

# From Forced Confessions to Digital Coercion: Rethinking the Admissibility of Evidence in Criminal Trials in Indonesia

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## ABSTRACT

*The Indonesian criminal justice system still accepts evidence obtained through coercion, either physical or digital, because there is no principle-based exclusion framework and the courts don't have enough control. This absence of normative guidance violates both the constitutional assurance of due process and the enforceable obligations under international human rights law. The objective of this research is to examine Indonesia's evidentiary doctrine and formulate a strategy for the exclusion of illegally obtained evidence from a rights-based standpoint. This research utilizes a normative juridical methodology, incorporating literature reviews, comparative law, and statutory analysis. The findings indicate that Indonesian courts are grossly unprepared to address modern forms of coercion, including those facilitated by algorithmic manipulation and digital surveillance. You can see where Indonesia is falling short by looking at how the US, Germany, and the European Court of Human Rights have done things in the past. This study introduces digital coercion as a novel analytical category and contends that evidence obtained through digital means undermines the legitimacy of adjudication and the voluntariness of the process. The study's prescriptive contribution advocates for the establishment of pre-trial evidentiary hearings, the integration of a definitive exclusionary rule into KUHAP, and the formulation of procedural safeguards for digital evidence. This study offers a robust foundation for reevaluating Indonesia's evidence doctrine in consideration of the ethical dilemmas presented by contemporary criminal justice and in accordance with international standards.*

**Keywords:** Digital Coercion; Exclusionary Rule; Evidentiary Doctrine; Fair Trial.

## I. INTRODUCTION

The efficacy of criminal justice procedures relies on the dependability of procedural safeguards, which ensure the execution and perception of justice. Kremens and Jasiński (Kremens & Jasiński, 2021) argue that considering the admissibility of evidence as a principle can be regarded as one of key aspects of criminal procedure, ensuring that trials are fair. This belief is central in Indonesia's culture of evidence, which excessively privileges confessions, even when they have been extracted through coercion or obtained unfairly. The legal

system is still not trusted by the people, despite decades of revisions to the law. That's because forced confessions can be acquired by threatening violence, using physical force or holding someone incommunicado. This issue has become increasingly important due to the increasing utilization of digital technology in criminal investigations, such as electronic surveillance, intercepted communications and forensic digital evidence (Sumardiana et al., 2024).

The police department has seen both good and bad things happen since digital technology was introduced (Arifin et al., 2025). Digital evidence could make investigations a lot more efficient, but it also adds new kinds of pressure that are harder to spot but just as harmful to the principles of due process (Wilson-Kovacs, 2021). Indonesian procedural rules, especially the Criminal Procedure Code (KUHAP), don't say much about the legal requirements for getting and using digital evidence. Evidence obtained unlawfully, whether through torture or unauthorized surveillance, is inadmissible due to the absence of a robust framework for its utilization. There is a big lack of rules, which puts defendants' rights and the fairness of the justice system at risk (Saputra et al., 2023). There is a dangerous shift from analog to digital injustice happening because people rely on technology to force them to do things when there aren't enough legal protections.

The International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) both say that everyone has the right to a fair trial and that torture is wrong. Indonesia is a member of both. Holmström (2003) says that these instruments require states to get rid of evidence that was gathered through harsh treatment and make sure that defendants have clear procedural protections (Holmström, 2003). Because Indonesia's current legal system doesn't follow these international standards, the country's criminal

justice system is falling further and further behind what the world expects. So, Indonesia's evidential system needs to be rethought and rebuilt right away, especially in light of recent advances in technology, to make sure it meets both constitutional and international human rights standards.

An important and unresolved issue in Indonesia's criminal justice system is whether evidence obtained through coercion, whether physical or digital, is admissible. The Criminal Procedure Code (KUHAP) does not specifically say that materials obtained illegally, such as through torture or improper digital monitoring, cannot be used as evidence. However, it does set out broad rules for evidence (Sumardiana et al., 2024). When people say they were forced to do something, courts often use confessions as important evidence without looking into how the evidence was gotten. The absence of a legislative exclusionary rule leads to inconsistent court practices and an environment prone to investigative misconduct, rendering the legal consequences of procedural violations ambiguous (Holt & Palmer, 2024). This problem is even worse because there aren't any clear rules about how to deal with it, and more and more people are using digital tools that can be abused, like data scraping, location tracking, and wiretapping.

