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# Due Process of Law in Investigations: Analysis of Inter-Institutional Interaction in Makassar

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**ABSTRACT**

*This study examines how the principle of due process of law is conceptualized and implemented in police investigations within Makassar's integrated criminal justice system. Using a qualitative, interpretivist approach with interviews and document analysis, the research triangulates views from police investigators, prosecutors, and judges. Findings indicate a broadly shared, holistic understanding of due process that encompasses both procedural and substantive justice, reflected in non-discriminatory treatment of parties and judicial oversight via pretrial review. Implementation is assessed as generally sound; however, practical challenges persist: iterative file returns due to coordination gaps between agencies, social-psychological pressures in managing stakeholder expectations, and uneven adoption and integration of e-systems (e-case management, e-court linkages, and SPPT). These frictions constrain consistency, transparency, and timeliness in investigations. The article proposes a set of operational, organizational, and normative improvements, including the standardization of inter-agency protocols, performance and rights-compliance audits, capacity building in digital workflows, and consolidated data governance, to strengthen accountability. Overall, embedding due process across daily investigative routines and inter-institutional interfaces remains crucial to a fair and trustworthy criminal justice system.*

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## 1. INTRODUCTION

*The principle of due process of law* is one of the fundamental pillars of a democratic and just criminal justice system. This concept, rooted in the Anglo-Saxon legal tradition, has become a universal standard for protecting human rights and ensuring procedural fairness at every stage of the judicial process. In the context of the Indonesian legal system, the application of the principle *of due process of law* is crucial, considering the state's commitment to the supremacy of law and the protection of human rights, as mandated in the 1945 Constitution.

Siregar[1] Affirms that basic rights are fundamental human needs, natural gifts from God, and must be respected as human dignity. In the legal context, the criminal justice process is regulated from investigation to prosecution to trial. Efforts to implement human rights into law aim to ensure the highest values of justice and humanity in accordance with the dignity of free human beings.

The Indonesian criminal justice system, as regulated in the Criminal Procedure Code (KUHAP), has adopted the principles of *due process* through various provisions that guarantee the protection of the rights of suspects, defendants, and other parties involved in the judicial process. However, the implementation of this principle in daily law enforcement practices still faces various challenges and complexities, particularly at the investigation stage, which is the front line of the criminal justice system.

Police investigators, as the spearhead of law enforcement, have a strategic role in ensuring the implementation of the *due diligence principle. Process of* Raharjo and Angkasa emphasized that police professionalism in [2]*Law* enforcement plays a crucial role in ensuring procedural justice. Investigators' ability to conduct professional investigations will undoubtedly impact the quality of the police's performance and public image.

Makassar, one of Indonesia's metropolitan cities and the administrative center of South Sulawesi Province, has complex and diverse crime dynamics. As a regional economic and government center, Makassar faces numerous challenges in law enforcement that demand a high level of professionalism from police investigators. This complexity encompasses not only conventional crimes but also modern crimes, such as *cybercrime, corruption, and economic crimes, which require a sophisticated* and technology-based investigative approach.

In the context of an integrated criminal justice system, coordination between law enforcement agencies is crucial to ensure the implementation of *due process and* effective *law enforcement. Hutahaean and Indarti* [3]Explained that an integrated criminal justice system requires good synergy between the police, prosecutors, courts, and correctional institutions. However, in practice, this coordination often faces technical, administrative, and communication obstacles that can impact the quality of law enforcement.

The development of information technology also provides new challenges and opportunities in the implementation *of due diligence. The process of Electronic systems, such as E-Investigation Management, E-Berpadu (Integrated Criminal Case Management System), and the Integrated Criminal Case Handling System (SPPT), has been introduced to improve the efficiency and transparency of* the criminal justice process. However,

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[1] Rahmat Efendy Al Amin Siregar, "Due Process of Law in the Criminal Justice System in Indonesia in Relation to Human Rights Protection," *FITRAH: Journal of Islamic Studies* 1, no. 1 (2016): 35–46.

