

SPEEDING UP JUSTICE: A CRITICAL ANALYSIS OF THE PRINCIPLE OF SPEEDY, SIMPLE, AND LOW-COST TRIALS IN INDONESIAN CORRUPTION CASES

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ABSTRACT

This article investigates the issue of delays in law enforcement's implementation of criminal law in corruption cases, particularly in relation to the principles of speedy, simple, and low-cost trials. Utilizing a normative legal method and statutory approach, alongside case studies, the study explores the persistent delays in the Indonesian criminal justice system despite the emphasis on these principles. Delays in the reading of indictments have raised suspicions and potential discrimination in the enforcement of corruption cases. The right of a defendant to a prompt resolution, as outlined in the Criminal Procedure Code aligning with the shift from an inquisitorial to accusatorial principle and human rights development, is highlighted. However, the findings reveal that these principles are not consistently and effectively applied in Indonesia's criminal justice system. Key issues identified include prolonged, complex, and costly law enforcement processes in corruption cases, as well as obstacles hindering the swift and cost-effective resolution of state losses. Discriminatory practices, though not overt, manifest in various stages of the legal process, impeding the realization of fast, simple, and low-cost justice. To address these challenges and ensure fair trials, law enforcement must prioritize ethical and moral considerations in their practices

Keyword: Corruption; Trial Delay; Law Enforcement; Speedy; Simple and Low; Cost Trial; Indonesian Criminal Justice System

INTRODUCTION

The concept of a simple, speedy, and cost-effective trial is often associated with the economic aspects of the legal process. The term 'economic process' is used in a

comprehensive manner, emphasizing that the administrative aspects of the law should be efficient, uncomplicated, and affordable. These requirements have been a focal point for the government and citizens alike. Throughout the history of procedural law, there has been a focus on the promptness and efficacy of procedures. Initially, simplicity was key, allowing citizens to navigate the process without legal representation and with active judicial involvement. However, over time, legal processes have evolved into more intricate and extensive procedures. This shift has prompted discussions on whether justice can still be effectively served without professional assistance. Mandatory legal representation, court fees, investigations, and expert involvement have contributed to increased costs in litigation across all case types. From the government's perspective, efforts are made to expedite procedures and swiftly resolve legal disputes for the benefit of both the government and its citizens.¹

One of the fundamental rights of a defendant is to have their case promptly adjudicated, as stipulated in Article 50 of the Criminal Procedure Code. This provision reflects the shift from the Inquisitorial principle to the Accusatorial principle, aligning with advancements in human rights. Andi Hamzah underscores that under the Inquisitorial principle, the suspect or defendant is treated as an object of examination, subordinate to the examiner. In contrast, the Accusatorial principle mandates that the suspect or defendant be respected and protected, as they hold equal standing in law enforcement. Therefore, the research aims to analyze law enforcement practices in ensuring a fair judicial process and upholding criminal law in corruption cases, in accordance with the principles of expeditious, straightforward, and cost-effective trials.²

The issue of expediting trials has been extensively examined in various writings, with a predominant focus on the aspect of speed. In Indonesia, however, the emphasis lies on the concept of a simple, speedy, and cost-effective trial, rather than solely prioritizing speed. Emily Rose delves into the challenges of implementing swift trials within an indigent defense system. Her research reveals that inadequate resources within

¹ Zvikomborero Chadambuka, "Serious Offences and The Right to Trial Within a Reasonable Time," *Essex Human Rights Review* 9, no. 1 (2012): 1–10, <https://studylib.net/doc/8726741/serious-offences-and-the-right-to-trial-within-a-reasonab...>

² Nelson Febby Mutiara and Topo Santoso, "Principle of Simple, Speedy, and Low-Cost Trial and The Problem of Asset Recovery in Indonesia," *Indonesia Law Review* 11, no. 2 (August 1, 2021): 117–35, <https://doi.org/10.15742/ilrev.v11n2.1>.

indigent defense systems across the United States lead to trial delays at both state and federal levels. Efforts to secure additional funding for indigent defense through claims of ineffective assistance of counsel have been hindered by significant procedural and substantive obstacles, resulting in limited progress.³ The principle of a simple, speedy, and cost-effective trial holds particular significance within the Indonesian judicial framework. This principle has been enshrined in the Law on Judicial Power, spanning from Law Number 19 of 1964 to Law Number 48 of 2009.⁴

