

Globalization of Criminal Justice and Human Rights

Basic Dilemma

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In this era of dramatic, rampant, and incessant political change, predictions about the future can no longer be based either on conventional wisdom or historical precedent. Criminals have learned to take advantage of the dynamic globalization and the opening of borders in new and dangerous ways. In response to the global crime and human rights problems, this paper is an introduction to some of these developments in criminal justice system to fight crimes and to prevent human rights. Furthermore, this paper will also examine “sense of justice in criminal process”, and identifies “basic dilemma” problems in existing legal of criminal justice and human rights. It contains a series of new ideas that a disruptor to the judiciary system and policy-maker reforms aid in the prevention of criminalization to citizen rights and change impacts the criminal justice system to protect human rights to be seen globalization change justice for societies.

Keyword: globalization, criminal justice, human rights, basic dilemma

Introduction

There are many uncertainties in globalization. Whether this process will benefit humanity by promoting diversity and understanding in the world, or it will destroy this very diversity by foisting junk culture on the ancient civilizations of the world is not clear. However, one thing is perfectly clear: The changes that globalization will cause are largely inevitable and will undoubtedly prove dramatic, affecting everybody almost everywhere. Globalization is a fundamental part of the modern world; the train cannot be turned back and nobody know where it is headed (Fichtelberg, 2008).

This paper has undertaken to analyze the challenges and problems of globalization “change justice” in the specific context of criminal justice process and human rights. Indeed, understanding “sense of justice” in the criminal process and human rights implications of globalization change the impact of policies. This approach clarifies policy-making by illustrating a number of aspects relating to the extent of the influence of international law must be incorporated first to be part of domestic law order. This present significance of the basic guarantees of a constitutional bill of rights also governs criminal process, “the inescapable dilemma” of criminal procedure. The method of this paper is normative juridical research, thus the type of data used is secondary data covering primary law material, secondary law material, and tertiary law material. According to Soerjono and Mamudji, the objects of Normative Law Research Study includes: (i) research on legal principles;

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(ii) research on systematic law; (iii) research on vertical and horizontal synchronization levels; and (iv) legal history (Soerjono & Mamudji, 1983, p 14). The approaches taken are statute approach, conceptual approach, and case approach. The conceptual approach is used to study the views and doctrines that develop within the jurisprudence. The idea is to find legal understanding, concepts, and principles relevant to the issues; we look beyond the law in the books to the law in action. Finally, we examine globalised ideas that a disruptor of the established order and social feelings of insecurity have led to changes the basic dilemma of criminal process and human rights in national law. According to the collected essays of Kelsen (1957), to a certain ethical conviction, human life, the life of every human being, is the highest value. However, there is another ethical conviction, according to which the highest value is the interest and honour the nation. Aristotle's tries to develop his moral philosophy, in his *Ethics*, on a thoroughly rationalistic basis, while Plato says that the central problem of his whole philosophy is justice.

Kelsen's (1957) presents mature theory of natural law. What is truth? When Jesus of Nazareth was brought before Pilate and admitted that he was a king, he said: "It was for this that I was born, and for this that I came to the world, to give testimony for truth". Whereupon Pilate asked, "what is truth?" The Roman procurator did not expect and Jesus did not give an answer to this question, for to give testimony for truth was not the essence of his divine mission as the Messianic King. He was born to give testimony for justice—the justice to be realized in the Kingdom of God, and for this justice, he died on the cross. Thus, behind the question of Pilate, "what is truth?" arises out of the blood of Christ; another still more important question, the eternal question of mankind: What is justice? And yet, this question is today as unanswered as it ever was. They cannot find a definitive answer, but can only try to improve the question. As Kelsen wrote (1957), it means this order regulates the behaviour of men in a way satisfactory to all men, that is to say, so that all men find their happiness in it. The longing for justice is men's eternal longing for happiness. It is happiness that man cannot find alone, as an isolated individual, and hence seeks in society. Justice is social happiness. It is happiness guaranteed by a social order. In contrast, our happiness very often depends on the satisfaction of needs which on social order can satisfy.