The law is not clear, which makes people question whether Indonesia is really following its international human rights commitments. For example, the ICCPR and the CAT say that evidence obtained through torture or other cruel, inhuman, or humiliating treatment cannot be used in court. There are new problems that the law isn't ready to deal with, like "digital coercion" (Riyadi, 2024), which is when suspects are forced to incriminate themselves through manipulative questioning that is helped by data analytics or intrusive monitoring. Indonesian trial courts risk violating the principles of a fair trial because there are no clear standards for determining the validity and reliability

of both digital and traditional evidence (Barlian et al., 2025). Due to these issues, the entire evidentiary doctrine within the broader context of criminal procedure must be reevaluated, along with the concept and implementation of admissibility.

The objective of this research is to examine the regulations of Indonesian criminal procedure regarding the admissibility of evidence, focusing on digital and physical evidence obtained through coercion. The research aims to assess the compliance of Indonesia's legal system with internationally recognized fair trial standards, specifically the exclusionary principle delineated in the ICCPR and the Convention Against Torture, by analyzing the practical and normative deficiencies within the current evidentiary framework. The existing procedural safeguards in this domain are insufficient, and the study seeks to elucidate the context of digital evidence collection and its intersection with coercive investigative techniques. This research employs doctrinal analysis and comparative legal study to reform Indonesia's evidentiary regime, safeguard the integrity of the justice system, and protect fundamental human rights in the digital age. The objective is to formulate specific normative recommendations.

While there is a growing body of literature on human rights and criminal procedure in Indonesia, the subject of evidence admissibility is often discussed in a superficial or disjointed manner in the existing studies. Most legal studies focus on KUHAP doctrinal interpretations or general procedural fairness (Sumardiana et al., 2024) without looking closely at the processes that let illegal evidence in and how they affect the whole judicial system. Woolley assert that there is insufficient critical analysis regarding the operationalization and normalization of coercive measures within law enforcement procedures, particularly in digital contexts (Woolley et al., 2023). Moreover, there has been a scarcity of initiatives aimed at contextualizing or modifying models that

examine the exclusionary rule in other jurisdictions to fit the institutional and legal framework of Indonesia. There is a substantial deficiency of research and theoretical frameworks at the intersection of digital technology, evidential standards, and coercion, resulting in a considerable analytical void.

The increasing utilization of surveillance technology and data-driven investigations renders the scarcity of studies on "digital coercion" in Indonesia particularly notable. Indonesia has not started a serious academic or legal conversation about how to balance digital innovation with due process. This is different from countries like Canada, Germany, and the ECHR system, which have clear rules for how to keep evidence obtained illegally out of court (Richardson, 2021). The lenient judicial system and the lack of a rights-based evidential doctrine allow for both physical and non-physical forms of coercion to be upheld in court (Solodov & Solodov, 2020). Consequently, this study addresses a critical necessity by redefining admissibility as a systemic ethical and legal quandary that requires renewed examination in the contemporary digital age, rather than merely a technological issue.

This study addresses a previously overlooked intersection in Indonesia's criminal justice system, specifically the integration of evidentiary law, coercive investigative techniques, and digital technology, thereby filling a gap in the current literature. It accomplishes this by presenting an innovative conceptual framework. This study posits "digital coercion" as an emerging category of rights infringement with immediate implications for the admissibility of evidence and the equity of trials, diverging from prior research that considers torture, surveillance, and digital evidence as separate concerns. The study seeks to establish a normative framework for the exclusion of unlawfully obtained evidence in Indonesia, whether through physical abuse or obscure technological methods. It accomplishes this by amalgamating human rights

jurisprudence and utilizing comparative legal frameworks. This comprehensive approach not only fills a substantial knowledge void but also offers a forward-looking legal examination of the forthcoming digital justice system's ethical and procedural dilemmas. This research could change how Indonesians talk about evidence, lead to changes in the country's laws, and add to the global conversation about how to protect people's right to due process in the age of algorithmic policing and internet monitoring.