The enduring principle of a simple, speedy, and cost-effective trial has persisted through various amendments to the Law on Judicial Power. This principle, recognized as significant and universal, has been retained in the legislation due to its importance. The current terminology used in Law No. 48 of 2009 continues to emphasize the simple, speedy, and low-cost nature of trials. This principle is also enshrined in the United Nations Declaration on Civil and Political Rights, specifically in the International Covenant on Civil and Political Rights. Article 14, paragraph (2), subparagraphs c and d of the Convention outline the universal standards for swift and affordable justice within the criminal justice system. Indonesia ratified this Convention through Law No. 12 of 2006 concerning the Ratification of the International Covenant on Civil and Political Rights, thereby committing to uphold the ratified articles.⁵

Simple, fast, and affordable legal procedures in court should not compromise the pursuit of truth and justice. These principles are outlined in the Criminal Procedure Code (KUHP), specifically in articles such as Article 24(4), Article 25(4), Article 26(4), and Article 28(4).⁶ According to these articles, once the specified detention period ends, law enforcement officials must release the accused or defendant from custody. This requirement encourages authorities to expedite the judicial process for the cases they are handling.⁷

³ Emily Rose, "Speedy Trial as a Viable Challenge to Chronic Underfunding in Speedy Trial as a Viable Challenge to Chronic Underfunding in Indigent-Defense Systems Indigent-Defense Systems," *Michigan Law Review* 113, no. 2 (2014): 279–314, <https://repository.law.umich.edu/mlrhttps://repository.law.umich.edu/mlr/vol113/iss2/3>.

⁴ "Law Number 48 of 2009 on Judicial Power," Government of Indonesia § (2009), <https://peraturan.bpk.go.id/Details/38793/uu-no-48-tahun-2009>.

⁵ "Law Number 12 of 2005 Concerning Ratification of the International Covenant on Civil and Political," Government of Indonesia § (2006), <https://peraturan.bpk.go.id/Details/40261/uu-no-12-tahun-2005>.

⁶ "Law Number 8 of 1981 on the Criminal Procedure Code," Government of Indonesia § (1981), <https://peraturan.bpk.go.id/Details/47041/uu-no-8-tahun-1981>.

⁷ Andi Hamzah and RM Surachman, *Pre-Trial Justice Dan Discretionary Justice Dalam KUHP Berbagai Negara* (Jakarta: Sinar Grafika, 2014).

The alignment of law enforcement practices with legal principles is crucial. Muladi explains that law enforcers must adhere to certain principles during the enforcement process. These principles include: being guided by moral and legal awareness, being universally applicable, providing guidance for the legal system, being consistent across different laws and regulations, being followed by individuals working towards legal compliance, being reflected in legislation and legal decisions, being observable and not beyond reality, being influenced by social conditions, being open to interpretation, serving to maintain order and combat crime, legitimizing legal procedures and enforcement, and holding a higher authority than laws and officials, thus not requiring explicit regulation in positive law.⁸

It is important to adhere to the legal principles outlined by Muladi in enforcing statutes and laws. Failure to follow these principles, particularly in law enforcement, may result in legal violations and human rights abuses. The Criminal Code includes guidelines to uphold human rights and ensure a speedy legal process for individuals facing charges. Article 50(3) of the Criminal Procedure Code guarantees the right of the accused to a prompt trial by the court. This immediate trial aims to uphold the principle of a speedy, simple, and cost-effective legal process, a key aspect of criminal procedural law. Delays in trials can undermine the application of these principles and may introduce discrimination in the judicial process. This could result in a negative perception of law enforcement, as highlighted by Harkrisnowo, leading to detrimental consequences for all involved parties in Indonesia.⁹

Susanto highlighted that discrimination often occurs during in-person examinations of criminal cases. Face-to-face interactions in these situations are influenced by various interests and power dynamics, stemming from disparities in wealth and social status. This blurs the rule of law and complicates interpretation, leaving the less privileged at a disadvantage. The judicial bureaucracy symbolizes and reinforces power and dominance.¹⁰

⁸ Ridwan, *Hukum Acara Pidana : (Perspektif Teoritis Dan Sekelumit Fonomena Penerapannya)*, ed. Arip Senjaya (Serang : Untirta Press, 2014).

