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The Relevance of the Miranda Rule for the Protection of Human Rights in Law Enforcement in Indonesia

Abstract

This study explores the relevance of the Miranda Rule in protecting human rights within the context of law enforcement in Indonesia. The Miranda Rule, originating from the United States legal system, mandates that individuals taken into custody must be informed of their constitutional rights, including the right to remain silent and the right to legal counsel. Although Indonesia does not formally adopt the Miranda Rule, similar principles are embedded in its legal framework through the constitution and criminal procedure law. This research highlights the gaps in implementation and enforcement that often lead to human rights violations during arrest and interrogation processes. Using a normative legal approach and supported by case analysis, this paper argues that the integration of Miranda-like safeguards in Indonesian law enforcement practices can significantly strengthen the protection of suspects' rights and uphold due process. The study concludes that adopting procedural guarantees akin to the Miranda Rule is not only relevant but essential to aligning Indonesia's legal system with international human rights standards.

Keywords: Miranda Rule, Human Rights, Law Enforcement, Indonesia

A. Introduction

In the realities of life, no individual is entirely immune from the possibility of encountering legal issues, particularly within the realm of criminal law. When a person—whether as a witness, suspect, or someone merely called to provide a statement—is summoned by law enforcement authorities, it often triggers feelings of anxiety, fear, or even a sense of threat. These reactions are natural and human, as criminal law directly affects fundamental individual rights, including physical liberty, personal dignity, and social reputation. Such feelings of fear can arise even in those who have not committed the alleged offense.

This condition illustrates that criminal law, with its instruments and mechanisms, not only holds coercive power but also exerts significant psychological pressure on citizens. Therefore, in a democratic rule-of-law state that upholds the protection of human rights, safeguarding individuals involved in legal processes becomes a vital concern. This protection must be embedded in both substantive law and procedural law. In the Indonesian legal system, this is represented by the Criminal Code (KUHP) as substantive law and the Criminal Procedure Code (KUHAP) as procedural law.

Nevertheless, in practice, law enforcement in Indonesia often reveals a lack of attention to the fundamental rights of suspects and witnesses during investigations. One of the most vulnerable stages for rights violations is the initial police interrogation. At this point, reevaluating procedural mechanisms becomes essential to ensure procedural justice. One

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prominent legal doctrine that could serve as a reference for reinforcing the protection of suspects' or witnesses' rights during investigation is the Miranda Rule.

The Miranda Rule, originating from the landmark U.S. Supreme Court case *Miranda v. Arizona* (1966), requires that anyone arrested or interrogated by the police must be informed of their right to remain silent and their right to legal counsel. Failure to inform the individual of these rights may render any statements given inadmissible in court. In the context of human rights protection, the Miranda Rule is a concrete manifestation of the *due process of law* principle ensuring fairness, legal certainty, and safeguards against the abuse of state power.

On closer examination, the values embedded in the Miranda Rule align closely with the fundamental principles of Indonesia's national ideology, Pancasila—particularly the second principle, "Just and Civilized Humanity." Therefore, it is not excessive to consider the adoption or adaptation of the Miranda Rule within Indonesia's criminal justice system as part of broader legal reforms, especially in updating the KUHAP. By institutionalizing legal representation as a fundamental right from the outset of any investigation, Indonesia would be laying the groundwork for a more just and humane legal system while embedding constitutional values into daily legal practice.

As a constitutional state, Indonesia bears the obligation to ensure that law functions not as a tool of oppression, but as a means of protection for all citizens. Strengthening legal safeguards for suspects and witnesses especially through the recognition of their right to legal counsel marks a critical step toward a more humane, accountable, and human rights-oriented criminal justice system.

In legal practice, the Miranda Rule is no longer simply understood as a procedural concept but has evolved into a scientifically validated body of legal knowledge. It has undergone the necessary stages of academic scrutiny and validation, rendering it both normative and analytical. As such, it serves not only as a technical guide for interrogation procedures but also as a theoretical framework for analyzing the realities of law enforcement and the protection of individual rights within the justice system.

