

ISLAMIC LEGAL ANALYSIS ON SUSPECTS WHO EXPERIENCE ILLEGAL DETENTION

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Study This aiming For For know factors that cause the occurrence action detention No valid for suspects in Class I Makassar Prison and for know reason law for investigator to suspect his detention No legal in Makassar Class I Prison. Research This use method study qualitative with type Empirical Law research . Research results This show that there is factors that cause the occurrence action detention No valid for suspects in Makassar Class I Prison , including that is , no the walk procedure appropriate laws and acting authorities No based on , the existence of pressure from community , means enforcer law that does not adequate , and overcapacity or excess capacity prisoners in Makassar Class 1 Prison which caused No evenly distributed service law prisoners . Research results this also shows that analysis reason law carried out by investigators can be one of tool For protect rights suspect , and at the same time become reference For delve deeper How procedure law in Indonesia is necessary more value principles justice and rights basic man in context detention . Recommendation research provided writer that is , it is better done observation beginning For determine dot, dot, dot location research and informants who interact with each other related , thing This For mapping and observing more in every process experienced suspect , start from investigation , inquiry , and detention .

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INTRODUCTION

Rights Human (HAM) is right the basis that is natural attached to oneself human beings , are universal and eternal , therefore That must protected , respected , defended and not may ignored , reduced or seized by anyone . State of law wants the law must enforced , meaning must respected and obeyed by everyone Good inhabitant public or by the government . The 1945 Constitution of the Republic of Indonesia itself has load terms and conditions about right basic human beings , which confirms that every man have equal rights , especially equal rights before law (equality before the law). [1]State of law No off from the purpose that is create order general and security as well as justice and also welfare in life society and the state . Enforcement law is one of business For reach or create order , security and peace in society , good That is business prevention and also eradication or action after the occurrence violation law . If the law that has been become base law for action apparatus enforcer law not enough in accordance with base state philosophy and views life the Indonesian nation , then Already automatic enforcement law No will reach its target . [2]In the enforcement process law , among a number of stages important is arrest and detention suspect . Wrongful arrest in Indonesia is one of the the most serious problem in enforcement law , often result in loss physical , psychological and social for individuals who are victims. [3] Wrongful arrest usually happen when people who don't guilty detained or accused involved in act criminal , although the fact individual the No involved . Phenomenon this is very concerning Because

involving various component system law , start from investigation , prosecution , and judicial process . [4] Detention in law criminal set up in Article 1 point 21 of the Criminal Procedure Code which states " detention " is placement suspect or defendant on the spot certain by investigators or prosecutor general or judge with its determination , in matter as well as according to the way it is arranged in Constitution this " , detention done based on legitimate reasons , such as risk run self , destructive goods evidence , or repeat act criminal . [5]

According to the Criminal Procedure Code (KUHAP), detention must fulfil a number of clear requirements , namely existence legitimate reasons , proper procedures , and specified time limits . If the detention done without fulfil provision said , then detention the can considered No valid and contradictory with principles applicable law . Detention No legitimate things that happen , one of them is caused by problems regulation related with a number of thing . First , there is a number of rule in The KUHAP loophole contains potential law cause detention No legitimate . Second , the existence of regulation or conflicting guidelines or No in line with the Criminal Procedure Code or Regulation Government Number 27 of 1983 concerning The implementation of the Criminal Procedure Code which resulted in existence perception or various interpretations . [6] [6] Problem detention No legitimately also caused by problems coordination . Among problems that arise is coordination between the Prison and the Court . Often letter determination or extension detention late sent from Supreme Court when There is changeover officer . Even in a number of case letter extension detention also not Can found in the District Court , High Court , and in the Supreme Court because factor long distance . [8]

Makassar Class I State Prison (Rutan) is one of the institution correctional institutions that have task main accommodate prisoner during the trial process taking place . As lower institutions management of the Ministry of Law and Human Rights, this prison must ensure that detention done in accordance with principle applicable law , including compliance to procedures and protection rights prisoners . However , a number of problem related detention No legitimate Still found in place this . In 10 years Lastly , various case show existence weakness in system detention at Makassar Class I Detention Center. One of the for example is case in January 2024, a Woman prisoner Makassar District Attorney with the initials HR (24) gave birth inside prisoners of Class I Makassar Prison due to suspension detention was denied . This case reflect portrait bad detention to women and highlight the need evaluation to policy detention , especially for group prone to like Woman pregnant . Even though right everyone who is charged detention , must respected by everyone including those in authority do detention . It is has confirmed in the Criminal Procedure Code that suspect or the defendant who is in prisoner have rights among them right general and rights special , including in it maintenance health , care spiritual , and prohibitions must work . [7]