⁹ Richard Quinney, *Criminology, Analysis and Critique of Crime in America* (Canada: Little Brown & Company Limited, 1975).

¹⁰ F. Susanto Anthon, *Wajah Peradilan Kita: Konstruksi Sosial Tentang Penyimpangan, Mekanisme Kontrol Dan Akuntabilitas Peradilan Pidana* (Bandung : Refika Aditama , 2004).

Trial delays pose a significant challenge to achieving swift, affordable trials and advancing human rights, particularly in cases of discrimination. Building on this concern, the author delves into two key areas: ensuring the efficient enforcement of criminal law in corruption cases while upholding the principles of speedy, simple, and cost-effective justice, and evaluating the conduct of law enforcement officials in promoting a fair trial process.

RESEARCH METHOD

This article adopts a normative juridical approach, which involves an in-depth examination of legal literature and legislation related to the topics being discussed, both explicitly and implicitly. This approach seeks to uncover the underlying philosophical principles, official standards, and structural frameworks that govern specific issues.¹¹ The normative legal research method employed in this study is characterized by its reliance on secondary data sources.¹² These sources include primary legal materials, such as international provisions and statutory regulations, as well as secondary legal materials, such as books, articles, journals, papers, and related data. Additionally, tertiary legal materials, comprising online resources relevant to the research, are also utilized.¹³ To strengthen the analysis, the author attended trials at the Corruption Court of the Class 1 A District Court in Serang, Banten Province. This firsthand experience provided valuable insights into the practical applications of legal norms and procedures.

RESEARCH OUTCOME AND DISCUSSION

¹¹ Ridwan Ridwan, Belardo Prasetya Mega Jaya, and Sarah Haderizqi Imani, "The Implementation of General Principles of Convention on The Rights of The Child During Covid-19 Pandemic in The City of Serang," *LAW REFORM* 18, no. 1 (March 31, 2022): 16–27, <https://doi.org/10.14710/lr.v18i1.44643>.

¹² Belardo Prasetya Mega Jaya et al., "Republic of Indonesia Sovereign Right in North Natuna Sea According to United Nations Convention on the Law of the Sea 1982," *Australian Journal of Maritime & Ocean Affairs* 16, no. 1 (January 2, 2024): 127–40, <https://doi.org/10.1080/18366503.2023.2206261>.

¹³ Benny Irawan et al., "State Responsibility and Strategy in Preventing and Protecting Indonesian Fisheries Crews Working on Foreign Fishing Vessels From Modern Slavery," *Australian Journal of Maritime & Ocean Affairs*, March 30, 2024, 1–21, <https://doi.org/10.1080/18366503.2024.2333107>.

1. The Principles of Speedy, Simple, and Low-Cost Trials

The notion of fast, simple, and low-cost trials is often overlooked in criminal law enforcement, particularly in corruption cases. Many assume that defendants who have committed egregious acts can be treated unfairly, warranting prolonged examination. However, a closer examination reveals that adhering to this principle can ensure a fair and honest trial that respects human rights. This perspective is echoed by Andi Hamzah, who notes that the concept of "immediately" in the KUHAP (Indonesian Criminal Procedure Code) reflects the Law on Basic Provisions of Judicial Power's emphasis on fast trials, which is crucial for upholding human rights and achieving a free, impartial, and honest judiciary.¹⁴

In Indonesia, there is no constitutional guarantee for speedy trials. The 1945 Constitution's Chapter IX on Judicial Power focuses on the Supreme Court, Judicial Commission, and Constitutional Court, while Chapter XA on Human Rights guarantees the right to due process, equality, and protection under the law. However, there is no specific provision for speedy trials or simple and low-cost trials. Instead, Article 2 of the Law on Judicial Power sets forth the right to a speedy trial, which encompasses the principles of simplicity and low cost.¹⁵

Achieving honest and impartial trials requires justice that is fair, certain, and effective in resolving disputes.¹⁶ Sumadi emphasizes the importance of equitable decisions that ensure legal certainty. To realize justice, it is crucial to understand the law well, as Husak and Callender note.¹⁷ They argue that "legal truth" goes beyond mere compliance with regulations, encompassing the principles of justice that underlie them. Barda Nawawi Arief agrees, stating that the supremacy of law is not just about adhering to rules, but also about upholding substantial values of justice.¹⁸

Hatta Ali highlights the challenges in implementing the principles of simple, speedy, and low-cost trials. When examining these principles in the current criminal justice process, it becomes clear that they have not been fully implemented. Specifically,

¹⁴ Andi Hamzah, *Hukum Acara Pidana Indonesia* (Jakarta: Sinar Grafika, 2004).

