rachman R SUBNIT I IDIK IV at the Makassar City Police Station. Such a reporter must be given adequate legal protection and security for his report, so that he does not feel threatened or intimidated either for his rights or his life. It is hoped that this guarantee of legal protection and security will create a situation where people will no longer be afraid to report a criminal act that they know about to law enforcement, because they are worried or fearful that their lives will be threatened by certain parties.<sup>5</sup>

**TABLE 2. Data on resolved cases of motorbike theft handled by the Republic of Indonesia Police, Makassar City Police, 2019 to 2022**

No	Year	Reported Cases	Resolved Cases
1.	2019	162	84 finished
2.	2020	104	46 finished
3.	2021	143	23 finished
4.	2022	84	38 finished
<b>Amount</b>		<b>492</b>	<b>191 finished</b>

*Data Source: Makassar City Police*

From the data that the author obtained above, the large number of reports from the public that cannot be resolved by the police makes many people less confident in law enforcement so they are more likely to take the law

<sup>5</sup> Interview with Aipda Abdul Rachman R. SUBNIT I IDIK IV at Makassar City Police



into their own hands. Apart from that, the author also interviewed the public directly for their verbal assessment of law enforcement, specifically regarding crimes of theft and robbery which were often committed by motorbike gangs. The results of this interview then became an indicator for the author to ask questions to the public regarding satisfaction with law enforcement problems in Makassar City. To find out the final educational level of perpetrators of abuse. From 2019 to 2022 there were 191 completed cases, below the author explains it in table form as illustrated below:

**TABLE 3.3 Data regarding the perpetrator's latest education level at the Makassar City Police Station 2019-2022.**

<b>Level of education</b>	<b>Number of Perpetrators</b>	<b>Percentage</b>
No school	48	20,2%
Elementary school	46	20,1%
High school First Level	50	25,3%
Senior High School	30	15,2%
College	19	10,2%
<b>Amount</b>	<b>191</b>	<b>100 %</b>

*Data Source: Makassar City Police 2022*

In Table 3.3 above, it can be seen that the education level of the perpetrators of criminal acts of theft in the period 2019 to 2022 occurred at the Makassar City Police Headquarters. Of the 4 (four) types of education that have been described, the type of education level at Senior High School (SLTA) is the type that commits the most crimes of theft, the details are as follows: Perpetrators who have no education (No School) are 48 people or around 20.2 %, who have elementary school level education are 46 people or around 20.1% and Junior High School (SLTP) or equivalent is recorded at 50 people or around 25.3%, then Senior High School (SLTA) or equivalent is 30 people or around 15.2%, while the tertiary level is 19 people or around

10.2%, among the 191 perpetrators of the crime of motorbike theft which occurred at the Makassar City Police Station from 2019-2022. Based on the researcher's analysis, even though the person studied anywhere, in Even at a leading university, if he doesn't study his studies, anything can happen, for example committing the crime of motorbike theft. The educational level of the perpetrators will of course also influence their mindset. We know that education is related to psychological and personality development, character and ethics. Education is also related to the mastery of knowledge and skills.

Although this does not mean that low education will be the background for every crime of theft, because evil desires arise from every human being, and it depends on how we control them. However, in this case education has a big influence in shaping a person's mindset in solving problems. Someone who has only graduated from elementary school certainly has a different perspective and mindset from a secondary school graduate. Schools play an important role in education because they have a huge influence on the soul of the perpetrator. When the researcher confirmed with one of the reporters, on behalf of NN (who did not wish to be named), it was revealed to the researcher: "When we reported a case of motorbike theft involving our family at the Makassar City Police, the investigator in this case was in charge of handling the case that we report shows that we are quite serious about the case we are reporting. The following is an excerpt from the author's interview with a resident who was involved in vigilantism. This interview aims to find out the community's perspective as the perpetrator of vigilantism with the initials NN (Pseudonym) Jl. Rappocini Raya Gang 1. "When we as a society find the perpetrator of a crime, we will spontaneously beat him because I think there is a sense of satisfaction when we beat the perpetrator because we also sometimes "The perpetrators of criminal acts are sometimes not given appropriate sanctions due to lack of strong evidence." (Interview results 15 June 2022).<sup>6</sup>

