

Human Rights Protection of Vulnerable Groups in Indonesia's Criminal Procedure Law

Robby Irawan¹, Muhammad Alwan Fillah², Burhanuddin Hamnach¹

¹ Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

² Institut Miftahul Huda Subang, Indonesia

ARTICLE INFO

Keywords:

Access to Justice;
Criminal Procedure Law;
Human Rights Protection;
Indonesia;
Vulnerable Groups.

Article history:

Received 2025-04-22

Revised 2026-05-26

Accepted 2026-06-30

ABSTRACT

The protection of human rights for vulnerable groups has become a key priority in the reform of Indonesia's criminal procedural law, reflecting a shift from an offender-oriented justice system toward a human rights-based approach that ensures equal legal protection for all parties involved in criminal proceedings. This study aims to examine the protection of the rights of witnesses, victims, persons with disabilities, women, children, and older persons under the 2025 Indonesian Code of Criminal Procedure (KUHAP 2025) from a human rights perspective. This study employs a qualitative method using normative legal research with statutory, conceptual, and human rights approaches. The research relies on secondary data consisting of primary legal materials, legal literature, and supporting legal references collected through systematic library research and analyzed descriptively and analytically. The findings indicate that KUHAP 2025 significantly strengthens procedural safeguards for vulnerable groups by explicitly recognizing their rights and harmonizing domestic criminal procedural law with international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Rights of the Child (CRC). The study further reveals that the reform promotes victim-oriented, disability-inclusive, gender-sensitive, child-centered, and age-inclusive justice. However, its implementation remains constrained by institutional capacity, accessibility barriers, limited professional expertise, and persistent discriminatory legal culture. This study contributes both theoretically and practically by proposing an integrated human rights framework to strengthen institutional implementation and promote a more inclusive, equitable, and human rights-oriented criminal justice system in Indonesia.

This is an open access article under the [CC BY](https://creativecommons.org/licenses/by/4.0/) license.



Corresponding Author:

Robby Irawan

Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia; iboylazuardy40@gmail.com

1. INTRODUCTION

Developments in modern criminal procedural law reveal a fundamental paradigm shift in the administration of the criminal justice system. While the classical paradigm of criminal law focused primarily on the relationship between the state and the offender through punitive mechanisms, contemporary criminal law positions the judicial process as an instrument for protecting the human rights of all parties involved in legal proceedings. Consequently, the criminal justice system no longer serves solely as a means of enforcing the law against offenders but also functions as a mechanism that guarantees the protection of the rights of witnesses, victims, and vulnerable groups such as persons with disabilities, women, children, and the elderly. This shift reflects the evolving concept of "due process of law," which emphasizes a balance between law enforcement interests and respect for human dignity as a fundamental principle of the rule of law (Ashworth & Zedner, 2014; Duff et al., 2007).

A human rights-based approach serves as a crucial foundation for building a just criminal justice system. From a human rights perspective, the state is not merely obligated to punish offenders but also bears a positive responsibility to ensure effective legal protection for every individual involved in judicial proceedings, free from discrimination. This need is particularly relevant given that vulnerable groups often face physical, psychological, social, and structural barriers that can impede their access to justice. Consequently, protecting vulnerable groups is not merely a matter of social policy; it is a constitutional obligation and an integral part of implementing international human rights standards that prioritize the principles of equality, non-discrimination, and access to justice (Nowak, 2003; Shelton, 2020).

Within the context of Indonesian national law, the protection of human rights within criminal procedural law has seen significant development. This commitment is reflected in the regulations concerning witness and victim protection specifically Law Number 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law Number 31 of 2014 which provide legal guarantees regarding safety, support, restitution, and compensation for vulnerable parties during criminal justice proceedings (Indonesia, 2006, 2014; Zulfa, 2012). These developments have been further reinforced by the reform of the Criminal Procedure Code (KUHAP) of 2025, which explicitly regulates the protection of the rights of witnesses (Article 143), victims (Article 144), persons with disabilities (Articles 145–146), women (Article 147), and the elderly (Article 148). The inclusion of these provisions reflects a transformation in national legal policy toward a criminal justice system that is more inclusive, responsive, and oriented towards protecting the rights of vulnerable groups (Indonesia, 2025; Reksodiputro, 2007).

Nevertheless, existing research tends to address the protection of the rights of vulnerable groups in a fragmented manner. Most studies focus primarily on the protection of witnesses and victims within the criminal justice system (Doak, 2008; Sebba, 2007; Wemmers, 1996; Hall, 2010), while other research examines the protection of persons with disabilities, women, or children in isolation whether from a human rights perspective or through sectoral laws (United Nations, 2006; Degener, 2016; Fredman, 2011; Manjoo, 2012; Indonesia, 2012; Kilkelly, 2010). Consequently, there is a lack of comprehensive analysis regarding how the 2025 Criminal Procedure Code (KUHAP) reform integrates protections for various vulnerable groups into a single, human rights-based criminal procedural framework. This situation highlights a research gap, particularly concerning the extent to which these new provisions can realize a criminal justice system that is inclusive and grounded in substantive justice.