¹⁵ Law Number 48 of 2009 on Judicial Power.

¹⁶ Ahmad Fadlil Sumadi, "Pengawasan Dan Pembinaan Mahkamah Agung Terhadap Pengadilan Di Bawahnya," *Jurnal Media Hukum* 19, no. 1 (2012): 59–70, <https://journal.umy.ac.id/index.php/jmh/article/view/1977>.

¹⁷ Barda Nawawi Arief, *Pendekatan Keilmuan Dan Pendekatan Religius Dalam Rangka Optimalisasi Penegakan Hukum (Pidana) Di Indonesia* (Semarang : Universitas Diponogoro, 2011).

¹⁸ Arief.

the lack of organized judicial management, insufficient judges, and inadequate courtrooms hinder the efficient progression of trials.¹⁹

The problems hindering the implementation of simple, speedy and low cost justice are not merely systemic problems related to information technology as discussed above, but also due to problems in the legal structure and culture of law enforcement in Indonesia. Such obvious issue occurs, for example, in the relationship between the police and prosecutors, which has been a classic problem in the criminal justice system in Indonesia.²⁰ One of the fundamental factors that hampers its effectiveness is the disorder in the criminal justice system. The elements of the criminal justice system: the police, prosecutors, courts and correctional institutions, are seen working in their own boxes (since there is no conflict among them). Studies of the functioning of this system in various countries including developed countries reveal the weakness of efforts to solve crime problems if the administration of the criminal justice system is filled with inefficiency, delays due to time-consuming procedures, mostly burdened courts, and so forth.²¹

The concept of justice as a fundamental principle of truth underlying the law is often difficult to achieve in law enforcement practice, especially when it comes to the embodiment of justice being swift, simple, and low-cost. Unfortunately, this may render the notion of a supreme law upholding values of justice nothing more than a slogan. The root of the problem lies in the understanding that legal certainty is still often equated with the rule of law, where lengthy trials are viewed as normal and acceptable. In reality, such delays should be based on the principle of justice for the accused, rather than being seen as a norm.²² According to Satjipto Rahardjo, the pursuit of justice is an embodiment of life's dynamics. Justice and truth are hallmarks of humanity, which is the foundation of law. In essence, placing humanity at the forefront of legal life is equivalent to placing justice at the pinnacle of legal existence. Humanity and justice are the ultimate objectives

¹⁹ M.Hatta Ali, *Peradilan Sederhana, Cepat Dan Biaya Ringan Menuju Keadilan Restoratif* (Bandung: Alumni, 2012).

²⁰ Topo Santoso, *Polisi Dan Jaksa: Keterpaduan Atau Pergulatan?* (Depok: Pusat Studi Peradilan Pidana Indonesia, 2000).

²¹ Santoso.

²² Santoso.

of our legal endeavors. Therefore, the phrase "law for humans" is synonymous with "law for justice". This perspective implies that humanity and justice transcend the law itself.²³

Implementing justice above the law is a challenging task that requires knowledge, courage, and a commitment to upholding the values of justice and humanity. Law enforcement officials must not use excuses like delays or bureaucratic procedures to justify their actions, but rather prioritize the principles of justice and humanity. A true rule of law state is one where criminal law is enforced in a transparent, efficient, and timely manner, with the goal of achieving justice quickly, simply, and at low cost. As Satjipto Rahardjo emphasized, establishing a rule of law state is not just a formality, but a material reality that must be achieved in practice. The purpose of the rule of law is to bring happiness to the people, not just to follow laws as a routine. The rule of law should be seen as a means to improve the lives of Indonesians, not an end in itself. If the law becomes an obstacle to people's well-being, it has failed to achieve its purpose. In this context, success is measured by how well the law serves the people, rather than how well it is enforced. The law is important only when it is placed in its proper position as intended by the Constitution of the Republic of Indonesia.²⁴