## II. RESEARCH METHODS

In order to investigate how Indonesian criminal procedure handles illegally obtained evidence, this study uses a normative legal research methodology based on a doctrinal approach. It incorporates statutory, comparative, and case-based analyses (Ismail et al., 2025). In this study, we use a statutory approach to analyze the relevant provisions of the Indonesian Criminal Procedure Code (KUHAP), the Constitution, and relevant human rights instruments, including the ICCPR and the CAT, which Indonesia has ratified. In order to find normative examples and best practices that could be applied to Indonesia, we also compare the laws of countries with established exclusionary doctrines, like the US, Germany, and rulings from the European Court of Human Rights. In addition, we expose the interpretation gaps and inconsistencies that need legislative change by analyzing selected judicial decisions from Indonesian courts to assess the practical application of concepts of evidential admissibility and coercion.

This study utilizes a diverse array of legal resources, encompassing primary sources such as legislation and constitutional provisions, alongside secondary sources including academic publications, commentaries, legal doctrine, international treaties, and judicial decisions. Irwansyah said that the

analytical approach is both prescriptive and critical because it helps find normative gaps and give practical legal solutions (Irwansyah, 2020). The research seeks to formulate a strategy for the exclusion of unlawfully obtained evidence within the Indonesian judicial system, particularly in cases of digital coercion. It accomplishes this via a systematic integration of normative theory and comparative practice. This approach aims to enhance judicial integrity, procedural equity, and compliance with international human rights obligations in a time when law enforcement increasingly relies on technology..

### **III. RESEARCH RESULTS AND ANALYSIS**

#### **A. The Philosophical Foundation of Evidence Admissibility in Criminal Justice**

Every criminal justice system has a basic conflict between finding objective truth and protecting due process. In this case, the admissibility of evidence protects both goals by making sure that the search for truth doesn't hurt the credibility of the legal system. This balance is important for both moral and technical reasons (Hillier & Dingwall, 2021). The concept of due process of law embodies a fundamental commitment to justice, respect, and the restraint of governmental power, enshrined in both national constitutions and international legal treaties. Laputigar assert that the integrity of the trial and the ethical foundation of justice are compromised when courts admit evidence obtained through physical or psychological coercion, regardless of whether it is digital or analog (Laputigar et al., 2024).

The issue of whether evidence obtained through coercion can be admitted into court raises fundamental issues of law enforcement and human rights protection that go beyond individual cases. The idea that the ends justify the means goes against the rule of law and encourages bad behavior in

investigations. Frankfurt posits that a consequentialist perspective elucidates the rationale behind a court system permitting such evidence: the transgression of rules is acceptable if it culminates in a conviction (Frankfurt, 2015). Kant's work is based on the idea that people should never be seen as means to an end but as ends in themselves. This line of reasoning goes against that idea. Equal protection under the law and institutional neutrality are essential components of Rawls's notion of justice as fairness, which is undermined by this. Exclusionary criteria are not merely procedural instruments; they constitute moral imperatives (Medina, 2024).

Legal philosophers like Lon Fuller say that just following the rules isn't enough to be lawful. You also have to follow the rules of openness, generalizability, and consistency. This consistency is compromised, rendering the law a vehicle for capriciousness when unlawfully obtained evidence is permitted in court, particularly in instances where the law is ambiguous or absent regarding such actions (Rundle, 2016). The absence of a clear exclusionary framework in Indonesia reflects a deeper philosophical uncertainty: the failure to recognize the individual as a rights-bearing subject, in a justice system that often prioritizes state authority over legal accountability. Suastuti discovered that institutional bias is exacerbated by cultural and historical factors that normalize confessions and diminish the importance of adversarial evidence evaluation (Suastuti et al., 2024).

Moreover, the presumption of innocence constitutes a fundamental principle mandating the prosecution to substantiate their case through lawful and ethical methods; this principle underpins the philosophical legitimacy of criminal adjudication. Illegal surveillance or coercion not only raises questions about the truth of the evidence, but it also puts the ethical responsibility on the accused to challenge the validity of the process. This shifting of blame hurts the

fairness of the courts and the presumption of innocence. These actions demonstrate a regression to authoritarian proceduralism and a repudiation of democratic liberal principles (Allen, 2021).