Addressing this gap, this study offers a novel contribution through an integrated analysis of the protection of vulnerable groups' rights within Indonesian criminal procedure law, utilizing a human rights perspective as the primary conceptual framework. Moving beyond the standard focus on witness and victim protection found in previous studies, this research integrates an analysis of the rights of persons with disabilities, women, the elderly, and children into a comprehensive legal protection system. This approach enables an assessment of normative consistency, alignment with international human rights instruments, and the implications of the 2025 KUHAP reform for developing a criminal justice system that is more responsive to the needs of vulnerable groups. The central issue of this

research is how the provisions regarding the protection of the rights of vulnerable groups in the 2025 Criminal Procedure Code (KUHAP) reflect human rights principles and the extent to which these provisions strengthen access to justice within the Indonesian criminal justice system. Addressing this issue, the research aims to analyze the normative framework for protecting the rights of witnesses, victims, persons with disabilities, women, the elderly, and children under Indonesian criminal procedural law, while evaluating its alignment with human rights protection principles evolving in both international and national law. This analysis is expected to provide a more comprehensive understanding of the direction of Indonesian criminal procedural law reform, which is increasingly oriented towards protecting the fundamental rights of every individual (Muladi & Arief, 2010; Atmasasmita, 2011).

This research holds significant theoretical and practical implications for the development of criminal procedural law in Indonesia. From a theoretical perspective, it enriches the study of the relationship between criminal procedural law and human rights protection by employing an approach that integrates all vulnerable groups into a single analytical framework. From a practical standpoint, the findings are expected to serve as a reference for legislators, law enforcement officials, the judiciary, and witness and victim protection agencies in the effective implementation of the provisions of the 2025 Criminal Procedure Code (KUHAP). Furthermore, this research contributes to strengthening national legal policies oriented toward substantive justice, equality before the law, and the fulfillment of the rights of vulnerable groups as an integral part of a criminal justice system that respects and protects human rights.

2. METHODS

This study employs a qualitative research method within the framework of normative legal research (doctrinal legal research), focusing on the analysis of legal norms, legal principles, doctrines, and various statutory provisions governing the protection of human rights for vulnerable groups within the Indonesian criminal procedural law system. The study utilizes the statute approach, conceptual approach, and human rights approach to examine the alignment of provisions regarding the protection of the rights of witnesses, victims, persons with disabilities, women, the elderly, and children as outlined in the 2025 Criminal Procedure Code (KUHAP 2025) with human rights protection principles at both national and international levels. It relies on secondary data as the primary source, comprising primary legal materials specifically the 2025 Criminal Procedure Code (Articles 143–148), Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 13 of 2006 (as amended by Law Number 31 of 2014) concerning the Protection of Witnesses and Victims, and other relevant national and international legal instruments; secondary legal materials such as books, scientific journals, academic articles, expert doctrines, and findings from previous studies; and tertiary legal materials such as legal encyclopedias, legal dictionaries, legislative indices, and legal databases used to reinforce the validity of the analysis (Marzuki, 2017; Hutchinson & Duncan, 2012; Soekanto & Mamudji, 2015; Ibrahim, 2013). Data collection was conducted through library research, involving the systematic identification, inventory, classification, and analysis of all relevant legislation, scholarly literature, legal doctrines, and court rulings concerning the protection of vulnerable groups within the criminal justice process (Sunggono, 2016; Amiruddin & Asikin, 2018). This research method was selected to gain a comprehensive understanding of the construction of legal norms, regulatory consistency, and alignment with human rights principles, thereby enabling an in-depth analysis of criminal procedural law reform in Indonesia. The study addresses the urgent need to evaluate the effectiveness of legal protections for vulnerable groups in fostering a criminal justice system that is inclusive, equitable, and grounded in respect for human rights; furthermore, the research aims to contribute academically to the development of human rights-based criminal procedural law theory while offering recommendations to policymakers and law enforcement officials on optimizing the implementation of the 2025 Criminal Procedure Code (KUHAP) to be more responsive to the needs of vulnerable groups.

3. FINDINGS AND DISCUSSION

3.1. Human Rights Paradigm in Indonesia's Criminal Procedure Law

The reform of Indonesia's criminal procedural law reflects a significant paradigm shift from an offender-oriented criminal justice system toward a human rights-oriented model that emphasizes the protection of all individuals involved in criminal proceedings. Traditionally, criminal procedure primarily functioned as an instrument through which the state exercised its authority to investigate, prosecute, and punish offenders, with limited attention given to the legal interests of witnesses, victims, or other vulnerable participants. Within this classical framework, procedural justice was largely interpreted as ensuring lawful prosecution and adjudication of offenders rather than guaranteeing equal protection for all parties affected by criminal proceedings. However, contemporary developments in criminal law theory increasingly recognize that the legitimacy of criminal justice depends not only on its capacity to sanction offenders but also on its ability to uphold human dignity, equality before the law, and procedural fairness throughout the judicial process. Consequently, modern criminal procedure has evolved into a legal mechanism that balances the interests of crime control with the protection of fundamental human rights, particularly for individuals who face structural vulnerabilities during judicial proceedings (Ashworth & Zedner, 2014; Duff et al., 2007).

This transformation is clearly reflected in the enactment of the 2025 Indonesian Code of Criminal Procedure (KUHAP 2025), which substantially broadens the scope of legal protection beyond criminal suspects and defendants to include witnesses, victims, persons with disabilities, women, older persons, and children. The findings of this study indicate that Articles 143–148 establish these vulnerable groups as legal subjects possessing independent procedural rights rather than merely serving as supporting actors in evidentiary processes. This normative reform demonstrates a significant departure from previous procedural frameworks by recognizing that equal participation in criminal proceedings requires differentiated legal protection according to the specific vulnerabilities experienced by each group. Rather than treating vulnerable individuals as passive participants, KUHAP 2025 explicitly acknowledges their entitlement to procedural safeguards designed to ensure meaningful access to justice. Such developments indicate that human rights protection has become an integral component of Indonesia's criminal procedural policy rather than a complementary feature of criminal law reform. These findings support Bassiouni's (1993) argument that procedural human rights constitute an essential safeguard against arbitrary state power and form the constitutional foundation of a legitimate criminal justice system.