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<sup>6</sup> Interview results NN15 June 2022

From the results of other interviews, one of the perpetrators of the crime of taking the law into his own hands has the initials Ali (pseudonym) Jl. Tamalate 1. "As a member of society, when I find a perpetrator of a crime, I will beat him because even if he is caught and handed over to the authorities, he is usually not dealt with firmly or even just let go. This is dangerous because it releases people who are used to committing crimes in the midst of society." (Interview results 17 June 2022).<sup>7</sup>

Based on this interview, the researcher can conclude that although the act of vigilantism has no normative justification, it can be concluded what the community's attitude towards law enforcement is. Society considers law enforcement to be unable to provide a sense of justice. Based on that, it is a very important thing to pay attention to. In law enforcement, the court is the estuary in the process of seeking justice. The most important factor that plays a role in law enforcement efforts that occur in society is law enforcement officers in carrying out their duties and mandate. This is because law enforcement officers are the subjects and objects of the law. This means that apart from being officers whose job is to provide justice to society, they are also ordinary people who cannot escape the reach of the law. Therefore, the good and bad of law enforcement that occurs in society greatly influences the honesty and authority of law enforcement officers in developing their duties. In terms of applying the Presumption of Innocence Principle (APT) in the investigative examination process. The results of the researcher's interview with the senior investigator of KASAT RESKRIM named Mr. Anwar Hasan "In implementing APT, we as investigators always apply this principle, this is in the form of fulfilling the rights of suspects/defendants regulated in the Criminal Procedure Code in the investigation process, where we determine the suspect to a person who should be suspected of committing a crime of theft based on sufficient preliminary evidence".<sup>8</sup>

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<sup>7</sup> Ali's interview results June 17 2022

<sup>8</sup> Interview Results with Mr Anwar Hasan as Makassar City Police investigator.

Furthermore, it is said that an investigation carried out with violence or torture by an investigating official against a suspect is a "failure" of other sub-systems and will affect the criminal justice system as a whole, for example the Prosecutor's Office (as a public prosecutor according to the Criminal Procedure Code) and courts. This is in line with what Brigadier Sri Mardayanti said that physical or non-physical (psychological) violence/torture cannot be justified for any reason. The authority to investigate under the Criminal Procedure Code rests with the police as the sole investigator for cases that are categorized as general crimes. In Article 6 Paragraph (1) of the Criminal Procedure Code it is stated that investigators are Indonesian National Police officials (as well as certain civil servant officials who are given special authority by law). Therefore, since the enactment of the Criminal Procedure Code, the authority of the police as the sole investigator has come into effect even though there are still exceptions (Article 284 of the Criminal Procedure Code) which are legislatively recognized to the special provisions of criminal procedures as stated in special laws as well.<sup>9</sup>

Based on research regarding the handling of theft cases at the investigation stage, there is a lot of violence or torture carried out by investigators. It is not only the prisoner named Kamaruddin Baktiar who is a "victim" in the criminal justice system, there are still other names who are "victims" at the stage of examination carried out by investigators. According to researchers, problems will arise if there is a "deviant" action by the investigating officer in the investigation process. How will legal protection be given to suspects for deviant actions carried out by investigators, especially if during the investigation process there are acts that are categorized as violence or torture which greatly affect the suspect physically and psychologically? In the opinion of the senior investigator, KASAT RESKRIM Makassar Police, said that: "If deviant acts occur, whether in the form of violence or torture, the investigator will be given administrative sanctions. Meanwhile, for the suspects the case will continue." According to

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<sup>9</sup> Interview with the perpetrator, Brother Bakti.

the researcher, this is in contrast to the senior investigator's opinion, that if the suspect's rights cannot be implemented due to "deviant" actions by the investigating officer, the case may automatically be cancelled. The research results show that the Criminal Procedure Code does not provide solutions or alternative solutions if these actions (violence or torture) occur during the investigation process against suspects, whether in the form of prevention, resolution or legal consequences for human rights violations.