In this time of fast technological change, these worries have gotten deeper. Digital coercion is on the rise, and it includes things like surveillance, data manipulation, and algorithmic profiling. These methods show that there are power imbalances between the state and the person who is accused. Digital coercion, unlike overt torture, usually goes unnoticed by authorities and doesn't break any laws or rules. This calls for a philosophical reexamination of the concepts of permission, autonomy, and compulsion in the digital age, as they contest established legal classifications. It emphasizes the necessity for technologically-enhanced safeguards capable of adapting to non-physical forms of state coercion and necessitates a reevaluation of prevailing concepts (Goltz, 2020).

## **B. The Legal Framework of Evidence and the Prohibition of Coercion in Indonesia's Criminal Procedure Law**

The Criminal Procedure Code (KUHAP), which went into effect in 1981, has been the main set of laws that govern Indonesia's criminal procedure law. This code was made in a way that puts the power of the state and the success of investigations ahead of strong procedural protections for either defendants or suspects. KUHAP does not have a clear rule or law that says evidence gathered through illegal means, like coercion (Pangaribuan, 2025), can't be used in court. This is true even though there are some protections in place, like the right to an attorney and the presumption of innocence. The law's lack of clarity about whether or not such evidence can be used in court makes criminal trials less credible and fair because it lets procedural mistakes go unpunished. The

widening gap is even more concerning in light of contemporary issues such as the proliferation of digital surveillance, institutionalized torture, and maltreatment in prisons (Douglas-Jones Kc et al., 2023).

A major concern is how Indonesian law deals with confessions. Article 184 of KUHAP says that the defendant's statement is valid evidence, but it doesn't require a voluntariness test. Judges often accept confessions that were allegedly obtained through torture or psychological pressure without carefully looking into the circumstances surrounding their acquisition (Aprilianda et al., 2024). When there is no legal requirement to exclude forced confessions, both international human rights standards and basic evidentiary principles based on dependability and due process are broken. Indonesian courts often convict people based on their confessions because they are easy to work with for investigators (Sumardiana et al., 2024).

In addition to KUHAP, sectoral laws like the Anti-Corruption Law and the Information and Electronic Transactions Law (UU ITE) make evidentiary standards even harder to understand. According to "EIT Law at the Crossroads", these rules let digital evidence be used in a broad sense without having to show that it is legal or that it has been properly handled (Putra et al., 2024). When the line between legal surveillance and forced entry is not clear, and there are no clear rules for how to collect digital evidence, it is easier for people to abuse their power. Also, these laws often give law enforcement agencies the power to use their own judgment without clear rules for how the courts should oversee this power, which makes it easier for them to abuse it (Prayudi et al., 2020).

The absence of uniform case law regarding the admissibility of evidence exacerbates the situation (Arifin et al., 2024). Indonesian courts have had trouble with inconsistent rules about throwing out evidence that was obtained

illegally. This has led to decisions that are both unpredictable and disconnected. When deciding whether to let evidence in, courts often look at how relevant it is instead of whether it is legal or follows the right steps (Mansour Fallah, 2020). This shows that there is a deeper philosophical disagreement about the role of procedures in making sure justice is served, whether they are just formalities or something more important. Judges' discretion could lead to arbitrary decisions and further erode trust in the justice system if there isn't a clear and enforceable standard for what is acceptable (Meyerson & Mackenzie, 2018).

From a philosophical perspective, this situation exemplifies a positivist interpretation of law, wherein the notion of validity is associated with formal conformity rather than normative legitimacy. After years of authoritarian rule and strict judicial traditions, Indonesian law has not yet adopted the liberal democratic principle that a fair trial is important in and of itself, rather than just as a tool to find guilty people (Zaman et al., 2024). Institutional resistance to constraining state power in the interest of individual rights is evidenced by the continued absence of exclusionary doctrine. It also shows that people aren't interested in making domestic law fit with international law by looking at evidence norms through the lens of human dignity and legal ethics (Triyana, 2022).

For Indonesia to change its laws about evidence and coercion, it needs to move away from a model of procedural justice that focuses on the state and toward one that sees the individual as a subject with rights. This means that KUHAP needs to have a strong exclusionary rule, which means that the laws, methods of investigation, and training for judges all need to be updated. The first steps should be to set up a fair system for looking into claims of coercion, make digital surveillance harder to do, and require courts to check the truth of

evidence. Indonesia runs the risk of keeping a system that looks good on paper but is unfair in practice if these changes aren't made.

