

LAW ENFORCEMENT IN THE DEVELOPMENT CRIMINAL JURISDICTION SYSTEM IN INDONESIA UPHOLDING PANCASILA AND HUMAN RIGHTS VALUES

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ABSTRACT

Law enforcement is the basis for the implementation of the criminal justice system in Indonesia with human rights values protected in the 1945 Constitution, Act No. 8 of 1981 Criminal Procedure Law, Act No. 39 of 1999 about Human Rights, Act No. 12 of 2005 about Ratification of International Convention of Civil and Political Rights and related regulation. Development of criminal justice is not regulated by various evidentiary procedures such as wiretapping, the process of resolving criminal case outside the court, online trials, so it is necessary for discussing: 1. How is development of criminal justice in Indonesia?; 2. How are the regulations in the development of the criminal justice in Indonesia while still human rights values?. The purposes are to analyzing the development of criminal justice in Indonesia and regulation still Pancasila and human rights values. The method used is juridical normative with literature study and analysis descriptive qualitative by describing development of the criminal justice system still human rights values. The development of criminal justice are proof by wiretapping, online trials, regulation about settlement of criminal cases out of court to reduce the convicts, justice collaborators, the existence of checks and balances mechanisms between law enforcers. The criminal procedure code has not regulate the developmen of the criminal justice. Suggestions that development of the criminal justice should be received by upholding human rights values. So that the criminal procedure drafter to accomadate development of criminal cases and Criminal Code Bill.

Keywords: *Law Enforcement, Criminal Justice, Human Rights.*

Journal History

Received : March 08, 2021;
Reviewed : March 25, 2021;
Accepted : April 06, 2021;
Published : April 14, 2021.

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INTRODUCTION

A state based on law with the concept of *rule of law* Indonesia adheres to this principle in upholding the rule of law. Criticism in the application of the rule of law, but does not consider the *welfare state* in order to provide freedom for the government in making policies in the field

Of social *discretionary power* welfare. *Equality before the law* in its application is not equated between the power of state officials and the power of citizens. *Constitutional based on individual right* needs to establish the limits of legislative power so as not to violate human rights and be subject to parliamentary modification.¹

Soekanto in Hadita (2020) Power has a very important role because it can determine the fate of millions of people. Both the bad power must always be measured by its usefulness to achieve a goal that has been determined or realized by the community first.²

Developments in the digital era 4.0 and during the pandemic at this time changes are taking place in all aspects of life, the more developing society requires clear legal rules to meet the development of law enforcement in Indonesia. This is proven by the existence of an e-court system within the Supreme Court of the Republic of Indonesia, *online* trials, tapping of evidence that has not been regulated through the provisions of laws and regulations. The development of case settlement outside the court as *an alternative dispute resolution* in various countries, the *choice of law of choice of law* in solving criminal law problems with the aim of reducing the number of convicts is an effort to develop the criminal justice system.

¹ Priyatmanto. Abdoellah., *Revitalisasi Kewenangan PTUN*, (Jakarta: Cahaya Atma Pusatkan, 2020), p. 25-26.

² Cynthia Hadita, Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020, p. 92.

In the process of making court decisions, legal and philosophical considerations in interpreting a provision can be interpreted in terms of language, the aims and needs and expectations of the community. So that it gave birth to the first 2 (two) streams of *Judicial Conservative* that the function of the court is no more or less to resolve conflicts by applying written law. This flow is known as the *strict constructionalist*. The advantage of this understanding is to keep the law in legal certainty. *Second, Judicial Activism* (active understanding) where there is an understanding of functional analysis that the task of the court is not only to apply written laws such as the constitution, the court is to see the function of legal documents and existing precedents. Where the law is flexible which of course will be more beneficial to society. Understanding public policy analysis as a measure of public interest is a reflection of laws and customs as well as public opinion.³

Judges are given the authority to find laws (*rechtsvinding*) if there are no legal rules governing them. The discovery of law according to Paul Scholten, the discovery of law by judges is something else than the mere application of rules to the event by way of interpretation or by way of analogy. Soedikno Mertokusumo that legal discovery is the process of forming a law by judges or other legal officers who are assigned the task of applying to concrete events. Konkritisasi process of the rule of law (*das sollen*) that are common to the

³ Ade Maman Suherman, *Pengantar Perbandingan Sistem Hukum Civil Law Common Law Hukum Islam*, (Jakarta: Rajawali Pers, 2012), p. 94-95.

recall will be the event of concrete (*das sein*).⁴ Whereas the development of law and society wants to be in accordance with the values of Pancasila that are adhered to by the Indonesian nation and not in conflict with human rights.