Other related incidents violation right prisoner is findings inspection sudden reveal circulation goods forbidden like drugs , mobile phones, and extortion in the prison. This show existence weakness supervision and implementation procedures that are not fully in accordance with legal norms . Problems detention No also valid related with imbalance between amount detention and capacity prison . Data shows that overcapacity become problem common in many prisons, including in Makassar. Conditions This increase risk violation right basic humans , including detention in excess of time regulated by law or without base clear law . [10]

Although Already There is strict rules in the Criminal Procedure Code, the weakness supervision and accountability become constraint main phenomenon detention that is not legitimate happened . This is show existence gap between theory the law that has been set up in the Criminal Procedure Code and implementation in the field . This is Can happen Because lack of understanding apparatus enforcer law about correct procedure , or It could also be caused by other factors such as pressure political or social . Acts of violation of Human Rights Humans do somebody Good including state apparatus deliberate or No intentional worried about in settlement in the ongoing legal process No contain a justice and right , things This based on mechanism applicable law . [11] The facts that occurred [8]

Unjustified detention legitimate is one of form violation to the principle of due process of law, namely principles that guarantee every individual get fair and appropriate treatment with procedure law . Problem detention that is not legal in Indonesia becomes very relevant in context supervision to enforcement fair and appropriate law with right basic human . [9] The detentions carried out without legitimate basis or violate procedure established law can harm suspect in a way significant , good from aspect physical , psychological , and rights base others . In some case , detention that is not legitimate This can culminating in liberation suspect after done examination by the court or authority related , but No rarely causes loss material or immaterial that must be borne by the suspect . On the other hand , for apparatus enforcer law , detention that is not legitimate can cause sanctions administrative , even criminal , for the party who did it . According to Article 21 paragraph (4) of the Criminal Procedure Code, if detention done in a way No legitimate , suspect entitled For submit application liberation and can to obtain change make a loss on losses incurred . Consequences This show that every actions taken by the authorities enforcer law must always accountable in accordance with applicable rules . [14]

Detention No legitimate is form violation Serious to right basic human rights guaranteed by the Indonesian constitution . Protection law to rights suspect set up in various the existing rules in the Republic of Indonesia are: Constitution About Human Rights Human , Law About Power Justice , Law Convention Against Torture and Ill-treatment or Other Cruel , Inhumane , or Other Punishments To belittle Dignity Humans . Specifically on the body Police , protection rights suspect set up in Perkap Number 8 of 2009 concerning Basic Implementation of Human Rights Humans , and the Number 14 of 2011 concerning the Code of Ethics Profession Police , rules special This has arrange in a way special in body Indonesian National Police about protection rights suspect , rule this also regulates about sanctions that will be given to investigator if violate rule said . Special Perkap Number 8 of 2009 Concerning Basic Implementation of Human Rights Human , loaded in Article 10(c) of the Regulation Chief of Police about prohibition torture to suspects and there are sanctions for proven investigator do torture to suspect namely , to be responsible his actions in accordance code ethics profession police as stated in the Regulation of the Chief of Police Number 14 of 2011. [10] Framework normative used in study This covers provision law national and international . At the level nationally , Article 28D and Article 28G of the 1945 Constitution guarantee right on fair treatment and freedom from detention arbitrary . In addition , the Criminal Procedure Code provides guide procedural that must be followed in do detention . In addition , the Regulation Government Number 27 of 1983 concerning Implementation of the Criminal Procedure Code. At the level internationally , Indonesia has ratify The International Covenant on Civil and Political Rights (ICCPR) in Constitution Number 12 of 2005 concerning Ratification of the ICCPR, which regulates that every individual entitled on humane treatment and due process of law . The principles This reinforced by guidelines from the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). Phenomenon detention that is not legitimate this is also related with violation to rights individuals protected by law Number 39 of 1999 concerning Human Rights Human . For guard equation in front law , must based on justice . Justice Alone can shared become a number of form , such as justice compensatory , namely equal justice without look at big small , or non- discriminatory justice , and fairness distributive , namely justice that is not to wish treatment special or control special . In the sense this , justice determined based on base need , required depending on the strength required . [11]Religion views that important For to uphold principle justice . Command For do fair explained in Surah An-Nisa (4): 58. Meaning : Verily Allah commands You convey mandate to those who are entitled accept it , and (order) you) if set law between man so that You set with fair . Indeed, Allah gives the best teaching to you . Indeed, Allah is All- Hearing and All- Seeing . [12]This verse emphasize importance to fulfill trust (responsibility) answer) and apply fair in set law . In the provisions law , in particular related detention the suspect who is not valid , there is draft justice and fair solutions for the injured parties .