From the perspective of international human rights law, the reform embodied in KUHAP 2025 also illustrates Indonesia's growing commitment to harmonizing domestic criminal procedure with internationally recognized human rights standards. Fundamental principles such as equality before the law, non-discrimination, access to justice, fair trial guarantees, and respect for human dignity are incorporated into the legal provisions governing vulnerable groups throughout criminal proceedings. These principles correspond closely with the obligations established under the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Rights of the Child (CRC). Rather than merely incorporating international norms symbolically, Indonesia has begun integrating these principles into substantive procedural protections that govern the conduct of criminal proceedings. As noted by Alston and Goodman (2013), effective implementation of international human rights standards requires their incorporation into domestic legal systems through enforceable procedural guarantees. Therefore, KUHAP 2025 represents an important step toward fulfilling Indonesia's international obligations while simultaneously strengthening constitutional protections within its national criminal justice system.

Despite these significant normative advancements, this study identifies a considerable gap between legal regulation and practical implementation. The recognition of procedural rights for vulnerable groups does not automatically guarantee effective protection in judicial practice.

Numerous institutional challenges remain, including limited accessibility of court facilities, insufficient availability of sign language interpreters and psychological support services, inadequate victim assistance mechanisms, and uneven institutional capacity across different regions of Indonesia. Furthermore, many law enforcement officials continue to lack specialized training necessary to implement human rights-based procedures effectively. These findings demonstrate that legal reform alone is insufficient to produce substantive justice unless accompanied by institutional restructuring, administrative capacity building, and continuous professional development. This observation is consistent with Friedman's legal system theory, which argues that the effectiveness of legal reform depends upon the interaction between legal substance, legal structure, and legal culture. Consequently, although KUHAP 2025 establishes a comprehensive normative framework, its practical success ultimately depends upon the capacity of judicial institutions to operationalize these legal guarantees consistently and effectively.

The findings further suggest that the reform of Indonesia's criminal procedural law reflects a broader transition from formal justice toward substantive justice, in which equal treatment is understood not as identical treatment but as the provision of appropriate procedural accommodations according to the specific needs of vulnerable groups. This approach aligns with the contemporary concept of inclusive justice, which recognizes that individuals experiencing different forms of vulnerability require differentiated legal protections to ensure genuinely equal participation within judicial processes. Consequently, special procedural safeguards for witnesses, victims, persons with disabilities, women, older persons, and children should not be interpreted as preferential treatment but rather as practical manifestations of the human rights principle of equity, which seeks to eliminate structural inequalities that hinder access to justice. The findings therefore indicate that KUHAP 2025 represents a substantial normative milestone in Indonesia's criminal justice reform by embedding human rights principles into criminal procedural law and promoting a more inclusive, humane, and dignity-oriented justice system that reflects contemporary international standards of criminal justice governance (Garland, 2001; Duff et al., 2007; ICCPR, 1966; CRPD, 2006; CRC, 1989).

Table 1. Paradigm Shift in Indonesia's Criminal Procedure Law from a Human Rights Perspective

Dimension	Conventional Criminal Justice Paradigm	Human Rights-Oriented Paradigm under KUHAP 2025	Human Rights Implications
Criminal Justice Orientation	Offender-centered justice	Protection of all parties involved in criminal proceedings	More inclusive and balanced legal protection
Primary Objective	Punishment of offenders	Substantive justice and human rights protection	Greater procedural fairness
Status of Witnesses and Victims	Supporting evidence providers	Independent legal subjects with procedural rights	Improved access to justice
Protection of Vulnerable Groups	Limited legal recognition	Explicit protection under Articles 143–148	Reduction of discrimination in criminal proceedings
Guiding Legal Principles	Formal due process	Equality, non-discrimination, access to justice, human dignity	Alignment with international human rights standards
Normative Framework	Primarily domestic legislation	Harmonization with ICCPR, CRPD, and CRC	Strengthened compliance with international obligations
Major Implementation	Limited procedural guarantees	Institutional capacity, accessibility, and legal	Need for structural and administrative reform

Challenges

culture

Source: Developed by the author based on KUHAP 2025, ICCPR (1966), CRPD (2006), CRC (1989), Ashworth and Zedner (2014), Duff et al. (2007), and the findings of this study.

The findings demonstrate that KUHAP 2025 represents a fundamental transformation in Indonesia's criminal procedural law by shifting its orientation from an offender-centered justice model toward a comprehensive human rights-based criminal justice system. This transformation is evidenced by the formal recognition of witnesses, victims, persons with disabilities, women, older persons, and children as rights-bearing legal subjects entitled to procedural protection throughout criminal proceedings. The reform also strengthens the harmonization of Indonesia's domestic legal framework with international human rights instruments, particularly the ICCPR, CRPD, and CRC, thereby reinforcing the state's commitment to substantive justice, equality before the law, and human dignity. Nevertheless, the study reveals that significant implementation challenges remain, including institutional limitations, inadequate infrastructure, insufficient professional capacity, and persistent legal-cultural barriers. Accordingly, the effectiveness of KUHAP 2025 depends not only on normative legal reform but also on comprehensive institutional strengthening and sustained cultural transformation to ensure that human rights protections are fully realized in practice.