Another classic story offer guidance on where to begin. "Ruling before the law" is a parable related to Joseph K. by a sympathetic pries he encounters in the Cathedral, soon before his execution at the conclusion of Franz Kafka's masterful allegory of legal politics, *The Trial*. In the parable, a man from the countryside seeking justice is compelled by an imposing gatekeeper to wait outside the mystical "Door to the law" for most of his life. Soon before expiring, he convinces the gatekeeper to reveal a nugget of cruel wisdom—the door was intended only for this one man and only he could ever have entered through it. All states follow different routes to different doors that they may or may not enter, but their wanderings represent similar quests. Before we can access what lies within the legal system, we need first to understand how the way a country is ruled to shape the contours of its legal regime (Hurst, 2018).

Despite the legal system development, the historical of legal system in China is the oldest unitary state in the world. First brought under centralized control by Emperor Qin Shihuang in 221 BCE, maintenance of political authority through brutal, yet consistent, and criminal punishment of any transgressive or subversive acts was the paramount goal and ultimate purpose of the law. Indeed as Han Fei (1939, p. 45), a legalist philosopher, explains "The law does not fawn on the noble, whatever the law applies to, the wise cannot reject nor can the brave defy. Punishment for fault never skips ministers, reward for good never misses commoners, and nothing could match the law". As Hurst (2018) found on other example, Indonesia's experience could not

be more different, and Dutch colonialism founded on the basis of legal institutional development was secondary. Under a minimalist state, cantered on protecting the economic advantages of a commercial elite, the Indonesian legal system presumed from the beginning a remarkable degree of pluralism and opted consistently to layer new rules and structures onto the complex webs of multiples existing ones. In such context, globalization change in Indonesian legal history has tended to unfold gradually over lengthy periods, at least relative to China's experience. Despite these differences, indeed in some senses even because of them Chinese and Indonesian legal histories and development are eminently comparable. Past research by Albanese (2011) found that with all the benefits provided by the globalization, crime occurs around the world in what often appears to be random fashion. People are victimized and criminal exploit others in every country. How can we get our arms around this phenomenon in order to make sense of it and be able to do something about it?

Enforcing the Law by Law Enforcement in the Context of Criminal Justice

In one of the most important contributions to systematic thought about the administration of criminal justice, Herbert Packer articulates the values supporting two models of the justice process. He notes the gulf existing between the "due process models of criminal administration" with its emphasis on the rights of the individual and the "crime control model", sees the regulation of criminal conduct as the most important function of the judicial system (Cole & Gertz, 2013). Fairness is comes to articulating what is now recognised as the respect that the law should pay to human rights (Gans, Henning, Hunter, & Warner, 2011).

According to Laudan (2006), the fairness of criminal justice system and criminal trials must be clear what fairness means in this connection. It means, or ought to mean, that the law should be such as will secure as far as possible that the result of the trial is the right one. Muladi (1995) argued that criminal justice system must be seen as the network of courts and tribunals which deal with criminal law and its enforcement. Effectiveness of criminal justice system depends entirely on the infrastructure and the professional capability of law enforcers as well as social culture. The weakness of infrastructure will have an impact on undetected criminals and hidden criminal increases.

Goldstein (Muladi 1995) explained as Figure 1 illustrated that total law enforcement is based on the Criminal Code (substantive law of crime). As all law enforcers' action is very limited under the code of criminal procedure, this area is called "area of no enforcement" and then appears the "area of full enforcement". In this area, the law enforcers are expected to maximize the law enforcement. However, Goldstein said the area of full enforcement is not a realistic expectation due to the limitation of time, quality of personnel and investigative tools, funds, law, and politics. This situation affects all of law enforcers to have to do discretions and the impact of discretions the number of cases undetected, unreported, and unsolved. Access to human rights jurisprudence is energising and invaluable when law enforcers have to balance a number of competing interest, as all law enforcers have to do. In contrast, what is left is the "area of actual enforcement". This circumstances as Gambetta (1996, p. 188) explained,

Holding a monopoly over power essentially free from any form of external control makes it tempting to trample on the rights of others. This is a generalized human weakness which, when it comes to the mafia, is part and parcel of everyday life. At times, by reacting to abuses of power with tact and agility, one may establish ones claims.