### **C. The Emergence of Digital Coercion in Law Enforcement Practices**

With the help of modern technology, police departments can collect and analyze evidence faster and on a larger scale than ever before. This can completely change the direction of a criminal case. However, this progress has led to the rise of a new, less obvious type of coercion: digital coercion. Saratov State Law Academy and Smushkin say that digital coercion is different from traditional physical abuse because it uses technology to change information systems, spy on people without their permission, make algorithmic profiles, and put psychological pressure on people (Saratov State Law Academy & Smushkin, 2023). These actions often occur without the defendant's knowledge or consent, raising significant moral and legal issues regarding personal freedom, voluntariness, and the evolving boundaries of state authority within the criminal justice system.

Digital coercion includes things like intercepting private messages without permission, getting into digital devices without permission, forcing people to give up their passwords, and putting psychological pressure on people by giving them a lot of information, some of which may have been gotten illegally. Digital monitoring is a form of oppression that is pervasive and invisible, which creates an imbalance of power between the state and the people (Juyal, 2023). A common way to get people to confess or cooperate is to make them think that the government has complete control over all relevant information. Barnes assert that conventional notions of free will and informed participation in the criminal justice system are undermined by this nuanced yet coercive environment (Barnes et al., 2024).

Indonesia's legal system still doesn't deal with the constantly changing ways that digital coercion happens. The Electronic Information and Transactions Law (UU ITE) and the Law on Interception in drug cases are two examples of laws that limit digital surveillance in certain situations. But right now, there is no system in place to make sure that these laws are not abused or that evidence gathered in this way follows constitutional and human rights standards. It is concerning that evidence obtained through questionable online methods is often admitted in court without any inquiry into its reliability, authenticity, or the degree of coercion employed to acquire it. This way, the courtroom becomes a place where mistakes made during the investigation can be explained (Huftron et al., 2024).

When defendants are politically sensitive or communities are weak, the lack of clear legal guidance can lead to too much investigation. Digital coercion, despite its capacity to violate human rights and inflict psychological harm equivalent to physical torture, has garnered insufficient attention and theoretical advancement. Digital coercion is challenging to substantiate and contest in legal proceedings due to the absence of visible harm or immediate trauma (Walklate & Fitz-Gibbon, 2019). So, it's up to the defendants to question the evidence's validity, even though they might not have the tools (like digital forensics or procedural transparency) to do it well. The trial is not fair because of this, and the presumption of innocence is no longer valid.

From a philosophical perspective, digital coercion represents the most recent advancement towards totalitarian regimes that systematically oppress individuals. In other words, the state can now act as an all-seeing eye thanks to digital tools. This means that it can change information and predict what people will do instead of physically stopping them (Capodivacca & Giacomini, 2024). This kind of power is built into how modern investigations are set up, which

makes it even more dangerous. The conventional safeguards of criminal procedure are insufficient to address the clandestine and pervasive nature of digital coercion in this context (Stoykova, 2021).

Legal theory says that the rise of digital coercion means we need to rethink what voluntariness, consent, and legality mean in terms of evidence. If the threshold of admissibility is to be based on the integrity of the judicial process, courts must adapt to the subtleties of digital pressure and recognize that coercion is not confined to physical actions. The European Union and Canada are looking into using ideas like the right to digital privacy and informational self-determination as possible procedural safeguards (Biasiotti et al., 2018). In Indonesia, defendants face structural and systemic injustices because the country has not done anything about the growing digital coercion. This puts its criminal evidence system at odds with modern human rights law.

Indonesian law needs to stop being reactive and start making rules that look to the future in order to deal with these problems directly. This framework should set rules and limits for how digital investigative methods can be used in the criminal justice system. This includes laws that set minimum levels for data collection, make it clear how digital evidence is collected, and train judges to judge how coercive digital practices are. Digital coercion also puts the fairness and legitimacy of the trial process in serious danger, which is something the courts need to start paying more attention to. If Indonesia wants its criminal justice system to protect human rights, due process, and the rule of law in the 21st century, it needs to recognize and deal with this problem at the level of laws and courts.