Unjustified detention legitimate is one of problem the law that continues become attention in system justice criminal . Research previously show that practice detention often not fulfil standard legal and procedural . In research Implementation of Prisoners ' Rights in Makassar Class I State Prison by Andi Muhammad Iqra Kusumaatmaja . Research This disclose that although a number of

right prisoner like implementation of worship is facilitated with ok , still there is lack in other aspects such as service health and care physical . Then study Analysis Implementation Provision of Legal Aid at Makassar Class I Prison as Part of Protection of Human Rights Suspect by Gugu Alam, Mulyati Pawennai , and Satrih Hasyim. Research This highlight implementation giving help law in Makassar Class I Prison which has in accordance with Regulation of the Minister of Law and Human Rights No. 4/2021 concerning Standard Legal Aid Services . However , research This also identifies constraint like lack of funding and mechanisms application help lack of law efficient . As for the research Analysis Legal Decision Number 04/ Pid.Prap /2015/ PN.Jkt.Sel . About Application Pretrial Outside Provisions of Article 1 Number 10 in conjunction with Article 77 of the Criminal Procedure Code by Bayunugraha , research This discuss impact decision to protection right basic man as well as balance between interest individual and public in enforcement law . Finally , research Analysis Decision Pretrial Reviewed from Fulfillment Conditions and Procedures for Arrest by Angga Bastian Simamora . Research This highlight uncertainty law consequence lack of formulation firm in the Criminal Procedure Code and the tendency decision more pretrial prioritize formality than look for truth material . Although Lots study has discuss detention No valid , still there is gap in understand How internal and external factors interact in create violation said . Most of them study tend focus on aspects law normative without consider dimensions social and psychological experiences of victims of detention No valid . For respond to matter said , it appears a number of formulated questions in formulation problem study this , namely related with factors What only that causes the occurrence detention No valid and and aspect law What only related detention that is not legitimate by investigators . This is important as effort accuracy in the expected legal process can prevent human rights violations , restoring trust public to institution police , and create system more justice fair and transparent . Reform efforts in investigation , including training sustainable for investigators and use more technology sophisticated , required For minimize risk error identification and ensuring justice for all parties . [13]

Study This expand findings previously with to study cases specific in the Detention Center Class I Makassar, which requires evaluation comprehensive to implementation law in Makassar Class I Prison , including more internal and external supervision strict , training officers , as well as improvement facilities and infrastructure For support implementation task in a way professional and humane . Research This also utilizes empirical data . latest For analyze dynamics detention No legitimate in context time and location certain . With Thus , research This own contribution theoretical in enrich understanding about violation right basic man in the detention process . By practical , research This give recommendations that can used For repair system justice criminal law in Indonesia, especially in prevent detention that is not valid . So , the research This No only relevant for circles academics , but also for practitioner law and maker policy . At the level international , research This support implementation standard right basic regulated human in International Covenant on Civil and Political Rights (ICCPR), to which Indonesia has become a party state .

METHOD

Type research that will be used in research This is empirical , with approach qualitative which focuses on data collection through interviews , observations , and studies document For get understanding deep about factors that cause detention No valid at Makassar [14] Study This located in Makassar Class I Prison , Jl. Prison No. 8, Gn. Sari, Rappocini District , Makassar City, South Sulawesi. In the study this is what it becomes sample is suspect who experienced detention that is not legitimate and the police involved in investigation and inquiry , namely ; 25 (twenty five) prisoners of Makassar Class 1 Prison , 1 (one) police officer and 1 (one) staff of Makassar Class 1 Prison. Research This use non-probability sampling technique , namely purposive sampling type , where just people certain only that is made sample . The types and sources of data in the research This namely primary data obtained from interviews , and secondary data obtained from studies literature or literature related . Data collection techniques in research This namely , field research (research) field) namely research conducted For obtain primary data and secondary data , as well as library research (research) bibliography) namely research conducted For obtaining secondary

data others . After the data is obtained , it will analyzed with method arranged systematically , then analyzed in form description , so that you can withdrawn conclusion For can achieved clarity about the problem that will be researched . [15]