Based on research, several of the respondents interviewed were members of the National Police who have positions as investigators who have the authority to carry out investigations into perpetrators of criminal acts of theft. Apart from investigators, the next respondent to be interviewed was the perpetrator of the crime of theft himself, with the aim of finding out whether the suspect's rights as explained in the Criminal Code had been implemented properly and wisely. Some of the suspect's rights contained in the Criminal Procedure Code have not been implemented in the examination process at the investigative level. The suspect's rights that have not been granted are the right to obtain legal assistance. Basically, law enforcers do not realize that providing legal assistance to suspects during the investigation process is very important. In cases like this, law enforcers should inform them firmly that the Criminal Code (KUHP) has explained that suspects have the right to receive legal assistance at every level of examination, especially for suspects who are sentenced to 5 years in prison. legal aid. Based on the results of the interview with Mr. Anwar Hasan, the following information was obtained: "Regarding the issue of implementation or implementation of the suspect's rights, we have conveyed everything to the suspect at this stage of the investigation process."<sup>10</sup> Based on an interview with Brigadier Sri Mardayanti SH, the following information was obtained: "We have conveyed and given the suspect's rights in the investigation process related

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<sup>10</sup> Interview Results with Mr Anwar Hasan as Makassar City Police investigator

to providing an immediate examination, and asked whether the suspect wanted to use legal assistance during the ongoing investigation process."<sup>11</sup>

Every right that a suspect needs in the process of examining a legal advisor must be able to protect the suspect's rights, so that in the investigation process the legal advisor can carry out his duties and authority well. It is hoped that the correctness of legal advisors in providing legal assistance at the investigation stage will be fair to suspects who are less capable or who do not understand the law. Apart from that, it provides opportunities for poor people to defend themselves accompanied by professional advocacy. In providing legal assistance at the investigative level, legal advisors have an important position in every criminal justice system. Legal advisors must be able to collaborate with other law enforcement officials such as the police, prosecutors and courts in achieving their goals. Based on an interview with the perpetrator named Kambri, the following information was obtained: "At first I had no intention of committing this crime of theft, but at that time I was troubled by various problems, especially when I quarreled with my wife, so I stole a motorbike belonging to a friend, and I really want to get legal help but no one helps."

Based on the statement of the respondent named Kambri, he explained that from the incident he experienced, the respondent wanted to get legal assistance in the investigation process, but the perpetrator has not received it until now. In the respondent's statement above, it is very clear that Kambri's brother did not get his rights in the investigation process at the investigator level. In fact, we know very well that the suspect's right to obtain legal assistance in the process of investigating criminal cases is a right that must be granted and owned by the suspect. In obtaining legal assistance, the suspect can obtain it, which is already a right that must be granted to the suspect. At that time, the suspect is being investigated by the police, the advocate can carry out his duties and authority as a legal assistant in the sense that the advocate can be in the same place during the

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<sup>11</sup> Interview with Police Brigadier Sri Mardayanti

investigation process to provide assistance to suspects in criminal cases. The role of legal advisors in the investigation process at the Makassar City Police has been explained previously that legal advisors are legal companions for suspects to help them obtain rights that have not been granted. Apart from that, suspects also have other rights such as being supervised, being able to communicate with their families, and especially the right to obtain legal assistance. However, in reality there are still many legal advisors who do not implement and do not provide free legal assistance that is not binding for every legal advisor. The obligation to provide legal assistance must have binding consequences for legal advisors. So if a lawyer is not willing to carry out his obligations, then he must face ethical consequences. In fact, so far the code of ethics has not emphasized the obligation to provide legal assistance by every legal advisor, thus opening a gap for legal advisors to avoid providing legal assistance. Considering that legal assistance can only be provided by legal advisors, it is appropriate for every legal advisor to carry it out as well as possible.