Current theory and research on the use of discretion and biased policing make few references to the situational processes through which police (law enforcement) determine behaviours to be suspicious and which

consequently initiate official action. The majority of police or law enforcement-citizen encounters occur in the absence of any outside supervision, and the law enforcers therefore have a great deal of discretion throughout the decision-making processes (Cole & Gertz, 2013). Wells (2017) explained that for many years, the abuse of process principle is still alive and kicking in criminal proceedings. The ever expanding case law is evidence of this, with a large number of decisions being made in a number of areas: state misconduct, post-trial abuse, illegally obtained evidence, linked civil proceedings, disclosure, entrapment, delay and serious specific prejudice to a fair trial delay and loss of records, destruction and retention of evidence, caution disposal, human trafficking, penalty notice, misconceived charges, local authority prosecutions, special measures, legal representation, and confiscation. Although the application to stay proceedings as an abuse of process is still rarely successful, the grounds for such applications are ever evolving, with state misconduct and financial cost-cutting within the criminal justice system creating fertile ground for new arguments to develop.

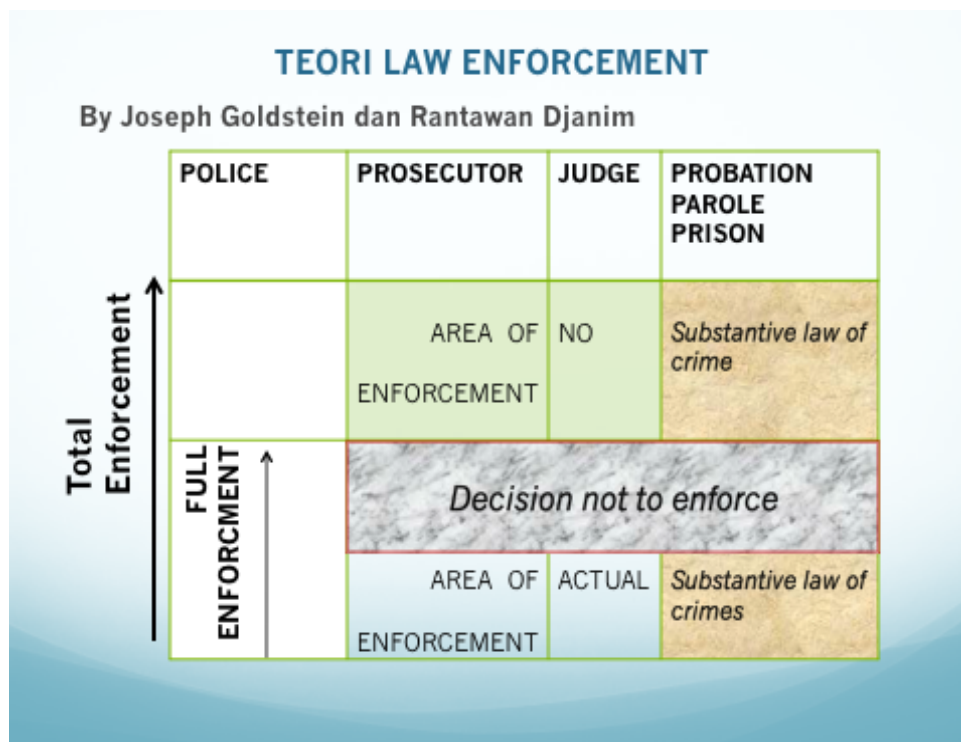


Figure 1. Law enforcement in criminal process (Source: Muladi, 1995).

Past research by Leng and Chiu (1985) found that the criminal justice system in China that was built during the Maois period (1949-1976) was unique; it had neither a criminal code nor a criminal procedure code. Mao Zedong who established the People's Republic of China (PRC) in 1949, once said: "The state apparatus such as the army, police and courts consists of instruments by which classes oppress classes to the hostile classes the state apparatus is the instrument of oppression. It is violent and not 'benevolent'" (Mao, 1949; Cohen, 1968). Under Mao's theory of law, it seems clear that principles of justice generally recognized by non-communist countries, such as the independence of judiciary, the presumption of innocence of the accused, and the equality of all persons before the law, have no place in the PRC legal system. Lawyers were virtually non-existent. Judges were not required to have had legal training, nor were they required or expected to cite legal provisions in rendering judgments. The basic principle of criminal justice was the so called "Lenien(cy)

with those who confess and severity with those who resist. Enforcing law by Mao is regime in criminal process, which makes anyone who refused to accept the charges would be severely punished, and any attempt to appeal a guilty sentence would most likely result in a more severe sentence. The above theory of law and practice prevailed until Mao's death in 1976. Since then, the new leadership has tried to modify some aspects of Mao's theory of law and to establish a more stable legal system in Chinese criminal law.