Based on the explanation above, the development of the criminal justice system in Indonesia, the authors will examine the permasalahan those with the title of *P enegakkan Law in Criminal Justice System Development In Indonesia With Pancasila Upholding Values and Human Rights*.

The formulation of the problems that are limited in this paper is as follows: How is the development of criminal justice in Indonesia and How are the regulations in the development of the criminal justice system law in Indonesia while still upholding the values of Pancasila and human rights.

The purpose of this paper is to analyze how the development of criminal justice in Indonesia and how the regulation in the development of the criminal justice system law in Indonesia while still upholding human rights values.

METHOD

The method used is a normative juridical literature collecting secondary data in the form of legislation relating to perm a salahan discussed. The legal rules used in this paper are as follows; 1. Article 28 I paragraph (1) of the 1945 Constitution ; 2. Law No. 8 of 1981

⁴ Bambang. Sutiyoso. *Metode Penemuan Hukum Upaya Mewujudkan Hukum Yang Pasti dan Berkeadilan*, (Yogyakarta: UII Press, 2015), p. 49-50.

concerning Criminal Procedure Law ; 3. Law No. 39 of 1999 concerning Human Rights; 4. Law No. 12 of 2005 concerning the Ratification of the International Convention on Civil and Political Rights ; 5. Law No. 48 of 2009 concerning Judicial Power ; 6. Perma No. 4 of 2016 regulates the prohibition of PK on pretrial decisions ; 7. Perma No. 3 of 2018 concerning Case Administration in Courts Electronically ; 8. Director General of the Military Courts and Administrative Court of the Republic of Indonesia Supreme Court No. 307 / DJMT / Kep / 5/2018 concerning Guidelines for the Implementation of the Supreme Court Regulation No. 3 of 2018 concerning Electronic Case Administration . The analysis used is descriptive qualitative by describing the development of the criminal justice system in Indonesia by upholding the values of Pancasila and human rights using the applicable laws and regulations in accordance with the problem.

DISCUSSION

Development of Criminal Justice in Indonesia

In the law known as the term *court of law Versu s court of justice* u ntuk illustrates the two streams of law enforcement and justice. *Court of justice* is a court of justice that seeks to uphold justice in a substantive sense, not just a legal court in a formal sense which only tries to enforce the law from a formalistic and procedural perspective . A *court of law* is to differentiate from a *court of ethics*.⁵

⁵ Jimly. Asshiddiqie, *Peradilan Etik dan Etika Konstitusi*, (Jakarta: Sinar Grafika, 2015), p. 1.

The judiciary is a formal institution that is mandated to manage all legal issues for every citizen who has difficulty seeking justice. The hope of the people is that the judicial institution is only in the concept of constitutional experts. It turns out that there are judges who make laws as mere instruments in carrying out their professionalism as judges. While there are also judges who see the law 's sa one of the reasons for his decision in court.⁶

Judges in carrying out their duties are supervised by the Judicial Commission. Constitutionally, the regulation of judicial institutions and judicial power (*The Judicial Power*) is contained in Chapter IX of the Third Amendment to the 1945 Constitution (UUD Negara Republik Indonesia 1945) with the title of judicial power. Inside a tour of an instructing a new body that is closely related to the judicial authority, namely the Judicial Commission of Article 24 B of paragraph (1) A third change Constitution of the Republic of Indonesia Year 1945. The independent judicial commission is authorized to propose the appointment of justices and have other authorities in in order to maintain the honor, dignity and behavior of judges. The function of KY is strengthened by enacting a package of Law No. 48 of 2009 concerning Judicial Power, Law no. 49 of 2009 concerning the Second Amendment to Law no. 2 of 1986 concerning General Courts, Law no. 50 of 2009 concerning the Second Amendment to Law no. 7 of 1989 concerning Religious