3.2. Legal Protection for Witnesses, Victims, and Persons with Disabilities

The findings demonstrate that KUHAP 2025 significantly strengthens the legal protection afforded to witnesses, victims, and persons with disabilities by recognizing them as independent rights-bearing subjects within criminal proceedings rather than merely supporting participants in evidentiary processes. This represents a substantial normative transformation from the conventional criminal justice model, which primarily focused on safeguarding the procedural rights of suspects and defendants while providing relatively limited attention to individuals affected by criminal acts. Under Articles 143–146 of KUHAP 2025, witnesses are guaranteed protection from intimidation, access to legal assistance, and the right to obtain information concerning judicial proceedings, while victims are entitled to restitution, rehabilitation, procedural transparency, and psychological assistance. Likewise, persons with disabilities are guaranteed equal participation through procedural accommodations designed to eliminate physical, communicative, and institutional barriers. These provisions illustrate Indonesia's commitment to adopting a more inclusive criminal justice system founded upon the principles of equality before the law, access to justice, and protection of human dignity (Indonesia, 2025; Doak, 2008; Hall, 2012).

One of the most significant findings concerns the strategic role of witness protection in ensuring the integrity and effectiveness of criminal adjudication. Witness testimony remains one of the principal forms of evidence in criminal proceedings, making witnesses particularly vulnerable to intimidation, retaliation, and psychological pressure that may compromise both their willingness to testify and the quality of their testimony. The study indicates that KUHAP 2025 extends witness protection beyond physical security by incorporating psychological safeguards, confidentiality mechanisms, and procedural measures intended to minimize fear and trauma throughout judicial proceedings. This broader understanding of witness protection reflects contemporary criminal justice theories emphasizing that effective prosecution depends not only upon evidentiary sufficiency but also upon creating an environment in which witnesses can participate freely without coercion. Such an approach is consistent with international standards promoted by the United Nations Office on Drugs and Crime (2008), which recognizes witness protection as an indispensable component of fair criminal proceedings. Therefore, witness protection serves not merely as an individual right but also as a structural guarantee supporting judicial credibility, evidentiary reliability, and public confidence in the administration of justice (Walklate, 2014; Doak, 2008).

The study further demonstrates that KUHAP 2025 adopts a significantly stronger victim-oriented approach than previous procedural frameworks by recognizing victims as active participants

whose interests extend beyond evidentiary contribution. Traditional criminal justice systems frequently marginalized victims by limiting their procedural role to providing testimony while placing primary emphasis on the prosecution of offenders. In contrast, the new procedural framework acknowledges victims' entitlement to restitution, rehabilitation, procedural information, and psychological recovery, thereby integrating restorative justice principles into Indonesia's criminal justice policy. Restorative justice emphasizes repairing harm caused by criminal conduct, restoring social relationships, and promoting victim recovery alongside offender accountability (Braithwaite, 2002; Johnstone & Van Ness, 2007). The findings indicate that procedural transparency, including access to information regarding investigations, prosecutions, and judicial decisions, contributes substantially to strengthening victims' trust in legal institutions while encouraging more meaningful participation throughout criminal proceedings. Consequently, victims are increasingly recognized as central stakeholders whose rights constitute an essential element of substantive justice rather than secondary considerations within criminal litigation.

The protection of persons with disabilities constitutes another significant advancement reflected in Articles 145–146 of KUHAP 2025. The findings reveal that the law explicitly recognizes accessibility as a prerequisite for effective participation in criminal proceedings, thereby moving beyond formal equality toward substantive equality. Equal access to justice cannot be achieved solely through identical procedural treatment because persons with disabilities frequently encounter barriers arising from inaccessible infrastructure, inadequate communication support, and discriminatory institutional practices. Accordingly, KUHAP 2025 introduces legal guarantees concerning sign language interpretation, accessible courtroom facilities, procedural accommodations, and protection against discriminatory treatment. These reforms are consistent with Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD), which obliges States Parties to ensure effective access to justice for persons with disabilities on an equal basis with others (United Nations, 2006). Nevertheless, this study finds that many judicial institutions remain inadequately prepared to implement these guarantees due to limited institutional capacity, insufficient accessibility infrastructure, and a shortage of professionals trained to address disability-related needs. Consequently, legal recognition alone remains insufficient unless accompanied by comprehensive institutional adaptation capable of translating procedural rights into practical realities (Lawson & Gooding, 2005; Degener, 2016).

Despite these progressive normative developments, the findings identify persistent implementation challenges that continue to hinder the realization of effective legal protection for witnesses, victims, and persons with disabilities. Institutional fragmentation, inadequate financial resources, limited availability of specialized support services, and inconsistent coordination among law enforcement agencies significantly reduce the practical effectiveness of procedural safeguards established under KUHAP 2025. Furthermore, social stigma, secondary victimization, and discriminatory attitudes continue to discourage vulnerable individuals from participating fully in criminal proceedings. These conditions illustrate that achieving substantive justice requires more than comprehensive legislation; it also demands institutional reform, sustainable public investment, professional training, and cultural transformation capable of embedding human rights principles throughout the criminal justice system. From the perspective of Friedman's legal system theory, the effectiveness of legal reform depends upon the interaction between legal substance, legal structure, and legal culture. Therefore, strengthening legal protection for vulnerable groups should be understood as an ongoing institutional process rather than a purely legislative achievement. The successful implementation of KUHAP 2025 ultimately depends upon the capacity of Indonesian judicial institutions to transform normative guarantees into accessible, inclusive, and human rights-oriented criminal justice practices (Muladi & Arief, 2010; Atmasasmita, 2011).