Delays in corruption case proceedings, particularly in the reading of charges, hinder the realization of a quick, simple, and low-cost trial. This contradicts the Indonesian people's ideals of achieving happiness and ease. The law should be applied in a way that is fair and accessible, not burdensome. As a rule of law, the law's purpose is to uphold justice, not just enforce rules. The law guarantees that everyone's rights are respected, including suspects, defendants, and even convicts. Therefore, enforcing the law is not just about following rules, but about ensuring justice prevails. In a legal state, upholding the law is not just about enforcing rules, but about serving justice. The orientation of the rule of law is to ensure justice is upheld, not just to follow procedures. This requires that the law be applied in a way that is fair, efficient, and accessible to all.

2. Law Enforcement Behaviour in Realising a Fair Judicial Process

²³ Sajipto Rahardjo, *Hukum Dalam Jagat Ketertiban* (Jakarta: Uki Press, 2006).

²⁴ Sajipto Rahardjo, *Membedah Hukum Progresif* (Jakarta: Kompas, 2006).

The Effectiveness of the law depends on those who administer it. They have the power to uphold justice or perpetuate injustice. Satjipto Rahardjo emphasized that the law is not just a set of rules, but a human endeavor that requires human involvement and interpretation. He noted that even the most well-designed laws are ultimately carried out by humans, who bring their own biases, perspectives, and values to the process. As a result, the law is not just a mechanical system, but a complex and dynamic process that is shaped by the individuals who implement it. The legal system, procedures, and regulations are all influenced by human actions and decisions. In this sense, the law is "filled with the flash of humans" who carry out its provisions.²⁵

Taverne emphasizes the crucial role of law enforcement officials in ensuring justice and fairness. He notes that even with a good legal system, bad criminal laws can hinder efforts to carry out duties properly. To achieve good law enforcement, it is essential to have good judges, prosecutors, police officers, and other law enforcement officials.²⁶ Barda Nawawi Arief agrees that improving the quality of human resources is key to creating trustworthy and moral law enforcers. He believes that high-quality education is necessary to produce law enforcers who are not only knowledgeable about the law (*homo juridicus*) but also possess strong ethics and morals. This is essential for upholding the values of truth and justice.²⁷

The presence of law enforcers with high ethical and moral standards is crucial in ensuring the smooth and efficient process of law enforcement. As a judge aptly noted, when law enforcers are diligent and prepared, they can overcome obstacles that may cause delays in trials, such as unnecessary postponements due to incomplete charge sheets or unprepared officials. In fact, delays in corruption cases at the Class 1 A Serang District Court in Banten Province are often attributed to a range of factors, including: expert was sick and the prosecutor was not ready with the indictment,²⁸ the excuse that the clerk's

²⁵ Sajipto Rahardjo, *Biarkan Hukum Mengalir : Catatan Kritis Tentang Pergulatan Manusia Dan Hukum*, ed. Bagus Darmawan (Jakarta: Kompas, 2007).

²⁶ Ridwan, "Membangun Integritas Penegak Hukum Bagi Terciptanya Penegakan Hukum Pidana Yang Berwibawa," *Jurnal Media Hukum* 19, no. 1 (2012): 88–98, <https://journal.umy.ac.id/index.php/jmh/article/view/1979>.

²⁷ Ridwan.

²⁸ Serang District Court, Case Number 32/Pid.Sus/TPK/2011/PN.Srg. DIPA Corruption in the Kemenpora Budget Sourced From the 2008 State Budget For the Procurement of Subsidized Housing Through KPRS and Micro KPRS Were Postponed Three Times (2011).

son had an accident, and twice the prosecutor was not ready with the indictment,²⁹ the interlocutory decision had not been typed, the presiding judge's mother died, and the prosecutor was not ready with the indictment,³⁰ the panel of judges was not complete, the prosecutor was not ready with the indictment and the decision had not been made,³¹ the panel of judges was sick, and the chairman was attending an inauguration in Semarang, Central Java,³² the prosecutor had not yet prepared the indictment,³³ the prosecutor had not completed the indictment and the like.³⁴