Courts, Law no. 51 of 2009 concerning the Second Amendment to Law no. 5 of 1986 concerning State Administrative Courts. This package of laws details the functions of authority, including:⁷

1. Compiling and establishing (with the Supreme Court) a code of ethics and a code of conduct for judges;
2. Becoming a member of the Honorary Panel of Judges which plays a role in determining the dismissal of judges;
3. Analyzing court decisions in order to recommend the transfer of judges,
4. together with the Supreme Court selects the appointment of judges (other than supreme judges);
5. Conducting a joint examination with the MA.

Based on Article 24 paragraph (2) of the 1945 Constitution, there are four areas of justice in Indonesia, namely: 1 environment; 2 Environment of Religious Courts; 3 Environment of State Administrative Courts; 4. Environment of Military Justice. The four courts have their own structures which all lead to the Supreme Court.⁸

The function of law enforcement is a public service created by law, with the responsibility to maintain and enforce the law, maintain public order, and provide assistance and assistance in emergencies. The powers and powers necessary for the effective exercise of law

⁶ Satjipto. Rahhardjo, *Sisi-sisi Lain dari Hukum di Indonesia*, (Jakarta: Kompas, 2003), p. 211.

⁷ Bertin, Fungsi Pengawas Komisi Yudisial Terhadap Perilaku Hakim Dihubungkan Dengan Independensi Hakim Sebagai Pelaku Kekuasaan Kehakiman, *Jurnal Ilmu Hukum Legal Opinion*, Edisi 3, Volume 1, 2013, p. 4.

⁸ Erni.Setyowati., *Memahami Sistem Hukum di Indonesia Panduan Bantuan Hukum di Indonesia*, (Jakarta: Yayasan Obor, 2014), p. 29.

enforcement responsibilities are granted national law. The legal basis is not sufficient to guarantee law enforcement practices that are lawful and not arbitrary.⁹

Judges in making their decisions must use legal objectives by providing legal certainty, justice and benefits. According to Rawls, the principle of justice, the parties who choose in the initial position will choose the two principles of justice. First, they will focus on securing their freedom to remain equal, thus choosing a principle to anticipate. Rawls believes that unless there are conditions of urgency, he will not allow freedom to be limited only for the sake of freedom itself, not for the sake of other economic or social gains.¹⁰ principle of justice is very different from the principle of justice adhered to in Indonesia, namely the fifth principle of Pancasila Social justice for all Indonesian people which is said to be fair according to social values in society for the welfare of the Indonesian people. This can be seen from the judges' decisions all based on the One Godhead by including legal considerations in the judge's decision.

In making a decision the judge includes legal considerations for the reasons for legal considerations at the High Court in his legal considerations to aggravate the sentence imposed, does not at all mention what reasons can be assessed as to increase or aggravate the crime based on the Supreme Court Decision No. 202 K / Pid / 1990. The judgment regarding the sentence

of the High Court / District Court is imperfect in its considerations regarding the sentence for each defendant. It is not sufficient to consider the weighting of the sentence by stating that Defendant II was initially absent and convoluted in his answer, but in fact later admitted frankly for his actions. (The Supreme Court changed the sentence for Defendant II from 3 years 6 months to 2 years 6 months). Supreme Court Decision No. 451 K / Kr / 1981 dated 31-5-1982.¹¹

Criminal Procedure Code is the rule of law the Code of Criminal Procedure which gives the guarantee and respect for human dignity, the suspect of the introductory rate, namely the investigation phase up to the level of the accused is at the implementation stage verdict / service guaranteed human rights. The Criminal Procedure Code regulates the procedures for criminal proceedings and also regulates the rights and obligations of a person involved in a criminal process.¹²

The State Ministry in Eka NAM Sihombing (2018) stated that justice is a basic human right that should be respected and guaranteed to be fulfilled. Access to justice in essence focuses on two objectives of the existence of a legal system, namely the legal system should be able to produce provisions and decisions that are fair to all people, both individually and in groups.¹³

¹¹ H.M Fauzan, *Kaidah-Kaidah Hukum Yurisprudensi Norma Baru dalam Hukum Kasus*, (Jakarta: Prenada Media Group, 2015), p. 286.