**b) Factors that become obstacles for investigators in implementing the rights of suspects as an embodiment of the principle of presumption of innocence in the examination process at the investigative level**

Based on the results of research on the articles in the Criminal Procedure Code and its implementing regulations, it turns out that juridically there is still no progress towards implementing the Principle of Presumption of Innocence (APT) in a harmonious manner. The lack of effective development of the quality of the supervision and control system from the relevant agencies as well as the lack of increasing the professionalism of law enforcers which must be accompanied by dedication and a high sense of service to uphold justice. To overcome the problems that have been described, namely the regulation and application of the Presumption of Innocence Principle (APT), researchers found several ways to address them both juridically and non-judicially. Juridically, this means that legal regulations must be perfected and updated. Meanwhile, if it is handled non-



judicially, it means that improvements must be made related to influences from the political, cultural and economic fields, so that the Presumption of Innocence Principle (APTBI) can truly be applied in Indonesia.<sup>12</sup> Dari hasil wawancara yang dilakukan pada petugas penyidik, adapun hambatan-hambatan yang ditemukan tersebut antara lain:

- a) Limited or insufficient number of investigators in carrying out investigations. Limited investigators are not commensurate with the area and cases handled by investigators at Makassar City Police overtime, resulting in delays in handling cases and conducting investigations. Ignorance or lack of understanding regarding the rights that suspects can obtain and suspects who do not understand the importance of legal assistance.
- b) Dishonesty and transparency of the suspect in carrying out the integration (examination) process.
- c) Uncooperative suspects usually act passively and are silent a lot. Uncooperative suspects usually act passively and keep quiet a lot, so the suspect assumes that with such an attitude there will be fewer facts that will emerge that can show the suspect's involvement. Legal advisors play an important role in providing advice, assistance, and defense of suspects.
- d) There are still differences in perception, not only from police law enforcement officers but also by prosecutors and judges in understanding the meaning of articles in the Criminal Procedure Code, especially regarding the rights of suspects, but also among justice seekers themselves who do not understand and use their rights to communicate well, especially in answering questions asked by investigators.
- e) When they want to conduct an examination of a suspect and because the suspect has not chosen his own legal advisor, investigators usually appoint a legal advisor for the suspect. And because the

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<sup>12</sup> Edo Satria Mandala (Penerapan Asas Praduga Tak Bersalah pada Pelaku Pencurian yang Disertai Kekerasan) Tesis Sarjana Hukum, (Makassar- Hasanuddin University Makassar 2016).

suspect did not choose himself, the legal advisor chosen was slow in carrying out his defense. Pada tingkat penyidikan tersangka menolak untuk bantuan hukum karena takut dan tidak sanggup untuk membayar penasehat hukumnya dan penyidik tidak memberitahukan kepada tersangka bahwa tersangka berhak mendapatkan bantuan hukum secara cuma-cuma.

- f) The perpetrator/suspect's lack of trust in legal advisors by assuming that they will receive leniency in the sentence given.
- g) Lack of information regarding the duties of investigators related to legal assistance, regarding the role of legal advisors in the problems they face. In order to provide legal assistance to the community, especially the people of Makassar city must receive more attention. This is because seeing that people do not understand the law, it is necessary to convey information to the public in general regarding legal aid so that equality in the field of legal aid is more widespread and provides new thinking to people who are entangled in legal problems.

## **D. Conclusion**

Indonesia has legal consequences to provide legal protection for Indonesian ship crew working on the high seas in the form of preparing national legal instruments that are able to combine several policies and regulations between ministries and related institutions, in order to provide legal protection and justice for violations of human rights experienced by children. Indonesian ship crews, prepare national competency-based training for Indonesian ship crew members so that there are no differences in the training they receive and so that there is synchronization between the needs of foreign ship owners and the competencies possessed by Indonesian ship crew members, prepare an integrated data center aimed at monitoring the whereabouts of Indonesian ship crew, this is due to the presence of Indonesian ship crew in the middle of the sea in the territory of another country.

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