Delays in trials for non-substantial reasons can have devastating consequences. The legal process is deprived of its purpose, leaving individuals, including the accused, victims, and their families, as well as the community, without justice, safety, and protection.³⁵ A fair trial is a cornerstone of justice, but delays can undermine this principle. Prolonged proceedings can lead to undue influence on witnesses, tampering with evidence, and other forms of interference that compromise the impartiality of the justice system. These concerns are particularly relevant in corruption cases, where the stakes are high and the risk of injustice is greater.³⁶

The thoughts conveyed by Ronny Rahman Nitibaskara, by placing public morals as a measure of truth is a natural thing³⁷, and very relevant to what was expressed by Satjipto Rahardjo that law enforcement agencies that must carry out their duties and work in the midst of society, cannot ignore the role of that environment. First, because law enforcers obtain and explore their resources from the environment, both in the form of

²⁹ Serang District Court, Case Number 13/Pid.Sus/TPK/2012/PN.Srg and 5/Pid.Sus/TPK/2013/PN.Srg on Corruption Procurement of Sultan Ageng Tirtayasa University Laboratory (2013).

³⁰ Serang District Court, Case Number 16/Pid.Sus/TPK/2013/PN.Srg on the corruption in the demolition activity of the former Pasar Baru City of Cilegon in 2009, the trial were postponed six times. (2013).

³¹ Serang District Court, Case Number 23/Pid.Sus/TPK/2013/PN.Srg on the corruption in the Rangkas Bitung Samsat (2013).

³² Serang District Court, Case Number 15/Pid.Sus/TPK/2014/PN.Srg on corruption at Soekarno Hatta Airport, Tangerang, Banten (2014).

³³ Serang District Court, Case Number 22/Pid.Sus/TPK/2014/PN.Srg on the Corruption in Pemprov KPU (2014).

³⁴ Serang District Court, Case Number 19/Pid.Sus/TPK/2015/PN.Srg. Corruption in the Procurement of Wing Training Aircraft, Tangerang Banten (2015); Serang District Court, Case Number 27/Pid.Sus/TPK/2017/PN.SERANG on the corruption in the deviation of funds for health services at Banten Hospital in 2017 (2017); Serang District Court, Case Number 14/Pid.Sus/TPK/2019/PN.SERANG, on the corruption in the Provision of Construction Working Capital Loans at Bank BJB Tangerang Branch in 2015 (2019).

³⁵ Jason Payne, *Criminal Trial Delays In Australia: Trial Listing Outcomes, Research and Public Policy Series No. 74* (Canberra: Australian Institute of Criminology., 2007), <https://www.aic.gov.au/publications/rpp/rpp74>.

³⁶ Fatimah Waziri, "A Case for the Establishment of Specialized Corruption Courts in Nigeria: A Panacea for the Prosecution of High Profile Corruption Cases," *Journal of Law, Policy and Globalization* 80 (2018): 67–77, <https://iiste.org/Journals/index.php/JLPG/article/view/45840/47325>.

³⁷ Ronny Rahman Nitibaskara, *Tegakkan Hukum Gunakan Hukum* (Jakarta: Penerbit Buku Kompas, 2006).

humans and other resources. Second, institutions cannot carry out their duties blindly, but are required to make realistic calculations, which pay attention to the efficiency of the institution's work.³⁸

The community's moral norms play a crucial role in shaping the behavior of law enforcers, ensuring that the law is perceived as a reflection of justice. According to Satjipto Rahardjo, human behavior is not voluntary, but is governed by a network of social rules that guide and constrain individual actions. These rules, including laws, serve as signs that bind and limit people's behavior, including that of law enforcers.³⁹ Rahardjo highlights the importance of legal institutions, such as judges, prosecutors, advocates, and the police, in realizing legal objectives. These institutions interact with each other and are influenced by their own values and factors outside the law. As a result, law enforcement is not a self-contained process, but is deeply embedded in the broader social context.⁴⁰

The inefficiency of law enforcement agencies can lead to trial delays, which not only disrupt the sense of justice but also raise suspicions about corruption and "envelope culture" within the agencies.⁴¹ This issue is of great concern to society, as it undermines the trust and credibility of law enforcement institutions.⁴² As Romli Atmasasmita noted, corruption has been a persistent problem in Indonesia since the 1960s, and efforts to eradicate it have been slow and ineffective. Furthermore, Ufran's statement highlights the irony that law enforcement is supposed to uphold justice, but under the modern legal regime,⁴³ courts have become mere institutions concerned with procedures and rules rather than seeking justice. This has led to a decline in the effectiveness of the law and the erosion of public trust. As a result, justice has become a distant memory in judicial institutions.⁴⁴

The working of morals in a law enforcement is very important, so that justice is truly realized, for the work of morals it is also necessary to improve the quality of human resources. Improving the quality of human resources is also important, because law

³⁸ Sajipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis* (Yogyakarta: Genta Publishing, 2009).