¹² Andi. Hamzah, *Bunga Rampai Hukum Pidana dan Acara Pidana*, (Jakarta: Ghalia Indonesia, 1986), p. 15.

¹³ Eka N.A.M Sihombing, *Mendorong Pembentukan Peraturan Daerah tentang Bantuan Hukum di Provinsi Sumatera Utara* (Encourage of Establishing Regional Regulation Concerning Legal

⁹ C. de. Rover, *To Serve & To Protect Acuan Universal Penegakkan HAM*, (Jakarta: Rajawali Pers, 2000), 161.

¹⁰ Karen. Lebacqz, *Teori-Teori Keadilan*, (Bandung: Nusamedia, 2015), p. 53.

The development of criminal justice in Indonesia is proof by wiretapping, *online* trials, the need for regulations on the settlement of criminal cases out of court to reduce the number of convicts, the existence of a mechanism of *checks and balances* between Law Enforcement Officials, regulating people who disturb the whole judicial process starting from the investigation, investigation, prosecution, up to the trial, that the pretrial process cannot be filed for a review as regulated in Perma No. 4 of 2016 regulates the prohibition of PK on pretrial decisions, it is necessary to regulate *justice collaborators*, so that people who reveal a case can have their sentence lightened because they provide information to judges in the process of proving a criminal case. Legal developments should be addressed with changes to the regulations regarding the Procedure for Criminal Procedure in Indonesia. The development of this arrangement should be done immediately to provide protection, respect and respect for human rights for justice seekers, especially for criminal cases.

Evidence is a problem that holds in the trial process of court proceedings. If the result of evidence by means of evidence stipulated by law is not sufficient to prove the guilt of the accused against the defendant, the defendant will be released from punishment. On the other hand, if the defendant's guilt can be proven by means of evidence referred to in Article 184 of the Criminal Procedure Code, the defendant will

be found guilty.¹⁴ In the development of evidence, wiretapping becomes evidence, although it is not specifically regulated in Article 184 of the Criminal Procedure Code. The judge's interpretation in making legal findings is that wiretapping can be categorized as evidence. This regulation should immediately be promulgated, so that it does not harm the human rights of the accused at trial.

Regulations in the Legal Development of the Criminal Justice System in Indonesia with Pancasila and Human Rights

The application of human rights is related to fulfilling, respecting and protecting all human beings, if one aspect is not fulfilled, human rights violations will occur in a country. The general understanding of whether or not there are human rights violations is still limited to whether or not the Police and / or the Army have tortured or shot someone without any legal basis. Not many know the types of human rights violations that are covered in the three aspects above, including human rights violations in the scope of criminal law enforcement. One that is often overlooked is the violation of the rights of a person or group of people who are dealing with the law (especially criminal law) to get a trial, both at the pre-trial, court and post-court levels. The process of enforcing the criminal law is one of the human rights violations in the process of arbitrary arrest and detention, torture, intimidation and

Aid at Province of North Sumatera), *Jurnal Rechtvinding*, Vol. 7, No. 3, December (2018).

¹⁴ M. Yahya. Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP Pemeriksaan Sidang Pengadilan, Banding, Kasasi dan Peninjauan Kembali*, (Jakarta: Sinar Grafika, 2000), p. 252.

degrading human dignity and other forms that violate human rights.¹⁵

Pre- trial rights include:

a). prohibition of arbitrary arrest and detention; b). the right to know the reasons for an arrest and detention; c) the right to legal counsel; d). the right to test the legality of arrest and detention; e) the right not to be tortured , as well as the right to be treated humanely during detention; f). the right to be presented immediately before a judge and at trial. The rights during the trial, namely: a). right to access to court; b) the right to a fair and open examination; c). the right to be immediately notified of criminal charges if they are declared; d). the right to be tried by competent courts and judges ; e) the right to obtain sufficient time and facilities for the defense; f). the right to defend himself; g). right to witness examination; h). the right to a free translator; g) the right to examine witnesses; i). Prohibition of forcing someone to provide information which would incriminate himself, the right to be tried without delay in the trial. Meanwhile, post-court rights are: a) the right to legal remedies; b). the right to compensation and rehabilitation for wrong court decisions.¹⁶