DISCUSSION

Factors Causing Unlawful Detention of Suspects in Makassar Class I Prison

Detention No legitimate is action detention individuals carried out by parties authorized without fulfil condition applicable law , so that rights base individual violated . Researchers do observation about factors that cause the existence of an arrest and detention process that is not legitimate or violate right suspect . As for the results observation researcher to factors that cause the existence of an arrest and detention process that is not legitimate among them that is :

Not Running Appropriate Legal Procedures and Applicable Authorities Without Basis

Research result see that procedure arrests and detentions experienced prisoner No done with rule proper administration , such as No it is shown letter order detention , no existence witnesses , and confiscation items that are not related with crimes committed . Researchers to mean matter This as error in see evidence crime , if confiscated items No relevant so Can it is said that officers on duty considered negligent and not professional . System the laws applied in Indonesia such as the Criminal Code are system new old law This experience more adjustments comprehensive to various form modern crime . While apparatus enforcer law alone , sued become an honest , fair , professional and person who has other abilities as appropriate with aspiration society . Successful whether or not implementation system the new law or long, depending on the apparatus enforcer law . When the quality apparatus enforcer law No in accordance with hope , then it happened all form injustice , good That intentional or no .[16] It happened case unwarranted arrest and detention legitimate caused by Because behavior No professional officers on duty , where they act without basic and less thorough to cases handled , both That Because the case want to fast completed and also ignorance apparatus enforcer law to law That myself . Researcher do interview towards Mr. Bripka Darman as Apparatus Makassar Police , he say that in the process of arrest often there is negligence in identify statement witnesses , so that unprovoked arrest It's also valid that this has happened several times Because lack of accurate evidence and arrest done only based on assumptions . Negligence and unprofessionalism apparatus enforcer law , especially police as officers on duty arrest and detain suspect , also caused by factors personal psychology of his work . That is , based on a research psychology law about police , duty police full with influence enough psychological tall Because the task being carried out full with challenges and risks . Results of the analysis writer state that the Police were given not quite enough answer in create a sense of security to public and also to put things in order society that violates law , but in reality police often get treatment rough from the person being disciplined resulting in police become all wrong, thing This stimulate police For act No professional like , do arrest and detention with in a hurry without procedure appropriate law , do shooting or beatings , confiscations and searches carried out in a way without basis , misidentification , and other acts that violate law . This is also based on the statement of Mr. Bripka Darman as Apparatus Makassar Police that the occurrence violations right base unexpected or suspect happen consequence spontaneity apparatus or authorized party .

There is Collusion

Society is the people who play a role important in enforcement law . However , it is still Lots confined society in behavior and patterns think that considers law as something difficult and complicated , thing This Of course influence the way enforcement law . The general public to law , to be prone to to target unwarranted arrest and detention valid , temporary suspect with interest certain will to justify all method For off from bond law and choose bestow his mistake to other people. Interview results researcher against one of the prisoner case Action Criminal Corruption namely , Yuni Mathius. He confess that in case Action Criminal Corruption , in the beginning he

only as witness , will but Because a number of matter finally suspect status delegated to him . This is also of course related with action collusion (work) The same in form negative) which results in agreement between parties certain with apparatus enforcer law that allows unwarranted arrest and detention legitimate happened , done in a way in a hurry , and not notice legitimate procedures . Interview results researcher towards Mr. A. Muh. Akbar as sub section member help law and counseling at Makassar Class 1 Prison , he confess that of course often happen action collusion in his agency , there is a number of suspect who took advantage of the relationship with party authorized to conduct an investigation the case stopped or manipulated so that Can delegated to others, even in a number of case like drugs , vulnerable happen collusion within the prison. He Then continue that information related action collusion is very risky information , so in give information must be careful .