³⁹ Rahardjo.

⁴⁰ Rahardjo.

⁴¹ Arief, *Pendekatan Keilmuan Dan Pendekatan Religius Dalam Rangka Optimalisasi Penegakan Hukum (Pidana) Di Indonesia*.

⁴² Arief.

⁴³ Ridwan, *Hukum Acara Pidana : (Perspektif Teoritis Dan Sekelumit Fonomena Penerapannya)*.

⁴⁴ Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis*.

enforcers will make morals and ethics the basis for the work of law, considering that criminal law enforcement is always in touch with morals and ethics, as Muladi said that criminal law enforcement is always in touch with morals and ethics. This is based on at least 4 (four) reasons: (1) the criminal justice system typically involves the use of coercion or sometimes even violence with the possibility of opportunity to abuse power; (2) almost all criminal law enforcers are government (public serve) who have special obligations to the public they serve; (3) for everyone, ethics can be used as a tool to help solve ethical dilemmas experienced by someone in their professional life; and (4) in professional life it is often said that "a set of ethical requirements are as part of its meaning".⁴⁵

It must be realized by law enforcers that ethical and moral issues are very important for the operation of law, morals and ethics which will lead to good behavior and lead to avoid actions that are disgraceful, according to Luhut M. P, Pangaribuan, literally moral are teachings about good and bad that are generally accepted regarding actions, attitudes of obligation or in other words morals are character or morality, while ethics is a collection of principles or values relating to morals⁴⁶. Ethical and moral issues are in principle a matter of behavior, and in the context of law enforcement, that behavior based on the nobility of Pancasila values, Satjipto Rahardjo emphasized, if we say that law in Indonesia is based on Pancasila, then it means that the nation Indonesia has openly stated to the world that Indonesian law is based more on good human behavior than on the formal system⁴⁷. Because our law is a law based on good behavior, law enforcers should be able to provide good example in law, every action taken must be an action that promotes humanity and justice, so that each of our behavior reads well from an ethical and moral standpoint.

Satjipto Rahardjo provided an understanding of the good life in Indonesia, which has been included in our constitution, namely Pancasila. The five precepts in Pancasila were indeed written for and in the 1945 Constitution. As part of the constitution, they cannot be read like we read an ordinary law. The language of the constitution is the

⁴⁵ Barda Nawawi Arief, *Ilmu Hukum Pidana Integralistik; Pemikiran Integratif Dalam Hukum Pidana* (Semarang: Pustaka Megister, 2015).

⁴⁶ Luhut M.P Pangaribuan, *Hukum Acara Pidana : Surat Resmi Advokat Di Pengadilan, Praperadilan, Eksepsi, Pledoi, Duplik, Memori Banding, Kasasi Dan Peninjauan Kembali* (Jakarta: Papas Sinar Sinanti, 2014).

⁴⁷ Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis*.

language of principles and morals, so reading the constitution is doing "moral reading"⁴⁸ More specifically. Barda Nawawi Arief, explained that understanding criminal law integrally, does not only see law as a building norm/legal substance in the formulation of regulations but is seen in a broader context, including in the view of:

1. The law consists of "norms" and "values" (basic ideas) which cannot be separated because both exist and are united in the law.
2. Law cannot be separated from moral and religious values.
3. Law is a "legal system" consisting of legal substance, legal structure and legal culture
4. Laws are not only written but also unwritten laws that live in society
5. Criminal law is a subsystem that cannot be separated from the national legal system and cannot be separated from their social background ⁴⁹

The constitution should not be in the realm of the text alone, but must be in and imprinted in the soul, so that every action taken by law enforcers is an action that is driven, directed and based on morals, so that in upholding moral and religious criminal law is the most important part that must be used as a guide in behaving and acting. Sociologically, law enforcement based on morals and religion, which is capable of giving birth to actions that are measurable for humanity and fair to be felt, will certainly lead to good legal awareness. So that the face of the law is not a face that has to appear violent and frightening. Romli Atmasasmita said, the law does not need to be feared if the law itself is actually implemented with the touch of wise, trustworthy hands and with a human conscience, not with arrogance, hurt and without conscience.⁵⁰

In order for Article 50 of the Criminal Procedure Code to be realized, Strict supervision by superiors in terms of the completion of the indictment in each case so that there are no delays in the trial at every stage of the trial, especially on the agenda of reading the indictment.