Protection in criminal proceedings is a major international human rights concern. Protection from arbitrary arrest and detention. Article 9

The Universal Declaration of the right to be free from arbitrary arrest, detention or exile is a human right that is independent from the

right to freedom in Article 3.No person can be deprived of their liberty except on the basis and in accordance with enforced procedures by law.¹⁷

The court that *water* mentioned also a fair trial in which one of human rights must be guaranteed by the Constitution , Law , and implemented in the practice of law enforcement at all levels. The regulation of human rights in Indonesia is guaranteed in article 28 I paragraph (1) of the 1945 Constitution, Law no. 8 of 1981 Criminal Procedure Law, Law No. 39 of 1999 concerning Human Rights, Law no. 12 of 2005 concerning the Ratification of the International Convention on Civil and Political Rights , Law no. 48 of 2009 concerning Judicial Power and several related regulations.

It is stated that a fair trial in the form of the right to access to a human rights court is the *first* fundamental as an instrument for restoring the rights that have been violated, *secondly* as a means to protect and enjoy other rights such as the right to information, the right to physical security, the right to confidentiality and the right. privacy, *thirdly* to build trust and confidence of crime victims in the existence of effective protection.¹⁸

Human rights that are protected by various regulations such as the right to an open court as regulated in Article 13 of Law No. 48 of 2009 concerning Judicial Power and Article 64 of the Criminal Procedure Code. The right to the presumption of innocence as regulated in the *common*

¹⁵ Suparman Marzuki, *Pengadilan Yang Fair Sebagai Hak Asasi Manusia dalam buku Pendulum Antinom Hukum*, (Yogyakarta: Genta Publishing, 2014), p. 67-68.

¹⁶ *Ibid*, p. 68.

¹⁷ Ifdhal. Kasim, *Hak Sipil dan Politik*, (Jakarta: Elsam, 2001), p. 161-162.

¹⁸ Suparman Marzuki, *Op.Cit*, p. 69.

law system is contained in *Bill of Rights* 1648 on the principle of *due process of law*. The right to be examined and tried quickly as stipulated in Article 50 of the Criminal Procedure Code as regulated in Article 20 (4) (c) and Article 21 (4) (c) The International Convention on Civil and Political Rights states that everyone who faces a criminal charge must obtain the right to be tried without undue delay. The right to be present at trial, the presence of the defendant will guarantee the examination process for himself in self-defense before the court which is regulated in Article 12 of Law No. 48 of 2007 concerning Judicial Power states that the court shall examine, judge, in deciding criminal cases in the presence of the defendant unless the law stipulates otherwise. Article 152 of the Criminal Procedure Code instructs the public prosecutor to summon the accused to come to trial. This is also regulated in Article 14 (3) d KIHSP and Articles 20 (4) (d) and 21 (4) have the right to be examined in court.¹⁹

According to Bentham, in social reform through law and trying to develop scientific principles to guide legislators if not he will hold on to *laissezfaire*. View jurisprudence as a fundamental science built on the observation of the legal reality of people's thoughts and actions. Lawmaking is an intermediate between social will and the logic of legal sanctions as an obligation.²⁰

From the explanation above that the human rights of the suspect, defendant to convict clearly provide legal protection, the

development of the criminal justice system in Indonesia in the 4.0 era during the Covid 19 pandemic has experienced developments with the existence of online criminal justice where the trial system is carried out online with the method teleconference without face-to-face proceedings at trial. Arrangements with the teleconference media have not been regulated in the KU HAP, in this case it will find a legal vacuum by deciding that an emergency can conduct a trial with the *teleconference* media with the principle of the right to be examined and tried quickly but it will be a problem who bears the cost of the trial with the *online* court system.