Koentjaraningrat, in his work *Metode-metode Penelitian Masyarakat*, explains that scientific knowledge is built through a systematic, structured, and disciplined thought process, moving from concrete observation to abstract generalization a process known as induction. Theories, he argues, are essential to scientific inquiry. Without them, knowledge remains a fragmented collection of unrelated facts. A theory provides structure to data, helps predict future phenomena, and fills gaps in understanding (Koentjaraningrat, 1981).

Accordingly, the Miranda Rule, as part of modern legal science, fulfills the criteria of a scientific theory that is testable, applicable, and capable of explaining legal phenomena. Its significance lies not only in its technical application during interrogation but also in its broader function as a legal theory explaining, predicting, and evaluating the dynamics between law enforcement and legal subjects. Thus, the Miranda Rule stands as a crucial component within the architecture of legal knowledge, particularly concerning the protection of citizens' constitutional rights.

Historical Background of the Miranda Rule: The Miranda doctrine was first introduced in the American legal system through the U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966). This decision mandated that detained suspects be informed of their rights, including the right to remain silent and the right to legal counsel, before any police interrogation. The Miranda Rule has since become a powerful symbol of human rights protection and the reinforcement of democratic values in the criminal justice system (Neubauer & Fradella, 2019). Conceptually, it represents more than a procedural norm it is an integral part of a democratic legal order that bridges human rights, justice, and the effectiveness of criminal procedure (Duff, 2013).

In the realm of law enforcement, legal theories should not be viewed merely as rigid normative structures, but as tools to promote substantive justice for those seeking legal redress (*justiciables*). Law enforcement authorities play a crucial role as catalysts for progressive and adaptive legal implementation. In an era of rapid technological and societal transformation, the law must evolve accordingly whether through the refinement of established theories, reinvention of outdated frameworks, or the formulation of new legal paradigms to address emerging realities (Friedman, 2002).

In line with this transformative spirit, Satjipto Rahardjo's concept of *progressive law* offers an alternative legal paradigm one that prioritizes societal interests over rigid formalism. Rahardjo contends that law should not be a closed, mechanical system focused solely on legality, but rather a dynamic tool for achieving substantive justice. Law must "side with the people," and as such, legal actors should interpret and apply the law in ways that are creative, responsive, and socially engaged. This paradigm calls on legal practitioners to move beyond dry proceduralism and to restore law as a humane and ethical institution that serves the broader needs of society.

B. Theoretical Framework

The relevance of the Miranda Rule in protecting human rights within Indonesia's law enforcement system can be understood through several key theoretical foundations.

- a. **Human Rights Theory:** At its core, the Miranda Rule aligns with the fundamental principles of human rights theory, particularly the right to legal counsel and protection against self-incrimination. These rights are enshrined in international instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), both of which affirm the right to a fair trial and due process. The adoption of such safeguards reflects a legal system's commitment to upholding individual dignity and justice.
- b. **Rule of Law:** The principle of *Rule of Law*, as discussed by Tamanaha (2004), emphasizes that all individuals, including state authorities, are accountable under the law. The Miranda Rule operationalizes this principle by ensuring that law enforcement procedures respect constitutional rights. In the Indonesian context, integrating the Miranda doctrine would reinforce legal certainty, impartiality, and the protection of suspects' rights during criminal investigations.
- c. **Due Process of Law:** The concept of *due process* is central to procedural justice, ensuring that legal proceedings are conducted fairly and without arbitrary treatment. According to Dworkin (1978), legal institutions must take rights seriously, and that includes informing suspects of their legal protections. The Miranda Rule is a procedural mechanism designed to guarantee that suspects are aware of their rights, thus preventing coercive interrogations and unlawful confessions.
- d. **Legal Pluralism and Comparative Law:** Indonesia's hybrid legal system reflects a combination of civil law, customary (*adat*) law, and Islamic influences. From a legal pluralism perspective, the incorporation of elements like the Miranda Rule—originating from a common law system should not be seen as legal transplants but as a step toward reinforcing universal human rights standards within a localized legal culture (Butt & Lindsey, 2018).
- e. **Pancasila Philosophy:** Finally, the implementation of rights-based doctrines such as the Miranda Rule aligns with the philosophical foundation of the Indonesian state Pancasila. Particularly, the second principle, "*Just and civilized humanity*," supports the ethical imperative of treating every suspect with dignity and fairness. As Soekanto