⁴⁸ Rahardjo.

⁴⁹ Arief, *Pendekatan Keilmuan Dan Pendekatan Religius Dalam Rangka Optimalisasi Penegakan Hukum (Pidana) Di Indonesia*.

⁵⁰ Romli Atmasasmita, *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan Dan Teori Hukum Progresif* (Yogyakarta: Genta Publishing, 2012).

The criminal justice system in Indonesia requires revitalization to achieve the principles of simple, speedy, and low-cost justice. A crucial step towards this goal is the introduction of the Preliminary Examining Judge, as outlined in Article 1, subsection 7 of the Draft Law on Criminal Procedural Code (RUU KUHAP). This new institution aims to streamline the judicial process by providing a more efficient and effective mechanism for enforcing measures such as detention extensions, searches, confiscations, and wiretapping.

By granting the Preliminary Examining Judge the authority to approve these measures, the RUU KUHAP seeks to reduce the burden on investigators and accelerate the processing of cases at the district court level. This reform has the potential to significantly improve the efficiency of the criminal justice system, making it more responsive to the needs of victims and ensuring that justice is served in a timely and cost-effective manner.⁵¹

In addition to its other provisions, RUU KUHAP also sets a time limit for detention periods, both for investigators and prosecutors. Under this regulation, the duration of detention is carefully designed to balance the need to investigate crimes with the protection of human rights. Specifically, the maximum detention period is limited to 5 days,⁵² which is a relatively short period. The Preliminary Examining Judge plays a crucial role in this process, as it determines whether the detention should be extended or if the individual can be released. This provision accelerates the process of examining criminal cases, as it provides a clear timeline for investigations and ensures that they are conducted in a timely and efficient manner. By setting a strict deadline for detention, RUU KUHAP aims to prevent unnecessary delays and ensure that justice is served in a prompt and fair manner.

The concept of justice is equally important as speedy justice in Indonesia's criminal justice system. The Criminal Procedural Code prioritizes the adjudication of criminal cases, focusing on straightforward and uncomplicated matters that can be resolved efficiently by law enforcement. This approach is crucial not only in court

⁵¹ I. M Fakhriy, "Combating Corruption: Problems and Challenges in Indonesia," *Law Research Review Quarterly* 7, no. 4 (2021): 487–507, <https://doi.org/https://doi.org/10.15294/lrrq.v7i4.48186>.

⁵² "Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana," Government of Indonesia § (n.d.), <https://bphn.go.id/>.

proceedings but also during investigations, prosecution, and out-of-court settlements. Recognizing the significance of simple, speedy, and low-cost justice, it is essential to explicitly reference this principle throughout all stages of the criminal procedural law in Indonesia, including trial, investigation, prosecution, and out-of-court settlements.⁵³ Furthermore, this principle should be followed by various laws governing the adjudication of criminal cases, including laws on the police, prosecutors, corruption eradication commission, and courts. To achieve this, a separate law is needed to provide firm and detailed provisions on simple, speedy, and low-cost trial.

CONCLUSION

Ensuring swift, straightforward, and affordable trials for all individuals involved in legal disputes, including cases of corruption, is a fundamental right that should be upheld. However, in the context of Indonesian criminal justice, this principle often appears more as rhetoric than reality. It is imperative to prioritize the enhancement of human resources to prevent trial delays, particularly during the indictment reading process. Furthermore, upholding public morality in the enforcement of criminal law is crucial. Prolonged trial proceedings, especially during charge readings, can breed public skepticism, gradually undermining the institutional credibility of law enforcement agencies and potentially fostering distrust towards the government.

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⁵³ Febby Mutiara and Santoso, "Principle of Simple, Speedy, and Low-Cost Trial and The Problem of Asset Recovery in Indonesia."

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