The development of the use of the *e-court* system within the Supreme Court in implementing simple, fast, and low cost judicial principles was issued Perma No. 3 of 2018 concerning Electronic Case Administration in Courts, the Director General of the Military Judiciary and PTUN of the Supreme Court of the Republic of Indonesia No. 307 / DJMT / Kep / 5/2018 concerning Guidelines for the Implementation of the Supreme Court Regulation No. 3 of 2018 concerning Electronic Case Administration.²¹ This is done by the Supreme Court of the Republic of Indonesia to provide services to people who seek justice and transparency in the implementation of the judicial system in Indonesia and apply the simple, fast and low cost principles .

¹⁹ *Ibid*, p. 70-72.

²⁰ Werner.Menski, *Perbandingan Hukum dalam Konteks Global Sistem Eropa, Asia dan Afrika*, (Bandung: Nusamedia, 2014), p. 207.

²¹ <https://ptun-yogyakarta.go.id/index.php/artikel/193-e-court-dan-masa-depan-sistem-peradilan-modern-di-indonesia.html> diakses pada tanggal 28 Februari 2021 pukul 16.13 wib.

The penal code regulation has not yet accommodated changes in Era 4.0 and in the current pandemic era, so efforts are needed to make regulations such as trials with a *digital* system, wiretapping, settlement of criminal cases outside the court, building *checks and balances* mechanisms between Law Enforcement Officials, regulating people who disturbing the whole judicial process starting from the investigation, investigation, prosecution, to trial, that the pretrial process cannot be filed for a review as regulated in Perma No.4 of 2016 regulates the prohibition of PK on pretrial decisions, also regulates case objects that can be submitted pretrial after the decision of the Constitutional Court No. 21 / PUU-XII / 2014, it is necessary to regulate *justice collaborator* in the Criminal Procedure Code, so that a person who reveals a case can be commuted for providing information to a judge in the process of proving a criminal case.

Criminal Code needs to be perfected is to narrow the gap interpretation, so that in applying the Criminal Code can be realized and nurtured: *unfied legal framework* (of a similar legal basis), *unfied legal opinion* (opinion in common law) refinement expected in a pkan have legal standard the same. If you have a foundation that is characterized by double standards or ambiguity, it will cause legal problems.²²

Whereas legal changes, especially the Criminal Procedure Code in Indonesia, must be based on the Principles of Pancasila

and Human Rights, so as to provide a sense of social justice for all Indonesian people as regulated in the fifth principle of Pancasila which is the basis of the Republic of Indonesia. Changes to the criminal justice system in Indonesia should adhere to the principles of Pancasila as a manifestation of implementing Pancasila justice. Pancasila regulates the balance of spiritual or spiritual measurements with the physical, ensuring that the balance must be based on the legal objectives of legal certainty, justice and benefit.²³

CONCLUSION

Based on the explanation above, the following conclusions and suggestions are drawn: the *first* conclusion is that the development of criminal justice in Indonesia has occurred with changes in the *digital* era 4.0 with proof of wiretapping, *online* trials, apart from that there is a need for arrangements regarding the settlement of criminal cases out of court to reduce the number of prisoners, *justice collaborator*, their mechanism of *checks and balances* Inter Apparatus Pen E gak law and *secondly* that the criminal Procedure Code has not set the systematic development in criminal justice in Indonesia so that the improvement expected in a pkan have the same legal standards. If it has a different basis, it will have an impact on future criminal procedural law issues.

The results of the above conclusion, then saran proposed is the *first* that the development of the criminal

²² M. Yahya. Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP Penyidikan dan Penuntutan*, (Jakarta: Sinar Grafika, 2000), p. 17.

²³ Teguh Prasetyo, *Keadilan Bermartabat Prsepektif Teori Hukum*, (Bandung: Nusamedia, 2015), p. 107-108.

justice system should be addressed while upholding the values of human rights of suspects, the accused, the accused in obtaining legal justice. *Secondly*, the Criminal Code Bill will be formed to accommodate the development of criminal cases and the Draft Criminal Code.