and Mamudji (2001) explain, the legal system must reflect these moral values to maintain public trust and justice.

C. Findings and Discussion

1. Criminal Procedure Code (KUHAP) and Democratic Values

A fundamental question in evaluating Indonesia's current criminal procedural system is whether the Criminal Procedure Code (KUHAP) adequately upholds democratic principles, particularly in relation to human rights and the protection of justice seekers (*justiciabelen*). Upon closer examination, KUHAP still contains provisions that fall short of fully incorporating the principle of *due process of law* in a comprehensive manner.

One notable example is found in Article 12C (1) of Law No. 19 of 2019 concerning the Corruption Eradication Commission (KPK), which states: "In the examination of witnesses by Commission investigators, the witness has the right to be accompanied by legal counsel. If the witness is not accompanied by legal counsel, the examination may still proceed." (*Law No. 19/2019, Article 12C Paragraph 1*)

This provision raises significant human rights concerns, especially regarding the right to legal assistance as part of the *fair trial* guarantees. KUHAP itself does not explicitly mandate legal assistance for witnesses, even though it provides such rights for suspects and defendants. This normative ambiguity may weaken legal protection for witnesses, particularly when their testimony could lead to self-incrimination.

It can therefore be concluded that the current KUHAP has not yet fully or explicitly embraced democratic values and human rights protections. An ideal modern criminal procedural system must not only prioritize the effectiveness of law enforcement but also ensure the fundamental rights of all participants in the legal process including witnesses.

In this regard, the **Miranda Rule**, as established in the U.S. legal system, offers a progressive and human rights-based approach. This doctrine requires law enforcement to inform any individual being interrogated whether as a suspect or witness of their right to remain silent and their right to legal counsel before the examination begins (*Miranda v. Arizona*, 384 U.S. 436 [1966]). The implementation of this principle not only ensures a fair balance between the state and the individual but also enhances the moral legitimacy of the criminal justice system.

The relevance of the Miranda Rule to Indonesia's legal framework can also be interpreted through the lens of **Pancasila**, especially its second principle: "Just and Civilized Humanity." When law enforcement officers proactively inform individuals of their legal rights, it reflects a humanized and civilized legal process not merely an ideal (*das Sollen*), but a reality (*das Sein*).

Therefore, reforming KUHAP should include a stronger commitment to human rights by adopting principles similar to the Miranda Rule in specific statutory provisions. Such reform would lead to a more just, transparent, and democratic legal process.

2. Witness Examination Practices Without the Miranda Rule

The recurring phenomenon of defendants retracting their statements made in *Berita Acara Pemeriksaan* (BAP official police interrogation transcripts) during trial proceedings reflects a concerning flaw in Indonesia's criminal justice practices. Many defendants claim their initial testimonies were made under coercion, intimidation, or threats by law enforcement during the investigation phase. This pattern, evident in numerous criminal cases, underscores persistent gaps in the protection of suspects' and witnesses' rights.

For instance, in a 2021 case involving alleged abuse by officers at the South Jakarta Police (as reported by Komnas HAM), a suspect claimed they were forced to sign the BAP without the presence of legal counsel. Similar incidents are frequently reported by legal aid organizations, where witnesses or suspects retract their statements during trial, often citing the absence of legal assistance and psychological pressure during earlier stages of investigation.