Professor Choo (2008) had identified three rationales for granting a stay for abuse of process, namely, remedial, deterrence, and moral integrity. Any serious discussion of the abuse of process doctrine in criminal litigation must take place against the background of acceptance of certain principles of criminal justice. One accepted function of criminal justice system is the conviction of guilty, and correspondingly, the protection of the innocence from conviction. In relation to the non-conviction of the innocent, he has pointed out that people have a profound right not to be convicted of crime of which they are innocent. The conviction of innocent person involves a special moral harm which is to be distinguished from and transcends the bare harm which a person suffers through punishment. Choo argued that the abuse of process doctrine has been affected by the *Human Rights Act 1998*. The Act, which came fully into force on 2 October, 2000, makes certain rights guaranteed by the European Convention on Human Rights in Article 6 of the Convention of the rights to a fair trial hearing within a reasonable time. There is a specific reference to Article 6 in the statement of the "overriding objective of the Criminal Procedure Rules 2005", which came into force on 4 April 2005; Hall (1942) argued that the most important single generalization that can be made about criminal procedure or for that matter about any civilized criminal procedure is that its ultimate ends are dual and conflicting. It must be designed from inception to end to acquit the innocent as readily, at least, as to convict the guilty. This presents the inescapable dilemma of criminal procedure which Bentham failed to recognize. For a procedure that does not assume guilt, it seeks to determine it rationally, by its basic hypothesis provides for innocence. Until domestic law in criminal justice system wholeheartedly embraces the human rights idea, it will remain in a shadowy role, in isolated legislation, lacking a critical mass to develop its own jurisprudence.

The Basic Dilemma Between Human Rights and the Criminal Justice Process

The concept of criminal justice is both simple and complex. It is simple in the sense that certain types of wrongdoing are generally recognized as international crimes, which may be prosecuted both before national courts, and in so far as they have competence, international criminal courts. The concept is also complex in the sense that the relation between the role of national courts and international criminal courts is problematical. The subject is further complicated by the tendency of the Security Council to limit recourse to national courts in certain selected situations (Bassiouni, 1993). These principles, which also give rise to the basic human rights of the defendant as well as, whenever appropriate, of the victims and the witnesses (Brownlie, 2008, p. 577). Human rights law essentially consists of international treaties and conventions granting fundamental rights to individuals. It also includes the copious case law of international bodies, such as The European Court of Human Rights (ECHR) and the UN Human Rights Committee (HRC). This corpus of legal provision and decisions has contributed to the development of criminal law in many respects. Furthermore, human rights law lays down the fundamental rights of suspects and accused persons, of victims and witnesses; it also sets out the basic safeguards of fair trial (Cassese, 2008).

Bassiouni (1993) said the two most important bodies concerned with criminal justice questions are the human rights directorate and the crime problems division. While all rights set down in the ICCPR impact to

some extent on the criminal justice system, here a brief overview is attempted only of those rights of most relevance to the investigation and prosecution of crime and their location in that process. Professor Hall (J. Goldstein & A. S. Goldstein, 1971) explained that the basic dilemma of criminal procedure consist in the fact that the easier is made to prove guilt, the more difficult does it become to establish innocence. Lack of appreciation of the character of our criminal procedure is apparent in much of the criminological reform movement in the recent past which reflects hardly any suspicion that police and prosecutors as law enforcement are not omniscient. Failure to appreciate the nature of criminal procedure is represented in a number of fallacies. On other example, Indonesia's powerful "Corruption Eradication Commission" (the agency KPK) has recently been under siege with serious attempts in parliament to revise the KPK law. Since its inception 12 years ago, the KPK's greatest weapon against "corrupt" deals has been its surveillance function. Wiretapping and "sting" operations allows for rapid collection of evidence and led to arrests of hundreds of national and regional politicians, public officials, judges, and businessmen.