[2] Agus Raharjo and Angkasa Angkasa, "Police Professionalism in Law Enforcement," *Journal of Legal Dynamics* 11, no. 3 (2011): 389–401.

[3] Armunanto Hutahaean and Erlyn Indarti, "Investigative Institutions in the Integrated Criminal Justice System in Indonesia," *Indonesian Legislation Journal* 16, no. 1 (2019): 27–41.

implementing these technologies also requires adaptation by investigators and better coordination between institutions.

Research on the implementation *of due diligence processes in law enforcement* within the local context is essential for understanding the dynamics and challenges faced in law enforcement practices. Empirical studies that incorporate multi-stakeholder perspectives can provide a comprehensive understanding of the effectiveness of implementing the *due diligence principle. Process of law* and identify areas that need improvement

## 2. METHOD

This study uses a qualitative approach with an interpretative paradigm to understand the implementation of the *due diligence principle. The process* of law in the criminal justice system, as conducted by police investigators in Makassar City. A qualitative approach was chosen because this study aims to explore and understand the meaning, experiences, and perspectives of stakeholders in the criminal justice system regarding the implementation *of due process. process of law*. Haryono[4] Emphasizes that qualitative research methodology is particularly suitable for research in the field of law, as it enables researchers to comprehend legal phenomena within a complex social context. Observation techniques and in-depth interviews are crucial in the field data collection process, and the data from these observations and interviews serve as the basis for qualitative research analysis. This type of research is descriptive and analytical, aiming to systematically and accurately describe the implementation *of due process* in investigative practice, analyze the challenges faced, and develop an applicable model to improve the professionalism of investigators. Qualitative descriptive research aims to study the problems that exist within the legal community in the field, as well as the procedures that apply in that community.

## 3. RESULTS AND DISCUSSION

*The* principle *of Due process* in Indonesia's criminal justice system is a crucial element that involves not only fair legal procedures but also substantial justice. *Due process* ensures that individuals involved in the legal process, whether as suspects or victims, receive equal treatment under the law and the right to
a fair trial.

Firstly, the procedural aspects of *due process* imply that every individual has the right to a fair process before a decision is made. Nelson, in his study of the out-of-court resolution model for criminal cases, emphasized the importance of *restorative justice. Justice* in the context of *due process*, where this approach allows for resolution through mediation and consensus. [5]This demonstrates that, even though alternative solutions exist outside the formal process, the principles of justice and the protection of rights must still be considered and implemented. Moreover, Alam et al. emphasized that justice in Islamic law creates a balance between the rights of perpetrators and victims,

[4] Eko Haryono, "Qualitative Research Methodology in Islamic Religious Colleges," *An-Nuur* 13, no. 2 (2023).

[5] Febby M Nelson, "Due Process Model and Restorative Justice in Indonesia: A Conceptual Review," *Journal of Criminal Law and Criminology* 1, no. 1 (2020): 92–112, https://doi.org/10.51370/jhpk.v1i1.5.

as well as society, so that it can be applied in a modern context where the law needs to be flexible yet still adhere to the principles of justice. [6].

Next, the substantial aspects of *due process* focus on ensuring that individual rights are fulfilled in legal decision-making. Rahim and Rahim emphasize that in the Indonesian criminal justice system, the principle of speed in the administration of justice must be balanced with fair treatment for all parties involved. This is relevant to the concept of [7]Restorative justice encourages reparation for victims while also considering changes in the perpetrator's behavior through community participation. [8]. In addition, accountability in the justice system is essential to ensure that the legal process is not merely a formality but also produces outcomes that reflect substantive justice.

New concepts,, such as the reintegrative model that integrates *restorative elements of of justice* into the judicial process, show, show significant developments in the understanding of *due* Research by Hajairin et al. shows that the transformation of the *due model The shift from a traditional process* to a reintegrative model aims to create a justice system that is more inclusive and responsive to the needs of all parties involved, especially victims and the community. [9]. This aligns with global trends shifting from a focus solely on punishment to a more humanistic approach, where justice is linked to restoring relationships between individuals affected by crime.