Had the initial interrogations been conducted in line with the **due process of law** and with the implementation of the Miranda Rule, the likelihood of such retractions could have been substantially reduced. As per the U.S. legal standard, the Miranda Rule obligates investigators to read out the rights of individuals before questioning begins, including the right to remain silent and the right to be assisted by legal counsel (*Miranda v. Arizona*, 384 U.S. 436 [1966]).

The *due process of law* is a foundational principle in a rule-of-law state, requiring that legal procedures be fair, transparent, and respectful of individual rights. Due process encompasses not only procedural fairness but also substantive protections for human dignity and liberty (Tamanaha, 2004). In the Indonesian context, this principle is enshrined in Article 28D(1) of the 1945 Constitution, which guarantees every person's right to recognition, assurance, protection, and fair legal certainty.

From a legal-philosophical perspective, the application of the Miranda Rule and due process principles is not merely procedural but also deeply ethical. Legal ethics consist of moral values that guide legal practitioners to uphold justice, humanity, and integrity (Fuller, 1969). When legal actors judges, prosecutors, police officers, and defense lawyers internalize these values, legal proceedings can be conducted professionally and civilly, free from bureaucratic egoism or unproductive emotional conflict.

Furthermore, the Miranda Rule and the due process doctrine are in harmony with the values of **Pancasila**, particularly the second precept: "Just and Civilized Humanity." Prioritizing humane treatment for individuals undergoing legal examination is a direct embodiment of Pancasila's principles in legal practice. By ensuring that legal rights are respected from the outset of an investigation, the legal process becomes a space for rational and professional dispute resolution not one driven by coercion or manipulation.

Witness Examination under the Miranda Rule and the Implementation of Due Process of Law in Indonesia

The frequent retraction of official examination transcripts (*Berita Acara Pemeriksaan*, or BAP) by suspects during court proceedings in Indonesia often on the grounds of coercion or intimidation by investigators reveals critical weaknesses in legal protections during the investigation stage (Muladi, 2002). The implementation of the **Miranda Rule** could serve as a systemic safeguard to prevent violations of the rights of suspects and witnesses from the very outset of legal proceedings. In the United States legal system, the Miranda Rule—originating from *Miranda v. Arizona* (1966) requires law enforcement officers to inform individuals of their fundamental rights (the right to remain silent and the right to legal counsel) before initiating any interrogation.

If applied in Indonesian criminal investigations, this doctrine would significantly strengthen legal protections for both suspects and witnesses, ensuring their right to remain silent and to access legal assistance (Ashworth & Redmayne, 2010). Beyond being a mere procedural formality, the reading of these rights constitutes a practical expression of the principle of **due process of law**, which guarantees that every individual is subject to legal proceedings that are fair, non-arbitrary, and respectful of human dignity (Dworkin, 1977).

Currently, Indonesia's Criminal Procedure Code (*KUHAP*) does not fully embody this principle, as it lacks a clear mandate for legal counsel to be present during the examination of witnesses. This legal gap increases the potential for abuse of power and manipulation of witness testimony within the BAP process (Sefriani, 2009).

Implementing the Miranda Rule as a mechanism to operationalize due process aligns with the **second principle of Pancasila**: “Just and Civilized Humanity.” When law enforcement officers inform suspects or witnesses of their legal rights before an interrogation, they are not merely complying with legal procedures but also instilling a culture of justice and civility in Indonesia’s criminal justice system (Rahardjo, 2006).

Furthermore, the consistent application of the Miranda Rule and the due process principle reinforces the importance of **prudence** among state authorities executive, judiciary, and legislature alike in exercising their power. This perspective resonates with Suhardi Somomoeljono’s **Comprehensive Legal Theory**, rooted in the Javanese proverb “*kriwikan dadi grojogan*”, which warns against underestimating small violations of human rights (*kriwikan*) as they may lead to significant and harmful consequences (*grojogan*) ultimately affecting justice, legal certainty, and utility in law (Somomoeljono, 2022).