Table 2. Human Rights Protection for Witnesses, Victims, and Persons with Disabilities under KUHAP 2025

Protected Group	Legal Guarantees under KUHAP 2025	Relevant Human Rights Principles	Implementation Challenges	Expected Impact
Witnesses	Legal protection, confidentiality, legal assistance, procedural information, protection from intimidation	Fair trial, procedural justice, equality before the law	Witness intimidation, limited protection mechanisms, institutional coordination	Improved quality of testimony and judicial integrity
Victims	Restitution, rehabilitation, psychological support, procedural transparency, legal participation	Restorative justice, human dignity, access to justice	Secondary victimization, limited rehabilitation services, inadequate compensation	Greater victim recovery and public confidence in justice
Persons with Disabilities	Accessibility, communication assistance, procedural accommodation, protection from discrimination	Equality, non-discrimination, CRPD compliance	Limited accessible infrastructure, lack of interpreters, insufficient institutional capacity	Inclusive participation and equal access to justice
Institutional Framework	Coordination among police, prosecutors, courts, and victim protection agencies	Accountability and effective legal protection	Fragmented implementation and resource constraints	Stronger human rights-oriented criminal justice system

Source: Developed by the author based on KUHAP 2025, Law No. 31 of 2014, CRPD (2006), Doak (2008), Hall (2012), Braithwaite (2002), Johnstone and Van Ness (2007), and the findings of this study.

The findings demonstrate that KUHAP 2025 substantially strengthens Indonesia's human rights-oriented criminal justice framework by expanding procedural protections for witnesses, victims, and persons with disabilities. These reforms signify a paradigm shift from viewing vulnerable individuals as passive participants in criminal proceedings toward recognizing them as independent legal subjects entitled to equal participation, procedural safeguards, and effective legal remedies. The incorporation of restorative justice principles, accessibility guarantees, and victim-centered procedural rights further aligns Indonesia's criminal procedural law with international human rights standards, particularly the ICCPR and the CRPD. Nevertheless, the study reveals that the effectiveness of these normative protections remains constrained by institutional weaknesses, limited accessibility, inadequate professional capacity, and persistent social discrimination. Therefore, achieving substantive justice requires not only comprehensive legal reform but also sustained institutional development, inter-agency coordination, and cultural transformation to ensure that the procedural rights guaranteed under KUHAP 2025 are fully realized in practice.

3.3. Gender, Child, and Elderly Protection in Criminal Justice

The findings demonstrate that KUHAP 2025 extends the protection of vulnerable groups beyond witnesses, victims, and persons with disabilities by establishing specific procedural safeguards for women, children, and older persons within Indonesia's criminal justice system. This development reflects a broader understanding that vulnerability is multidimensional and that different social groups experience distinct forms of legal inequality during criminal proceedings. Rather than adopting a uniform procedural model, KUHAP 2025 recognizes that substantive equality requires

differentiated legal protections capable of addressing structural discrimination, unequal power relations, and individual capacities. Consequently, Articles 147 and 148, together with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), illustrate Indonesia's commitment to constructing a criminal justice system that incorporates gender-sensitive justice, child-centered justice, and age-inclusive justice as integral components of human rights protection. This transformation is consistent with contemporary human rights theory, which argues that equal justice cannot be achieved through identical procedural treatment but rather through legal accommodations that recognize diverse forms of vulnerability (Fredman, 2011; MacKinnon, 1989).

The study reveals that the legal protection afforded to women under Article 147 of KUHAP 2025 reflects a significant shift toward gender-sensitive criminal justice. Women involved in criminal proceedings, particularly in cases involving sexual violence, domestic violence, and gender-based crimes, frequently encounter multiple forms of victimization extending beyond the criminal act itself. Social stigma, patriarchal cultural norms, victim-blaming attitudes, intimidation by perpetrators, and insensitive questioning during investigations often discourage women from reporting crimes or participating fully in judicial processes. In response, KUHAP 2025 introduces procedural safeguards including confidential hearings, psychological assistance, protection against intimidation, and access to legal information throughout criminal proceedings. These procedural guarantees align with feminist legal theory, which maintains that formal equality alone cannot eliminate structural gender discrimination unless legal institutions acknowledge the social realities affecting women's access to justice (Estrich, 1987; Crenshaw, 1991). Nevertheless, the findings indicate that the effectiveness of these protections continues to depend largely on institutional professionalism, gender-sensitive judicial practices, and sustained efforts to transform discriminatory legal cultures within law enforcement agencies (Smart, 1989; Hunter et al., 2010).