In law enforcement, protecting the right to due process is also crucial to ensure that rights violations do not occur. Nugroho illustrates how the right to legal protection and respect for human dignity must be prioritized in judicial practice. [10]. As suggested by Wibowo, the diversion model has also been proposed as an alternative in the context of children involved in crime, to avoid formal judicial processes that can cause stigma and trauma. [11].

Overall, the application of the *due diligence principle* in Indonesia's criminal justice system presents both challenges and opportunities for improving justice. Promoting restorative justice and universal protection of individual rights at all stages of the legal process are essential steps towards a more just and humane justice system.

The due *process* principle in Indonesian police investigations is a vital element that serves to protect individual rights during the investigation process, ensuring that all evidence collection and decision-making are conducted fairly and transparently.

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[6] Syariful Alam, Nu'man Aunuh, and Yaris A Fajrin, "The Concept of Restorative Justice in Islamic Criminal Law: Alternative Dispute Settlement Based on Justice," *Kne Social Sciences*, 2024, https://doi.org/10.18502/kss.v8i21.14779.

[7] Abdul Rahim and Muhammad IF Rahim, "Right to Case Files in Criminal Cases in Indonesia," *Golden Ratio of Law and Social Policy Review* 3, no. 1 (2023): 8–13, https://doi.org/10.52970/grlspr.v3i1.305.

[8] Hardianto Djanggih and Sutiawati, "Handling Criminal Actions Committed by Children Through a Restorative Justice Approach," *Journal of Law and Sustainable Development* 12, no. 2 (2024): e2604, https://doi.org/10.55908/sdgs.v12i2.2604.

[9] Hajairin Hajairin, Muhammad Mustofa, and Tofik Y Chandra, "Criminal Justice Reform: From Due Process Model to Reintegrative Model as an Alternative to Criminal Case Resolution," *Asian Journal of Social and Humanities* 1, no. 10 (2023): 601–9, https://doi.org/10.59888/ajosh.v1i10.82.

[10] Aji F Nugroho, "Legal Protection for Victims of Fair Trial Rights as a Form of Human Rights Protection in the Indonesian Justice System," *Policy Law Notary and Regulatory Issues (Polri)* 2, no. 1 (2022): 1–12, https://doi.org/10.55047/polri.v2i1.493.

[11] Eko A Wibowo, "Development of a Diversion Model for Optimizing Legal Protection for Children Who Are Facing the Law, Which Is Penalty for 7 (Seven) Years," 2023, 1137–47, https://doi.org/10.2991/978-2-38476-164-7_105.

*Due process* prioritizes a system that ensures that the rights of suspects, victims, and the public are respected in accordance with applicable laws and regulations.

One of the key aspects of *due process* is the requirement for the police to follow proper legal procedures during an investigation. Ivanov et al. explain that a preliminary investigation must follow a series of procedural actions and decisions that ensure the objectivity and comprehensiveness of the evidence collected. [12]. This includes registering and processing investigative actions in accordance with applicable law. In this context, the need for transparency in every step of the investigation is crucial to prevent abuse of the legal process and ensure that all parties are treated fairly.

Furthermore, it is essential to emphasize that evidence collection must be conducted with respect for the fundamental rights of individuals. In her work, Yangyang highlights that protecting the rights of the accused during the investigation and trial process must be a primary focus of legal reform. [13]. This aligns with the need to apply the same standards of fairness to all phases of the legal process, not just during the trial. Implementing this principle promotes integrity in the investigative process and reduces the likelihood of human rights violations.

The importance of maintaining fairness in police actions is also recognized in the handling of some instances, such as crimes involving sexual assault. Goodman-Delahunty and Graham showed that investigators' perceptions of a victim's condition, such as alcohol level and appearance, can influence their response to sexual assault claims [14]. While this research suggests that such perceptions are not always influential, it is essential to note that this type of bias can be detrimental, so steps to educate and raise police awareness of these issues are necessary to ensure that the principles of *due diligence are adhered to. process* is implemented effectively.