Inadequate Law Enforcement Facilities

Implementation enforcement law on the ground naturally need tool help in the form of means or facilities used by the authorities enforcer law For carry out duties and responsibilities the answer is . In some cases , arrests and detentions No legitimate often happen Because error identification to suspect , thing This caused by missing data inaccurate , erroneous testimony , and inaccurate investigations . careful . In the interview conducted together with Mr. Bripka Darman as Apparatus Makassar Police Station produces conclusion that person apparatus often get information No accurate from witness accompanied by with evidence that is not enough , ability limited from a number of apparatus Finally trigger action unwarranted arrest and detention valid , will but Apparatus enforcer law always stage development to case of shortage evidence . However , there is a number of condition Where officers on duty difficulty identify a case Because lack of tool help identification . One of the aspects that influence error identification the that is No adequate tool help identification used by the authorities enforcer law , thing This naturally in line with budget and technology used . Progress technology is very helpful in disclosure a incident act criminal , which can give instructions - instructions important for purposes disclosure case .

Overcapacity

Observation results researcher related with factor reason the occurrence violation right the most crucial prisoners in Makassar Class 1 Prison is overcapacity or excess capacity inmates of the prison. The results of the interview by Mr. A. Muh. Akbar as sub section member help law and counseling of Class 1 Makassar Prison , concluded that Makassar Class 1 Prison with capacity that only Enough for 1,000 people, counted until November 2024 has been reach figure 2,198 prisoners , this This cause the occurrence violation right suspect Because condition the make facilities and services to prisoner No Enough worthy For accommodate all residents . The questionnaire results also mentioned that there were 20 prisoners who did not get help law , in matter This advisor law / advocate . Advantages capacity make officer difficult For supervise all prisoner with good and giving right service law in a way evenly distributed . Giving service counseling , guidance law , rehabilitation programs , and provision of help law become very limited , so that there is a number of almost prisoner completed his detention period However late get help law and rehabilitation . With Thus , overcapacity or excess capacity trigger the occurrence violation rights base suspects , including right on service help law . In the study case detention No legal in Makassar, researcher do data collection at Makassar District Court and official website Makassar District Court related with application list case criminal pre justice for 5 (five) years last in Makassar City for know whether there is error in procedure detention and violations right basic human , as following .

Table 1. Application Pre Trial at Makassar District Court 2020-2024

No.	Year	Application Pre Justice	Judge's Decision		Information

1.	2020	27	6	15	2 applications No can accepted and 4 applications revoked
2.	2021	19	5	6	1 application No can accepted , 6 applications revoked , and 1 application stated fall
3.	2022	33	9	16	3 requests No can accepted , 3 applications revoked , and 2 applications stated fall
4.	2023	38	7	21	2 applications No can accepted , 5 applications revoked , and 3 applications stated fall
5.	2024	18	4	8	1 application No can accepted , and 4 applications revoked
Amount		135	31	66	-

Table 1.

Source : Makassar District Court

The table above show that from 2020 to in 2024 there will be 135 applications pretrial motion at the Makassar District Court . A total of 31 applications granted and 66 requests rejected . Then 38 requests other there is something not accepted , revoked , and dropped . From the total number overall application pre the above court , researchers classify application pre trial in the case detention that is not legitimate for 5 years last at the Makassar District Court and obtained results as following .

Table 2. Application Pre Justice Case Illegal Detention at Makassar District Court 2020-2024

No.	Year	Case DetentionInvalid	Judge's Decision	
1.	2020	-	-	-
2.	2021	4	3	1
3.	2022	-	-	-
4.	2023	-	-	-
5.	2024	-	-	-
Amount		4	3	1

Table 2.

Source : Makassar District Court

The table above show that for 5 years final There are 4 application registers pre justice case legitimate or whether or not detention in 2021 , 3 of them revoked his demands and 1 other

rejected .

Table 3. Application for Compensation for Suspects Who Experienced Illegal Detention at Makassar District Court 2020-2024

No.	Year	Application for Compensation	Judge's Decision	
1.	2020	-	-	-
2.	2021	-	-	-
3.	2022	-	-	-
4.	2023	-	-	-
5.	2024	-	-	-
Amount		-	-	-

Table 3.

Source : Makassar District Court

The table above show that in 2020 until 2024 no there is application change losses . Researchers also conducted distribution questionnaire and interview with society that is detained in Makassar Class I Detention Center with objective give outlook more deep about experience they related with detention that is not valid .