REFERENCES

- Abdoellah, Priyatmanto, Revitalisasi Kewenangan PTUN, Jakarta: Cahaya Atma Pusatka, 2020.
- Asshiddiqie. Jimly, Peradilan Etik dan Etika Konstitusi, Jakarta: Sinar Grafika, 2015.
- Bertin, Fungsi Pengawas Komisi Yudisial Terhadap Perilaku Hakim Dihubungkan Dengan Independensi Hakim Sebagai Pelaku Kekuasaan Kehakiman, *Jurnal Ilmu Hukum Legal Opinion*, Edisi 3 Volume 1, 2013.
- Fauzan., H.M, Kaidah-Kaidah Hukum Yurisprudensi Norma Baru dalam Hukum Kasus, Jakarta: Prenada Media Group, 2015.
- Hadita, Cynthia., Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020
- Hamzah., Andi, Bunga Rampai Hukum Pidana dan Acara Pidana, Jakarta: Ghalia Indonesia, 1986.
- Harahap., M. Yahya, 2000, Pembahasan Permasalahan Dan Penerapan KUHAP Penyidikan dan Penuntutan, Jakarta: Sinar Grafika.
- Harahap., M. Yahya, Pembahasan Permasalahan Dan Penerapan KUHAP Pemeriksaan Sidang Pengadilan, Bandung, Kasasi dan Peninjauan Kembali, Jakarta: Sinar Grafika, 2000.
- <https://ptun-yogyakarta.go.id/index.php/artikel/193-e-court-dan-masa-depan-sistem-peradilan-modern-di-indonesia.html> diakses pada tanggal 28 Februari 2021 pukul 16.13 wib.
- Kasim. Ifdhal, Hak Sipil dan Politik, Jakarta: Elsam, 2001.
- Lebacqz. Karen, Teori-Teori Keadilan, Bandung: Nusamedia, 2015.
- Marzuki. Suparman., Pengadilan Yang *Fair* Sebagai Hak Asasi Manusia dalam buku Pendulum Antinom Hukum, Yogyakarta: Genta Publishing, 2014.
- Menski. Werner, Perbandingan Hukum dalam Konteks Global Sistem Eropa, Asia dan Afrika, Bandung: Nusamedia, 2014.
- Prasetyo. Teguh, Keadilan Bermartabat Prsepektif Teori Hukum, Bandung: Nusamedia, 2015.
- Rahardjo. Satjipto, Sisi-sisi Lain dari Hukum di Indonesia, Jakarta: Kompas, 2003.
- Rover. C. de, *To Serve & To Protect* Acuan Universal Penegakkan HAM, Jakarta: Rajawali Pers, 2000.
- Setyowati. Erni, Memahami Sistem Hukum di Indonesia Panduan Bantuan Hukum di Indonesia, Jakarta: Yayasan Obor, 2014.
- Sihombing, Eka N.A.M., Mendorong Pembentukan Peraturan Daerah tentang Bantuan Hukum di Provinsi Sumatera Utara (Encourage of Establishing Regional Regulation Concerning Legal Aid at Province of North Sumatera), *Jurnal Rechtsvinding*, Vol. 7, No. 3, December (2018).
- Suherman. Ade Maman., Pengantar Perbandingan Sistem Hukum Civil

- Law Common Law Hukum Islam,
Jakarta: Rajawali Pers, 2012.
- Sutiyoso. Bambang, Metode Penemuan
Hukum Upaya Mewujudkan Hukum
Yang Pasti dan Berkeadilan,
Yogyakarta: UII Press, 2015.
- UUD 1945
- Undang-Undang No. 8 Tahun 1981 Tentang
Hukum Acara Pidana
- Undang-Undang-No. 39 tahun 1999
Tentang Hak Asasi Manusia
- Undang-Undang No. 12 Tahun 2005
Tentang Ratifikasi Konvensi
Internasional Hak Sipil dan Politik
- Undang-Undang No. 48 Tahun 2009
Tentang Kekuasaan Kehakiman
- Perma No. 4 Tahun 2016 mengatur tentang
larangan PK atas putusan
praperadilan
- Perma No. 3 Tahun 2018 Tentang
Administrasi Perkara di Pengadilan
Secara Elektronik
- Direktur Jendral Badan Peradilan Militer
dan PTUN Mahkamah Agung RI No.
307/DJMT/Kep/5/2018 tentang
Petunjuk Pelaksanaan Peratuan
Mahkamah Agung No. 3 Tahun 2018
Tentang Administrasi Perkara secara
Elektronik.