*Due* to the application *of A good process* in police investigations, effective oversight is also required, especially in detecting and addressing potential abuses of power. Slyke et et al. examined public trust in the police and its impact on the legal process, emphasizing the need for a more transparent and accountable approach to law enforcement. [15]. In this context, efforts to improve police attitudes and treatment of various groups in society are highly relevant to strengthening public trust in the justice system.

In conclusion, the application of the *due diligence principle* in law enforcement police investigations in Indonesia is crucial for ensuring human rights and upholding justice. A focus on proper procedures, protecting individual rights, and efforts to improve oversight and accountability are all part of the effort to perfect a fairer and more transparent criminal justice system.

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[12] Dmitriy Ivanov et al., "The Investigator's Actions to Compensate for the Harm Caused by the Crime in Determining the Form of Terminating the Preliminary Investigation," *Jurnal Cita Hukum* 11, no. 2 (2023): 233–42, https://doi.org/10.15408/jch.v11i2.34006.

[13] Bu Yangyang, "The Protection of the Defendant's Rights in Criminal Trial by Default — From the Perspective of Due Process," *Theoretical and Applied Law* , no. 1(15) (2023): 36–46, https://doi.org/10.22394/2686-7834-2023-1-36-46.

[14] Jane Goodman - Delahunty and Kelly L Graham, " The Influence of Victim Intoxication and Victim Attire on Police Responses to Sexual Assault, " *Journal of Investigative Psychology and Offender Profiling* 8, no. 1 (2010): 22–40, https://doi.org/10.1002/jip.127.

[15] Shanna RV Slyke, Michael L Benson, and William M Virkler, "Confidence in the Police, Due Process, and Perp Walks," *Criminology & Public Policy* 17, no. 3 (2018): 605–34, https://doi.org/10.1111/1745-9133.12380.

### 3.1. Police Investigator's Perspective

Based on an interview with Mr. Islamuddin, the conceptualization *of the due process* of law from the perspective of a police investigator shows a comprehensive and inclusive understanding. He defines *due process* of law as: " a principle that guarantees every individual gets fair treatment in the form of law, good reporting, reporter, defendant, and suspect ."

Definition: This shows a broad understanding of the *due process* of law that is not limited only to the protection of the rights of suspects or the accused, but also includes all parties involved in the criminal judicial process. This aligns with the draft *due process* of law in the modern legal system, which emphasizes both procedural justice and substantive fairness.

More continued, Mr. Islamuddin explained the implementation principle. This is a practical investigation: " Anyone who is suspected must be fully informed of their rights. In simple, no may. There is discrimination between one person and another.

This statement indicates that the principle of non-discrimination should be the core of implementing *due process* of law in practice investigations. The investigator understands that the implementation *due process* of law is not only about following formal procedures, but also about ensuring substantive justice in the treatment to all parties

### 3.2. Court Perspective

From the court's perspective, Mr. Herianti, SH, MH, provided a view that focused on the aspect of judicial control over the implementation *of due diligence. process* of law. He emphasized that: "During my tenure as a judge, I have never found any cases of violations of suspects' rights during the investigation process."

This statement shows that from the court's perspective, the implementation *of due process* of The law enforcement investigation process in Makassar City has been running smoothly. However, he also emphasized the importance of oversight mechanisms: If a violation of the suspect's rights occurs, the available legal mechanisms can be pursued through filing a pre- trial motion."

This shows that the Indonesian legal system has provided a check mechanism. and balance to ensure the implementation *of due process of law* through pre- trial institutions that can be used to test the validity of investigative actions

### 3.3. Prosecutor's Perspective

From the perspective of the prosecutor , Mr. Muh. Irfan F gave a view that focuses on aspects of the study file matters and coordination between institutions. He explained the role of the prosecutor's office in ensuring *due process* of law: "The prosecutor studied the minutes of the investigation, which were then made in the form of a file matter ."