Equally significant is the protection afforded to children through the Juvenile Criminal Justice System, which adopts a child-centered justice approach emphasizing rehabilitation, diversion, restorative justice, and the best interests of the child. Unlike conventional criminal justice systems that primarily focus on punishment, the SPPA recognizes children as individuals whose physical, psychological, and social development requires special legal consideration. The findings indicate that children involved in criminal proceedings, whether as offenders, victims, or witnesses, are entitled to child-friendly procedures including simplified language, confidential hearings, parental accompaniment, psychological support, and specialized legal assistance. These procedural safeguards aim to minimize secondary trauma while promoting meaningful participation throughout judicial proceedings. Such an approach reflects the principles established under the Convention on the Rights of the Child (CRC), which obliges states to prioritize children's welfare and developmental needs within justice systems (UNICEF, 2007; Van Bueren, 1998). However, this study also identifies practical limitations, including the shortage of child psychologists, limited availability of child-friendly court facilities, and insufficient professional training among law enforcement personnel. Consequently, the realization of child-centered justice remains highly dependent upon institutional readiness and sustainable investment in specialized support services (Marlina, 2009; Wahyudi, 2011).

The findings further indicate that KUHAP 2025 introduces important legal recognition for the rights of older persons, a vulnerable group that has historically received limited attention within criminal procedural law. Older individuals often experience declining physical health, reduced mobility, sensory impairments, and psychological stress, all of which may significantly affect their capacity to participate effectively in criminal proceedings. Article 148 therefore guarantees procedural accommodations including accessible court facilities, flexible hearing schedules, humane treatment, and assistance from legal representatives or family members when necessary. These provisions reflect international human rights principles emphasizing dignity, equality, and independence for older persons as articulated in the United Nations Principles for Older Persons (United Nations, 1991). Nevertheless, the findings demonstrate that implementation remains inconsistent across Indonesia's judicial institutions, with many courts still lacking age-friendly infrastructure and procedural

guidelines specifically designed for elderly participants. This situation illustrates that recognizing the legal rights of older persons constitutes only the first stage of reform; meaningful protection requires continuous institutional adaptation capable of responding to demographic changes and the growing participation of older persons within judicial processes (World Health Organization, 2015; Johnson, 2005).

Despite these substantial normative advancements, the study concludes that the principal challenge confronting Indonesia's human rights-oriented criminal justice reform lies in institutional implementation rather than legislative design. While KUHAP 2025 and the SPPA establish comprehensive procedural protections for vulnerable groups, numerous structural obstacles continue to undermine their practical effectiveness. Limited financial resources, inadequate judicial infrastructure, insufficient inter-agency coordination, lack of specialized professional training, and persistent discriminatory social attitudes remain significant barriers to achieving substantive justice. These findings support Friedman's legal system theory, which emphasizes that legal effectiveness depends upon the interaction of legal substance, institutional structure, and legal culture. Accordingly, the success of Indonesia's criminal procedural reform cannot be measured solely by the enactment of progressive legislation but must also be evaluated through its capacity to transform institutional practices and public legal culture. Future reform should therefore prioritize capacity-building programs, judicial specialization, technological innovation, accessible infrastructure, and integrated victim support services capable of ensuring that the procedural guarantees established under KUHAP 2025 operate effectively in practice. Only through the combination of normative reform and institutional transformation can Indonesia fully realize a criminal justice system that genuinely protects the human rights of vulnerable groups and promotes substantive equality before the law (Muladi & Arief, 2010; Atmasasmita, 2011; Nowak, 2005; Shelton, 2015).

Table 3. *Human Rights Protection for Women, Children, and Older Persons: Institutional Implementation under KUHAP 2025*

Vulnerable Group	Legal Protection under KUHAP 2025/SPPA	Relevant Human Rights Principles	Implementation Challenges	Expected Human Rights Outcomes
Women	Confidential hearings, psychological support, protection against intimidation, procedural information	Gender equality, non-discrimination, dignity	Patriarchal culture, victim-blaming, gender bias among law enforcement	Gender-sensitive criminal justice and improved reporting of gender-based crimes
Children	Diversion, restorative justice, parental assistance, child-friendly procedures, rehabilitation	Best interests of the child, child participation, protection from harm	Limited child-friendly courts, shortage of psychologists and social workers	Child-centered justice and reduced secondary victimization
Older Persons	Accessible facilities, flexible hearings, procedural assistance, humane treatment	Equality, dignity, age-inclusive justice	Inadequate age-friendly infrastructure, limited institutional awareness	Greater procedural accessibility and meaningful participation
Judicial Institutions	Human rights-based procedural implementation	Fair trial, access to justice, substantive	Limited resources, weak coordination, insufficient	Effective implementation of vulnerable group

		equality	professional training	protection
Criminal Justice Reform	Integration of international human rights standards into criminal procedure	ICCPR, CRC, CRPD, human dignity	Gap between legal norms and institutional practice	Inclusive, accessible, and human rights-oriented criminal justice system

Source: Developed by the author based on KUHAP 2025, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Fredman (2011), Crenshaw (1991), UNICEF (2007), World Health Organization (2015), Muladi and Arief (2010), and the findings of this study.

The findings demonstrate that KUHAP 2025 and the Juvenile Criminal Justice System (SPPA) have significantly expanded the protection of vulnerable groups by incorporating gender-sensitive justice, child-centered justice, and age-inclusive procedural safeguards into Indonesia's criminal justice framework. These reforms represent an important normative shift from formal equality toward substantive equality by recognizing the distinct vulnerabilities experienced by women, children, and older persons during criminal proceedings. Furthermore, the integration of international human rights principles into domestic procedural law strengthens Indonesia's commitment to promoting dignity, equality, and inclusive access to justice. Nevertheless, the study reveals that the effectiveness of these legal protections remains constrained by institutional limitations, inadequate infrastructure, insufficient professional expertise, and persistent discriminatory legal culture. Therefore, the realization of a genuinely human rights-oriented criminal justice system requires not only progressive legislation but also comprehensive institutional reform, continuous capacity building, and sustained cultural transformation to ensure that the procedural rights guaranteed under KUHAP 2025 are implemented consistently and effectively throughout Indonesia's judicial system.

