

**TRANSFORMASI SISTEM PERADILAN PIDANA MELALUI
PUTUSAN MAHKAMAH KONSTITUSI
(DARI *CRIME CONTROL MODEL* KE *DUE PROCESS MODEL*)**

Renaldy Wijaksana Wibowo¹, Yance Arizona²

INTISARI

Sistem peradilan pidana Indonesia masih menyisakan persoalan mendasar dalam menjamin perlindungan HAM, terutama bagi pihak yang paling rentan dalam proses hukum: tersangka dan terdakwa. KUHAP, sebagai landasan hukum acara pidana di Indonesia, semakin menunjukkan keterbatasannya dalam merespons perkembangan prinsip-prinsip perlindungan terhadap HAM. Beberapa ketentuannya tidak hanya usang secara substansi, tetapi juga berpotensi melanggar praktik yang bertentangan dengan keadilan dan penghormatan terhadap hak individu.

Harapan terhadap perubahan melalui revisi legislatif sering kali terhenti disebabkan adanya tarik menarik kepentingan politik di parlemen yang membuat agenda reformasi KUHAP berjalan lamban bahkan stagnan. Dalam kebuntuan itulah, MK memainkan peran penting sebagai ruang koreksi dan rekonstruksi atas norma-norma hukum acara pidana. Melalui kewenangan pengujian undang-undang, Mahkamah menjadi aktor yang mampu mendorong perubahan hukum secara progresif guna menjawab kebutuhan keadilan dan perlindungan terhadap HAM.

Penelitian ini mengkaji perkembangan putusan-putusan MK terhadap pengujian KUHAP dalam konteks perlindungan hak tersangka dan terdakwa, menelaah relevansi arah penalaran Mahkamah terhadap model sistem peradilan pidana, serta menilai dampaknya terhadap praktik hukum acara pidana di Indonesia. Terdapat sedikitnya 14 putusan penting Mahkamah yang secara tegas memperkuat prinsip *due process of law*, di antaranya terkait perluasan definisi saksi, keharusan penyampaian Surat Pemberitahuan Dimulainya Penyidikan (SPDP), batas waktu praperadilan, dan keabsahan penetapan tersangka.

Putusan-putusan tersebut telah memicu perubahan nyata dalam praktik peradilan pidana nasional. Situasi di mana jalur legislasi tidak mampu memenuhi tuntutan konstitusionalitas hukum dan perlindungan hak-hak individu, MK menjelma menjadi institusi yang menavigasi arah baru bagi sistem peradilan pidana Indonesia yang lebih menjunjung HAM dan keadilan.

Kata kunci: Mahkamah Konstitusi, KUHAP, hak asasi manusia, *due process of law*, sistem peradilan pidana, pengujian undang-undang.

¹ Magister Hukum Fakultas Hukum Universitas Gadjah Mada.

² Dosen Fakultas Hukum Universitas Gadjah Mada.

***TRANSFORMATION OF THE CRIMINAL JUSTICE SYSTEM THROUGH
CONSTITUTIONAL COURT DECISIONS
(FROM THE CRIME CONTROL MODEL TO THE DUE PROCESS MODEL)***

Renaldy Wijaksana Wibowo³, Yance Arizona⁴

ABSTRACT

Indonesia's criminal justice system still leaves fundamental problems in ensuring the protection of human rights, especially for the most vulnerable parties in the legal process: suspects and defendants. KUHAP, as the foundation of criminal procedure law in Indonesia, has increasingly shown its limitations in responding to the development of human rights protection principles. Some of its provisions are not only outdated in substance, but also have the potential to perpetuate practices that are contrary to justice and respect for individual rights. Hopes for change through legislative revision are often stalled due to the tug of political interests in parliament that make the KUHAP reform agenda slow and even stagnant. In this deadlock, the Constitutional Court plays an important role as a space for correction and reconstruction of the norms of criminal procedure law. Through the authority to review laws, the Court has become an actor capable of encouraging progressive legal changes to answer the needs of justice and protection of human rights. This research examines the development of the Court's decisions on the review of KUHAP in the context of protecting the rights of suspects and defendants, examines the relevance of the Court's reasoning direction to the criminal justice system model, and assesses its impact on the practice of criminal procedure law in Indonesia.

There are at least 14 important decisions of the Court that explicitly strengthen the principle of due process of law, including in relation to the expansion of the definition of a witness, the requirement to submit a Notice of Commencement of Investigation (SPDP), the pre-trial time limit, and the validity of the determination of a suspect. These decisions have triggered real change in national criminal justice practice. In a situation where legislative channels are unable to fulfil the demands of legal constitutionality and protection of individual rights, the Constitutional Court has become an institution that navigates a new direction for the Indonesian criminal justice system that upholds human rights and justice.

Keywords: *Constitutional Court, KUHAP, human rights, due process of law, criminal justice system, judicial review*

³ Master of Law, Faculty of Law, Universitas Gadjah Mada.

⁴ Lecturer at Faculty of Law, Universitas Gadjah Mada.