3. Depiction of the Miranda Rule in the Film *Adolescence* (2025) and Its Relevance to the Indonesian Criminal Justice System

The 2025 film *Adolescence* provides a cinematic illustration of how the **Miranda Rule** is applied in the U.S. criminal justice system, particularly in protecting the rights of minors accused of criminal offenses. The story follows Jami Miller, a 13-year-old accused of murdering a peer. Despite immense public pressure, law enforcement upholds the **presumption of innocence** and diligently respects Jami’s legal rights.

Upon arrest, officers politely inform Jami that she may only give a statement in the presence of a legal representative. Since Jami had no prior access to counsel, the police proactively arrange for a professional legal advocate. The appointed counsel not only ensures Jami’s rights are protected but also provides emotional support, reaffirming that the legal process would be approached with fairness and integrity. Even after the arrest, a medical examination is conducted prior to detention, underscoring the system’s holistic respect for **human rights** (Amnesty International, 2023).

The film portrays a legal system where all actors police, attorneys, parents, and the accused operate within a **framework of mutual legal respect**, free from coercion, intimidation, or manipulation during the interrogation process. This representation reflects the **due process of law**, emphasizing procedural fairness and the protection of individual rights from arbitrary actions (Hall, 2018).

4. Reflection on the Indonesian Legal System

Indonesia’s criminal justice system still grapples with ensuring proportional protection of the rights of those under investigation, particularly witnesses and suspects. The existing KUHAP does not mandate the presence of legal counsel for witnesses during interrogation—even in sensitive cases. Moreover, certain sectoral laws, such as the Corruption Eradication Commission Law (Law No. 19 of 2019), explicitly state that witnesses are not required to be accompanied by legal counsel. Such provisions stand in direct contrast to the principles of the Miranda Rule and democratic legal standards (Butt, 2020; Law No. 19 of 2019).

In practice (*law in action*), deviations from the due process principle remain prevalent. A common scenario involves witnesses receiving a written summons for 9:00 AM, only to be examined starting at 2:00 PM, with proceedings extending late into the evening. This discrepancy between formal summons and actual investigative conduct reflects a failure to fulfill the *ideal purpose of law* (*das Sollen*)—namely justice, legal certainty, and utility (Satjipto Rahardjo, 2006)

D. Conclusion and Recommendation

1. Conclusion

The relevance of the Miranda Rule in the Indonesian legal context lies in its potential to strengthen the protection of human rights, particularly during the early stages of criminal proceedings. Although not yet formally adopted, the core principles of the Miranda Rule such as the right to remain silent and the right to legal counsel are consistent with the Indonesian Constitution and the spirit of Pancasila. The current legal framework and its implementation, however, still face challenges in ensuring due process and preventing coercive practices during arrest and interrogation. Integrating Miranda-like protections could enhance transparency, accountability, and respect for the dignity of suspects, thereby aligning Indonesia's law enforcement practices with international human rights standards.

2. Recommendation

Therefore, the portrayal of legal processes in the film *Adolescence* can serve as a valuable reflection for strengthening Indonesia's legal system, particularly in encouraging the integration of the Miranda Rule into the forthcoming revision of the Criminal Procedure Code (KUHAP). The adoption of this doctrine should not be seen merely as the imitation of a foreign legal system, but rather as a manifestation of Pancasila's core values—especially the second principle: “Just and civilized humanity” (Soekanto & Mamudji, 2001).

It is time for Indonesian law enforcement officers judges, prosecutors, investigators, and defense lawyers to treat human rights protection as an integral part of professional ethics. The Miranda Rule doctrine must be reinforced not only through legislative reform but also through legal practice and jurisprudence that upholds the principles of due process at every stage of law enforcement.

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