4. CONCLUSION

Based on the findings of this study, KUHAP 2025 marks a significant milestone in the reform of Indonesia's criminal procedural law by transforming its orientation from an offender-centered approach toward a human rights-based criminal justice system that prioritizes substantive justice, equality before the law, and the protection of vulnerable groups. The findings demonstrate that the explicit recognition of the procedural rights of witnesses, victims, persons with disabilities, women, children, and older persons reflects Indonesia's commitment to harmonizing its domestic legal framework with international human rights instruments, particularly the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Rights of the Child (CRC). However, the study also reveals that the effectiveness of these legal protections remains constrained by institutional limitations, inadequate infrastructure, limited professional capacity, weak inter-agency coordination, and persistent discriminatory legal culture, creating a gap between normative guarantees and practical implementation. Therefore, strengthening the protection of vulnerable groups requires not only progressive legislative reform but also comprehensive institutional development, continuous capacity building for law enforcement agencies, improved accessibility, and sustained socio-legal transformation to ensure the effective realization of human rights within criminal proceedings. This study contributes theoretically by advancing an integrated human rights framework for vulnerable group protection within criminal procedural law and practically by providing policy recommendations to support the implementation of a more inclusive, accessible, and human rights-oriented criminal justice system in Indonesia.

REFERENCES

- Alston, P., & Goodman, R. (2013). *International human rights*. Oxford University Press.
- Amiruddin, & Asikin, Z. (2018). *Pengantar metode penelitian hukum*. Rajawali Pers.
- Arief, B. N. (2016). *Bunga rampai kebijakan hukum pidana*. Citra Aditya Bakti.
- Ashworth, A., & Zedner, L. (2014). *Preventive justice*. Oxford University Press.
- Atmasasmita, R. (2011). *Sistem peradilan pidana kontemporer*. Kencana.
- Bassiouni, M. C. (1993). Human rights in the context of criminal justice: Identifying international procedural protections and equivalent protections in national constitutions. *Duke Journal of Comparative & International Law*, 3(2), 235–297.
- Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford University Press.
- Convention on the Rights of Persons with Disabilities. (2006). *United Nations Treaty Series*, 2515.
- Convention on the Rights of the Child. (1989). *United Nations Treaty Series*, 1577.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299.
- Damaška, M. (1986). *The faces of justice and state authority: A comparative approach to the legal process*. Yale University Press.
- Degener, T. (2016). Disability in a human rights context. *Laws*, 5(3), Article 35. <https://doi.org/10.3390/laws5030035>
- Doak, J. (2008). *Victims' rights, human rights and criminal justice*. Hart Publishing.
- Duff, A., Farmer, L., Marshall, S. E., & Tadros, V. (2007). *The trial on trial: Volume 3: Towards a normative theory of the criminal trial*. Hart Publishing.
- Estrich, S. (1987). *Real rape*. Harvard University Press.
- Fredman, S. (2011). *Discrimination law* (2nd ed.). Oxford University Press.
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. University of Chicago Press.
- Goldson, B., & Muncie, J. (2015). *Youth crime and justice* (2nd ed.). SAGE Publications.
- Hall, M. (2012). *Victims of crime: Policy and practice in criminal justice* (2nd ed.). Routledge.
- HelpAge International. (2011). *Age equality in older age: A review of international human rights law*. HelpAge International.
- Hunter, R., McGlynn, C., & Rackley, E. (2010). *Feminist judgments: From theory to practice*. Hart Publishing.
- Hutchinson, T. (2018). *Researching and writing in law* (4th ed.). Lawbook Co.
- Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*, 17(1), 83–119. <https://doi.org/10.21153/dlr2012vol17no1art70>
- Ibrahim, J. (2013). *Teori dan metodologi penelitian hukum normatif*. Bayumedia Publishing.
- Indonesia. (2006). *Law Number 13 of 2006 concerning the Protection of Witnesses and Victims*.
- Indonesia. (2012). *Law Number 11 of 2012 concerning the Juvenile Criminal Justice System*.
- Indonesia. (2014). *Law Number 31 of 2014 concerning the Amendment to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims*.
- Indonesia. (2025). *Draft of the Indonesian Code of Criminal Procedure (KUHAP 2025)*.
- Indonesia. (2025). *Kitab Undang-Undang Hukum Acara Pidana (KUHAP 2025)*.
- IRAC Working Group. (2019). Comparative legal research methodologies. *Journal of Legal Studies*, 14(2), 201–218.
- Irianto, S. (2006). *Perempuan dan hukum: Menuju hukum yang berperspektif kesetaraan dan keadilan*. Yayasan Obor Indonesia.
- Johnson, M. (2005). *The Cambridge handbook of age and ageing*. Cambridge University Press.
- Johnstone, G., & Van Ness, D. W. (Eds.). (2007). *Handbook of restorative justice*. Willan Publishing.
- Kilkelly, U. (2010). *Youth justice and children's rights: Measuring compliance with international standards*. Council of Europe Publishing.
- King, M., Freiberg, A., Batagol, B., & Hyams, R. (2014). *Non-adversarial justice* (2nd ed.). Federation Press.