In practice, the prosecutor's office serves as a quality filter to ensure that the investigation process is conducted in accordance with the law. He gives an example: In the case of Umrah, the prosecutor's office agreed that the agent was made a suspect because no sufficient elements were found for punishment. "

Example This shows that the prosecutor's office No disinclined give instruction to police if found mismatch or potential violation *due process* of law, which shows functioning system of checks and balances in system justice criminal

The research findings indicate that the conceptualization of *due process* of law enforcement practitioners in Makassar City have been in line with universal principles *of due process. process* of law, but with adaptations that are appropriate to the Indonesian legal context. The definition given by Mr. Islamuddin, which emphasizes "fair treatment in the form of law for all parties," demonstrates a holistic understanding of *due process. Due process* is not limited to procedural aspects, but also encompasses substantive *due process*.

This is in line with Siregar's research. [16]This confirms that the implementation *of the due diligence process* of law in the Indonesian criminal justice system must consider the values of justice and humanity in accordance with the dignity of free human beings. The findings of this study strengthen the argument that the principle *of due process* of the law has been well internalized in the understanding of practitioners. However, its implementation still faces various practical challenges.

The multi-stakeholder perspectives obtained in this study provide a comprehensive picture of how the *due process* of law is understood and implemented in an integrated criminal justice system. The consistency of understanding between institutions indicates that the socialization and internalization of the principle *of due process* of law have been progressing well, which is a crucial foundation for effective implementation.

The research findings indicate that the implementation *of the due diligence process* by law enforcement in Makassar City has been running relatively well, as evidenced by the absence of official reports of violations and the court's recognition that no cases of violations of suspects' rights have been identified. This aligns with research by Raharjo and Angkasa,[17] which emphasizes the importance of police professionalism in law enforcement as a key factor in the successful implementation of *due diligence. Process* of law.

However, the effectiveness of this implementation cannot be separated from the various challenges faced. Administrative challenges, such as repeated returns of case files, indicate gaps in coordination and standardization between institutions. This aligns with the findings of Hutahaean and Indarti [18], who emphasized the importance of good coordination between law enforcement agencies within an integrated criminal justice system.

The social and psychological challenges faced, particularly in managing the expectations of various parties, demonstrate the complexity of implementing *due diligence. process* of law in a dynamic social context. This finding enriches the understanding of *the due process* of law, which is not only related to technical-legal aspects but also socio-psychological aspects, requiring a more comprehensive approach.

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[16] Siregar, "Due Process of Law in the Criminal Justice System in Indonesia in Relation to Human Rights Protection."

[17] Raharjo and Angkasa, "Police Professionalism in Law Enforcement."

[18] Hutahaean and Indarti, "Investigative Institutions in the Integrated Criminal Justice System in Indonesia."

Research findings indicate that information technology has played a crucial role in facilitating the implementation *of due diligence. process* of law through the E-Investigation Management system, E-Berpadu (Integrated Investigation System), and the SPPT (Prosecutor's Complaint Process). However, the implementation of this technology also faces various obstacles, particularly in terms of system integration and human resource capacity. The finding that the SPPT has not been optimally implemented demonstrates that implementing technology in the criminal justice system requires a holistic approach that focuses not only on technical aspects but also on organizational and human resource aspects. The data fragmentation identified in this study also highlights the need to develop a more integrated information system to support the monitoring and evaluation of *due diligence implementation. process* of law effectively.

## 4. CONCLUSION

This study concludes that the principle of due process of law at the stage of investigation in Makassar has been understood in a way that is sufficiently intact by investigators, prosecutors general, and judges, not only as compliance with procedural rules, but also as a commitment to substantive justice through non-discriminatory treatment and judicial affordability control, especially past mechanisms of pretrial. In practice, the application of due process is assessed as relatively good; however, its quality is not yet consistent, as it is hindered by operational friction within inter-agency operations, including asynchrony in standard work that triggers repetitive and fluctuating coordination. Digitalization efforts, such as E-Berpadu, SPPT, and CMS, indeed increase transparency; however, inequality in HR readiness and an unconnected data architecture reduce the expected impact. In addition, the socio-psychological dynamics, namely, the pressure on the parties' expectations and perceptions, influence public participation and, in turn, the perception of legitimacy of the process. Therefore, strengthening due process requires repair simultaneously at the normative, organizational, and technical-digital levels for accountability, consistency, and accuracy in time enforcement law can be guarded

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