Table 4. Implementation Fulfillment of Rights for People Serving Detention Periods

No.	Implementation Compensation	Answer	
1.	At time You arrested shown letter order arrests that include your name	16	9
2.	At time You will arrested shown letter tasks that include the name of the apparatus assigned police catch You	13	12
3.	The police did search and seizure stuff at home You	6	19
4.	At time You will detained , authorities assigned police withhold You convey photocopy of letter order detention to family You	8	17
5.	Confiscated items related with the crime you committed do	15	10
6.	Shown letter permission search and seizure from chairman Makassar District Court	7	18
7.	When search carried out , witnessed by two witnesses or witnessed by the head village / chief environment	8	17

8.	Know existence change loss from country to suspect if charged action effort force No legalized by the authorities enforcer law that does not in accordance with regulation legislation	8	17
9.	You are accompanied by an advisor law / advocate	5	20

Table 4.

Source : Questionnaire results community in Makassar Class I Prison

The table above is results questionnaire society that is undergo detention at Makassar Class 1 Prison, consisting of from 25 respondents .

Legal Reasons for Investigators Against Suspects Who Experience Unlawful Detention

Unjustified detention legitimate can influence right basic suspect and potential violate principles justice in the judicial process criminal . Researcher analyze base law detention that is not legitimate as well as possible reasons become base for investigator in maintain or end detention said . Pra justice is mechanism the law given to suspect or the party who feels harmed by action investigator including detention For test legitimate whether or not action law carried out by investigators , prosecutors , or party authorized others . Application pre justice can filed by the suspect If feel that the detention that was carried out No legitimate or done without base clear law . If the investigator do detention is considered No legitimate for example without existence sufficient evidence , or detention violate provision set time in the Criminal Procedure Code, the suspect entitled For submit application pre justice to court For check and decide whether detention the legitimate or no . In case this , analysis reason law investigator will tested whether Already in accordance with applicable regulation or happen abuse detrimental authority rights suspect .

In the application pre trial , the judge will inspect whether reason the law proposed investigator Enough strong For justify detention to suspect . Detention that is not legitimate Because No There is sufficient evidence or detention violate specified time Can become base for the judge to issue decision For to free suspect . If the investigator No can give reason adequate law For detention carried out , application pre justice can become tool protection right basic man for suspect . Pra justice will ensure that detention No ignore rights base suspects , such as right For No detained in a way arbitrary . In the study case detention No legal in Makassar, researcher do data collection at Makassar District Court and official website Makassar District Court related with application list case criminal pre justice for 5 (five) years last in Makassar City for know whether there is error in procedure detention and violations right basic human . Researcher Then classify application pre trial in the case detention that is not legitimate for 5 years last at the Makassar District Court . Researchers also classified application change loss on report legitimate or whether or not detention . Researchers conclude that in 5 years final No There is none of them demanded change loss , even 3 applications pre justice case detention No valid , revoked his demands . This means that , as far as This procedure the detention carried out investigator in accordance with regulation applicable laws and regulations .

Unjustified detention legitimate can impact significant to fulfillment rights base the suspect who is detained , including right on humane treatment and rights on fair trial . Researchers Then do distribution questionnaire and interview with society that is detained in Makassar Class I Detention Center with objective give outlook more deep about experience they related with detention that is not valid . As for the results interview researcher against one of the suspect case ownership weapon sharp that is Wahyudin , he confess that the arrest process done by the community around

and without administrative process others, he then detained and convicted for 8 months. In the interview with the detained community was found information related complaint or violations that occurred during detention, such as delay in examination, excessive detention the time specified by law, or unclear legal status them. Based on results questionnaire researcher, researcher conclude that Lots prisoners who experience effort detention and arrest that is not valid, temporary many of them those who don't realize his rights as suspect. Suspect entitled submit demands change loss if arrested or detained without base law, through hearing pre justice. While that, rehabilitation will given if court decide free, where covers recovery rights and dignity of victims of detention No valid. This process aiming For protect human rights Humans and prevent action arbitrary in system justice. Observation results researcher show in 5 years final there are 135 applications pre trial at the Makassar District Court. This matter among them consists of from case legitimate or whether or not seizure, legal or whether or not arrest, and legal or whether or not determination suspect, but No found existence application case change loss.