According to Jackson and Summers (2018), effectiveness of criminal justice system depends entirely on the infrastructure and the professional capability of law enforcers as well social culture (see Figure 1). Another important contribution of this research is to highlight the importance of the power of authority given to the agency KPK by the law may end up becoming an obstacle to fairness. The weakness of KPK normative limitations of viewing fairness in terms of individual rights inhibits effective regulation of the actions before trial in criminal justice systems. Jackson and Summers explained that the fair trial standards enshrined in various human rights instruments that were agreed in the post World War II settlement have proved remarkably influential as a basis for legitimising criminal proceedings. The best case that could be made the law of contradiction, the Agency KPK has named Commissioner General Budi Gunawan a graft suspect, just days after he was nominated by President Joko Widodo to become the nation's next chief of National Police. Gunawan named a suspect due to gratification case that took place when he was serving as the head of the police human resources. KPK investigators, who have been studying the case since July 2014, have found several irregularities in financial transactions involving Gunawan. His appointment had already triggered resistance because of suspicions concerning the size of his personal bank accounts. The Financial Transaction Reports and Analysis Centre (PPATK) in 2010 released a report of several police generals with suspiciously hefty bank accounts, and Gunawan was listed. Police claim that the suspicion against Gunawan had been cleared following the police's internal investigations as a follow-up to the PPATK finding. In contrast, the KPK clearly thinks otherwise that the case against him was indeed related to the so-called "fat bank accounts" of senior police officers identified by the Financial Transaction Reports and Analysis Centre. The president nominated Gunawan as the new National Police chief in a letter that was sent to the House of Representative. The general was set to undergo a fit-and-proper test; however, the test cancelled due to the case. Gunawan has no membership in any political party; he served as the Presidential Aide of Megawati Soekarno putri during her term as president from 2001 to 2004. He also served as provincial police chief twice, for Bali and Jambi, before heading the police's education institute. The agency KPK has been incorrectly set the elected Indonesian chief of police as a suspect in the case of gratification, since it caused conflicts between police and the agency and made political conditions chaos. As the law enforcement, the agency KPK, obviously ignored the characterisation of the human right for a fair trial which protects the individual against the abuse of power by the State. The agency discretion by enforcing the law had never called Gunawan for investigation; in contrast,

the agency announced their discretion by named Gunawan as a suspect a day after President Joko Widodo and appointed him as the sole candidate for the chief of National Police position.

Based on *Indonesia 1981 Act*, No. 8 concerning “The Law of Criminal Procedure”, Ratified in Jakarta 31 December 1981, State gazette of R.I. Number 760 of 198, such discretion by the law enforcement created chaos and destabilize the state economy and politics since the law enforcers discretion violated Article 184 Code of Criminal Procedure paragraph (1) in regards to the legitimate evidence within the judicial proof a criminal, while Eradication Corruption Commission was using The Financial Transaction Reports and Analysis Centre as related fund owned in accounts Budi as evidence. In contrast referred to the regulation Head of the Central Financial Transaction Reporting and Analysis number per-08/1.02/ppatk/05/2013 concerning the request of information to the Central Financial Transaction Reporting and Analysis (31 May 2013), Article 14 points 5, it is very clearly states that information issued by The Central Financial Transaction Reports and Analysis Centre is strictly confidential and strictly prohibited to be used as court evidence.

