

**EQUALITY BEFORE THE LAW IN CRIMINAL CASES
BEFORE THE INDONESIAN TRIBUNAL
FROM THE HUMAN RIGHTS COMMITTEE STANDARDS**

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M.A. (HUMAN RIGHTS)

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ABSTRACT

There is inequality of treatment in the adjudication of political cases compared with non-political cases. There are many reasons for differing patterns of legal deliberation and judgement. However, when people exercise their fundamental rights, they end up in prison whereas those charged in corruption cases do not. The State should maintain the principle of equality before the law. In Indonesia, equality before the law and the right to a fair trial is being violated in political cases.

The purpose of this research is to assess the national implementation of international standards of equality before the law derived from Articles 26 and 14 of the International Covenant on Civil and Political Rights in domestic tribunals. This research aims to study why Indonesian laws and judicial process are unequal. Obstacles to the effective enforcement of human rights in the national criminal tribunal context are a weak national legal framework, unlimited discretionary power of law enforcers, the absence of a legal interpretation source, and the involvement of lawmakers in human rights violations. Case studies and documentary research form the methodology of the thesis.

Clarifying the source of national law as well as the basis of the State arrangements, amending the national legal system from the current combination of the original law of the native population and civil law, amending the constitution, prosecuting lawmakers involved in human rights violations based upon international norms, involving the public when making a law, and eradicating judicial conspiracy are the recommendations to tackle inequality before the law.

KEY WORDS: HUMAN RIGHTS COMMITTEE / NATIONAL
IMPLEMENTATION / SYSTEMATIC INEQUALITY BEFORE
THE LAW / NON-LEGITIMATE LEGAL DELIBERATIONS /
NON-JUSTIFIABLE JUDGEMENTS / INSUFFICIENT DOMESTIC
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