Not found application change loss for 5 years final Not yet Of course to signify that enforcement law walk optimally, things This precisely become indication existence weakness in enforcement law. On the application register pre justice can seen that Lots very the matter of request reviewed return legitimate or whether or not the investigation process was experienced. This means that there is Lots people who feel that start from the arrest process until detention, there is rights violated. The absence of application change loss is form from disabled information society. The absence of socialization related right law they, make they No understand. Among violations rights that occur, not There is not one prisoner did application change loss, result interview researcher with a number of prisoner find that they No know existence regulation about change loss, they also said that No want to extend problems and choose For serve the imposed detention period. The description is as follows about factor reason suspect No submit application change loss and rehabilitation as following.

Limitations Community Knowledge

Questionnaire results to put forward that 17 out of 25 respondents No know regulation or rule about change loss if during the arrest and detention process happen violations. Researchers also observed condition background behind education prisoners in Makassar Class 1 Prison, half from Respondent have background behind education elementary and middle school in general hampered in application knowledge base like writing and reading, then background behind economic and social conditions are also on average at a low level intermediate to down, so that influence access to education law. Service help the law that has been explained previously also participated share to ignorance suspect about his rights For demand change loss and rehabilitation although feel object to violations that occurred. Ikram Reza, convict case violence sexual, in the interview say that he Not yet fluent reading and writing at the age of 21 moment set as suspect. He also admitted No know about rule change loss and rehabilitation, so that he choose For to build self during serving a prison term in Makassar Class 1 Prison rather than demand given right compensation.

A Long Legal Process

In the Criminal Code it has been arrange complete about change loss, start from because demands until amount compensation provided. However, if observed the reality is, the process for to obtain change loss need long time and cost that is not a little. This is also related with a sense of despair the hope received during the arrest and detention process that is not obedient administration, so that arise distrust suspect against other legal processes, which are considered more convoluted, so that decide For No demand his rights although know rule change make a loss.

The Existence of Influence Social

The existence of services help free law no as well as immediately make prisoner feel safe will

protection the law . After undergoing the process of arrest and detention No valid , many prisoners who experience psychological trauma , they feel anxious and stressed For continue legal process and more choose For No disclose experience they Because Afraid will rejection social , as well as Afraid to partisanship apparatus law .

Analysis results researcher say that existence reporting or related complaints with change make a loss be one of element it is important that the mechanism law walk more effective . The number of application to legitimate or whether or not the investigation process is ongoing or not existence submission application change make a loss show that implementation rule change loss No walk as should be . This is Can just concluded public No take issue with related with action violation , will but in the application register pre justice happen inequality , plus Again with results observation researchers who produce data lack knowledge public or prisoner to rule change losses and deficiencies the No compared to straight with service the law given . The basis for submit rehabilitation is if somebody disconnected free or off from all demands law whose decision has have strength law remain . Observation results researcher see that in a way law giving right rehabilitation is tail from fulfillment rights suspect start from the arrest process until detention . That is , rehabilitation Not yet Of course implemented Because in matter giving change make a loss or no compensation either someone is demanding . However , for fulfil need prisoner will repair aspect psychologically , Makassar Class 1 Prison held coaching prisoners , as one of the form service or facility rehabilitation , so that after the prison term ended , society will direct focus on adjustment himself in the environment social .

CONCLUSION

Factors that cause the occurrence action detention No valid for suspects in Makassar Class I Prison , including that is , no the walk procedure appropriate laws and acting authorities No based on , the existence of pressure from community , means enforcer law that does not adequate , and overcapacity or excess capacity prisoners in Makassar Class 1 Prison which caused No evenly distributed service law prisoners . Among factors mentioned , which has the most potential cause the occurrence action detention No legitimate that is No the walk procedure appropriate laws and acting authorities No based on , due to matter the related direct with Human Rights Issues Humans who become base violation rights unexpected and also suspect , legal process before detention vulnerable happen intervention politics , interests personal , and errors analysis officers on duty in the field . Analysis reason law carried out by investigators can be one of tool For protect rights suspect , and at the same time become reference For delve deeper How procedure law in Indonesia is necessary more value principles justice and rights basic man in context detention . Researchers give advice to all over apparatus enforcer law to improve his integrity in work , including Keep going active to educate self and society related with system applicable law , and distribution role both of them in society in Indonesia, researchers also provide suggestions in improvement facilities law , such as expansion of the Class I Makassar Prison area and improvement service law suspect .

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