Due to this circumstance, President Joko Widodo announced his decision to postpone the induction of Gunawan as the police chief. While Gunawan applied the pre-trial at the South Jakarta District Court case number 04/Pid.Prap/2015/PN.Jkt.Sel with Commissioner General Budi Gunawan as the petitioner and the Corruption Eradication Commission as Respondent presents the following legal issue: The motion filed by the petitioner is about the invalidity of the respondent’s decision to name the petitioner as a suspect while according to the Code of Criminal Procedure, such motion is beyond the court’s jurisdiction. The South Jakarta District Court on 16 February 2016 has issued a verdict on the status of Budi Gunawan, the National Police chief candidate, who has been declared as a suspect by the Corruption Eradication Commission (KPK). Judge Sarpin Rizaldi said the verdict that KPK’s decision to declare Budi Gunawan as suspect as “invalid”. The judge in his decision demonstrated that he interpreted due process of law, which is only applicable in Criminal Code. KPK, he said, has yet to disclose details of the cases. No appeal or cassation appeal may be made from a pretrial decision, no binding effect pursuant to Constitutional Court’s Decision number 65/PUU/-IX/2011.

Despite of the controversy, the ruling must be accepted and respected. A lesson we can learn from this polemic is that law enforcers must abide by the law, to ensure that human rights are protected by laws as criminal justice is not rigid. As Professor Hall (J. Goldstein & A. S. Goldstein, 1971) said that failure to appreciate the dual nature of criminal procedure is represented in a number of fallacies. The degree of error in the fallacy that indictment means guilt is not reduced by the fact the law enforcers are honest and competent. This paper examines the dilemma between human rights and criminal process; the question is do human rights principles and rules have a solid presence in criminal justice process and laws, or is their presence merely “spectral”. The answer to these questions is “maybe” (Clayton & Tomlinson 2009; Gans et al., 2011).

The Disruptor of the Power and Politics

Since 18th National Congress of the Communist Party of China (CPC) held in November 2012, the new central leadership with Xi Jinping as general secretary has led the whole party and the people of China in confronting the problems and challenges they face to driver reform and opening up to a deeper level. Xi Jinping was elected to modernize the national governance system. Under the leadership of the CPC, the country is striving to build a bright future for socialism with Chinese characteristics. China is attracting growing attention

worldwide. The world wants to know what changes are in progress in China, and what impact they will have on the rest of the world (Xi, 2014). In part of his speech on the press conference by member of the Standing Committee of the political Bureau of the 18th CPC Central Committee, 15 November 2012, Jinping said,

I was elected general secretary of the Central Committee. On behalf of the member of the newly elected leadership, we will do our utmost to be trustworthy and fulfil our mission. Our responsibility is to rally and lead the entire Party and the people of all China's ethnic groups in taking on this task and continuing to pursue the goal of the rejuvenation of the Chinese nation, so that China can stand firmer and stronger among the world's nations, and make new and greater contributions to mankind.

According to Jinping, he was taking his elected as part of the important responsibility for the people. He said,

Our people are a Great People, they want to have better education, more stable jobs, more income, reliable social security, better medical and health care, improved housing conditions and a beautiful environment. They hope that their children will have sound growth, good jobs and more enjoyable lives. The people's wish for a happy life is our mission.

According to Hasen (2018), Jinping's words are most potent weapon in his struggle to get the State to rethink first principles and apply his views of freedom. Few could turn a phrase as he could or so thoroughly point out the logical flaws in the other side's arguments. People were drawn to read his opinions. He is sharp and brilliant. Jinping disrupts the important responsibility for the Party dedicated to serving the people. He also saw his responsibility is to bring together and lead the whole Party and people of all ethnic groups to free their minds, carry out reform and opening, up, further unfetter and develop the productive forces, solve the pole's problems in work and life and resolutely pursue common prosperity. His philosophy is "A happy life for the people comes from hard work".

Xi Jinping is a disruptor of challenged political order who arrived on the scene decades after Mao Zedong one of the great figures of the 20th century. Short (2017) explained that Chairman Mao looms irrepressibly over the economic rise of China. Mao was the lead of a revolution, a communist who lifted hundreds of millions out of poverty, an aggressive and distrustful leader, and a man responsible for more civilian deaths than perhaps any other historical figure. The first generation of the central collective leadership with Mao Zedong at the core provided invaluable experience as well as the theoretical and material basis for the great initiative of building socialism). Now while globalization has turned power and politics into a global phenomenon and need of a global response, acclaimed leader Xi Jinping rises as a disruptor of established China's socialist modernization and creates a better life. Jinping seeking to undermine common approaches socialism with Chinese characteristics incorporates practice, theory, and system. In present-day, China adhering to and developing socialism with Chinese characteristics means upholding socialism in its true sense. The path of Chinese socialism is the only way to achieve China's socialist modernization and create a better life. This path takes economic development as the central task, and brings along economic, political, and cultural Rule of Law and other forms of progress. It adheres to both the four cardinal principles and the reform and opening up policy (Xi, 2014).