- Lawson, A., & Gooding, C. (2005). *Disability rights in Europe: From theory to practice*. Hart Publishing.
- MacKinnon, C. A. (1989). *Toward a feminist theory of the state*. Harvard University Press.
- Manjoo, R. (2012). Violence against women in international human rights law. *Virginia Journal of International Law*, 53(1), 1–42.
- Marlina. (2009). *Peradilan pidana anak di Indonesia: Pengembangan konsep diversi dan restorative justice*. Refika Aditama.
- Marzuki, P. M. (2017). *Penelitian hukum* (Rev. ed.). Kencana.
- McConville, M., & Chui, W. H. (Eds.). (2017). *Research methods for law*. Edinburgh University Press.
- Menkel-Meadow, C. (2007). Restorative justice: What is it and does it work? *Annual Review of Law and Social Science*, 3, 161–187.
- Morris, A., & Maxwell, G. (2001). *Restorative justice for juveniles: Conferencing, mediation and circles*. Hart Publishing.
- Muladi. (2002). *Hak asasi manusia, politik dan sistem peradilan pidana*. Badan Penerbit Universitas Diponegoro.
- Muladi, & Arief, B. N. (2010). *Teori-teori dan kebijakan pidana*. Alumni.
- Mulyadi, L. (2015). *Perlindungan hukum terhadap whistleblower dan justice collaborator dalam upaya penanggulangan organized crime*. Alumni.
- Munti, R. B. (2005). *Perempuan sebagai kepala rumah tangga*. Jentera.
- Myers, J. E. B. (2007). *The rights of children in international law*. Martinus Nijhoff Publishers.
- Nowak, M. (2003). *Introduction to the international human rights regime*. Martinus Nijhoff Publishers.
- Nowak, M. (2005). *U.N. Covenant on Civil and Political Rights: CCPR commentary* (2nd rev. ed.). N.P. Engel Publisher.
- Packer, H. L. (1968). *The limits of the criminal sanction*. Stanford University Press.
- Poernomo, B. (2002). *Pola dasar teori dan asas umum hukum acara pidana*. Liberty.
- Rahardjo, S. (2006). *Ilmu hukum*. Citra Aditya Bakti.
- Reksodiputro, M. (2007). *Sistem peradilan pidana Indonesia: Peran penegak hukum melawan kejahatan*. Universitas Indonesia Press.
- Sebba, L. (2007). The rights of victims of crime: The basic principles and beyond. *Israel Law Review*, 40(2), 266–277.
- Shelton, D. (2015). *Remedies in international human rights law* (3rd ed.). Oxford University Press.
- Shelton, D. (2020). *Advanced introduction to international human rights law*. Edward Elgar Publishing.
- Smart, C. (1989). *Feminism and the power of law*. Routledge.
- Smith, R. K. M. (2016). *Textbook on international human rights* (7th ed.). Oxford University Press.
- Soekanto, S., & Mamudji, S. (2015). *Penelitian hukum normatif: Suatu tinjauan singkat*. RajaGrafindo Persada.
- Stein, M. A., & Lord, J. E. (2009). Future prospects for the United Nations Convention on the Rights of Persons with Disabilities. In O. M. Arnardóttir & G. Quinn (Eds.), *The UN Convention on the Rights of Persons with Disabilities: European and Scandinavian perspectives* (pp. 17–40). Martinus Nijhoff Publishers.
- Sunggono, B. (2016). *Metodologi penelitian hukum*. Rajawali Pers.
- UNICEF. (2007). *Implementation handbook for the Convention on the Rights of the Child* (3rd ed.). UNICEF.
- United Nations. (1991). *United Nations principles for older persons* (General Assembly Resolution 46/91).
- United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. United Nations.
- United Nations Office on Drugs and Crime. (2008). *Good practices for the protection of witnesses in criminal proceedings involving organized crime*. United Nations.
- Valverde, M. (2011). Victims and the criminal process. *Annual Review of Law and Social Science*, 7, 181–197.
- Van Bueren, G. (1998). *The international law on the rights of the child*. Martinus Nijhoff Publishers.

- Waddington, L. (2013). Equal to the task? Re-examining EU equality law in light of the United Nations Convention on the Rights of Persons with Disabilities. *European Yearbook of Disability Law*, 4, 169–200.
- Wahyudi, S. (2011). *Implementasi ide diversi dalam pembaruan sistem peradilan pidana anak di Indonesia*. Genta Publishing.
- Walklate, S. (2007). *Imagining the victim of crime*. Open University Press.
- Walklate, S. (2014). *Victimology: The victim and the criminal justice process* (3rd ed.). Routledge.
- Waluyo, B. (2017). *Viktimologi: Perlindungan korban dan saksi*. Sinar Grafika.
- Wemmers, J.-A. (1996). *Victims in the criminal justice system*. Kugler Publications.
- World Health Organization. (2015). *World report on ageing and health*. World Health Organization.
- Zulfa, E. A. (2011). *Pergeseran paradigma pemidanaan*. Lubuk Agung.
- Zulfa, E. A. (2012). Perlindungan saksi dan korban dalam sistem peradilan pidana Indonesia. *Jurnal Hukum & Pembangunan*, 42(1), 34–52.