He believed China needs to learn more about the rest of the world, and the outside world needs to learn about China. Jinping lets his values affect for mutual understanding between China and the rest of the world. Jinping's reach extended beyond the number of the historic contribution made by the past three generations of central leadership in the Communist Party of China. Xi Jinping's greatest contradiction came in this approach

to the legitimacy of “a law-based country”. He saw himself remaking legal analysis by develop a law based country to serve the greater good. His efforts to complete the building of a moderately prosperous society in all respects presuppose a higher demand for the rule of law. He follows the guidance of Deng Xiaoping Theory, the important thought of the three represents, and the scientific outlook on development. His doctrines that we should take a well-designed approach to legislation, enforce the law strictly, administer justice impartially, and ensure that everyone abides by the law. He strongly addressed that governance and administration should exercise in accordance with the law, develop a law-based country, government, and society simultaneously, and hereby bring the rule of law to a new stage.

More important according to Xi Jinping, we should strengthen the enforcement of constitution and the law, and uphold the unity, dignity, and authority of the socialist legal system, so that people neither want, nor are able, nor dare to break the law. Jinping, the disruptor surely like to make sure strengthen the oversight of law enforcement, makes sure that there is no illegal interference in law enforcement. On the other hand, law executors should be faithful to the law, to think and act based on law, promote procedure based development. So, they should take the lead in enforcing the laws and safeguarding public interest, the people’s rights, and public order and ensure the pole feel that justice is served in every court case. Bearing this in mind, all judicial bodies should improve their work, focusing on resolving the deep seated problems that affect judicial justice and constrain our judicial capacity that includes combating corruption.

Faced with what he considered justice is for the people, therefore the State must improve their judicial working practices by providing good services to help people overcome barriers to justice, particularly by increasing legal aid for people in difficulties to safeguard their legitimate rights. Jinping’s opinion demonstrates what the judicial need to maintain close ties with the people, carry out procedure based judicial activities, increase judicial transparency, and respond to the people’s concern and expectations for judicial justice and transparency. Jinping, the disruptor, points out that he believed judicial reform is a major part of our political reforms, greatly helps modernize the state’s governance system and capacity by providing stronger leadership and better coordination, and focuses on real results in the process of building a just, efficient, and authoritative socialist judicial system in order to better uphold the Party’s leadership, give full play to the special features of China’s judicial system, and promote social fairness and justice. Xi Jinping is a man ahead of; he gave voice and logic to conservatives. Jinping’s opinion and ideas also appeared more frequently in a leading constitutional law, polarized China in the global centuries.

Conclusions

1. Finally, while globalization has turned organised crime into a global phenomenon and need of a global response, the battlefield upon this war is won or lost remains national. Criminal justice, as we will see, is largely concerned with one specific part of the globalization phenomenon, the world of law breaking, crime, and deviance. But Globalization is not a new phenomenon; the changes in state priorities concerning human rights and criminal justice process a subtle change in the values of the community, at the same time, States’ ability to govern and deliver public services are increasingly being challenged.

2. Despite most States does have a national bill of right or comprehensive national human rights legislation, in practice, it is not easy to identify with certainty the role of human rights principles as norm in criminal justice process. Dissatisfaction with the administration of justice in criminal process due to the unequal or inefficient or corrupt within the law enforcement institution, we must not allow this circumstance. To resolve

potential dilemma between rights and criminal procedural, we must begin by taking account of the inherent difficulties in all justice and we seek to administer justice according to law. So that people are now to be treated as full citizens with equal rights.

3. The world needs a disruptor of the challenged political order to be the nation patriot who believed offering ideas to improve the nation legal system. A disruptor can develop a law-based country, government, and society. A disruptor represents as politically neutral and to be firm in their ideals and convictions refer to people's aspiration, to ensure the delivery of services by law enforcement to the people based on the principles for fairer and rights.

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