#### **D. Comparative Legal Models on the Exclusion of Illegally Obtained Evidence**

The acceptance of unlawfully obtained evidence, particularly through coercion, has historically posed normative and procedural difficulties for the legal systems of various countries. The comparative jurisprudence on this subject reveals disparate ideologies and practices. The exclusionary rule is a constitutional principle that stops the government from doing wrong in common law countries like the US. Under the principle of the toxic tree (Cammack, 2013), coerced confessions, evidence obtained through an illegal search, or any other evidence that comes from a crime are all not allowed. This philosophy sees procedural fairness as a basic requirement for valid state action, which shows that the law protects people's rights.

The American model, which comes from the Fourteenth and Fifth Amendments, got stronger with cases like *Miranda v. Arizona* and *Mapp v. Ohio*. These kinds of decisions make it clear that evidence obtained illegally cannot be used to support a case in court. Even though some people don't like it, the United States' exclusionary doctrine makes a strong moral statement about criminal justice: the ends don't justify the means (Turner, 2019). This approach puts the importance of the court system above the usefulness of evidence because liberal democratic countries are committed to protecting individual rights and the idea of judicial accountability.

Germany and other countries that follow civil law take a more balanced and nuanced approach. When deciding whether or not to let in evidence that was obtained illegally, German courts look at how serious the rights violation was in relation to the public interest in prosecuting the crime as a whole. The Federal Constitutional Court has upheld the exclusion of coerced confessions, particularly those obtained through torture or severe treatment, referencing the

principle of human dignity (*Menschenwürde*) as articulated in Article 1 of the Basic Law (Weigend, 2019). This approach integrates constitutional principles into procedural adjudication and maintains a rights-focused perspective, yet it is less stringent than the American model.

The European Court of Human Rights (ECHR) has helped the world agree that evidence that was forced cannot be used by interpreting Articles 6 (right to a fair trial) and 3 (prohibition of torture) of the European Convention on Human Rights. The Court's decisions in *Jalloh v. Germany* and *El Haski v. Belgium* (Martenet, 2024) say that using evidence obtained through torture or cruel treatment, no matter how true it is, makes the proceedings unfair. This is a moral stance: trials are inherently unjust because of certain kinds of government wrongdoing, no matter what the outcome is. The idea that the legality of legal processes depends on both the outcomes and the ethical nature of the methods employed is highlighted in the jurisprudence of the ECHR.

Indonesia can gain significant insights from these comparative models. At present, Indonesian criminal procedure lacks a systematic framework to exclude evidence obtained through illegal or coercive means. Sumardiana assert that courts often prioritize pragmatic considerations over normative constraints, exhibiting considerable discretion (Sumardiana et al., 2024). Indonesia risks normalizing procedural violations and undermining its constitutional commitment to due process unless it adopts and implements doctrines such as the German principle of proportionality or the American exclusionary rule. If clear and enforceable rules for excluding evidence were used in a way that was based on how other legal systems work, judicial decision-making would be much more fair, consistent, and accountable.

## **E. Human Rights Obligations and Indonesia's International Commitments**

Indonesia's commitments under international human rights law create a legally binding framework that directly sets procedural standards in the criminal justice system (Fernando et al., 2025). Indonesia must take proactive steps to make sure that evidence obtained through torture or other forms of coercion is both illegal and properly handled by its legal system in order to meet its obligations as a signatory to the ICCPR and the CAT (Pollard, 2020). Article 14 of the ICCPR guarantees the right to a fair trial, and Article 7 of the ICCPR forbids torture and cruel treatment. The General Comments of the UN Human Rights Committee and decisions by treaty organizations have strengthened these clauses, giving them legal weight and making them operational mandates (Heyns et al., 2020). "Any statement established to have been made as a result of torture shall not be invoked as evidence in any proceedings." This is a fundamental obligation arising from CAT, specifically under Article 15. This blanket ban comes from the fact that torture violates human dignity and completely destroys the credibility of the judicial system. Wąsek-Wiaderek says that the ban can't be lifted, not even in cases of national emergency or danger (Wąsek-Wiaderek, 2021). Indonesia has not followed important parts of international law, like customary law and *jus cogens*, because it has not set up a legal system that would not allow evidence gained by force. This is in addition to a lack of strength in the law.

Even though the accords have been ratified, the Indonesian government has not yet made the treaties' procedural effects into law. There is no clear judicial precedent or procedural norm in KUHAP that says evidence collected illegally must be thrown out. This shows that the national legal system doesn't care much about the exclusionary necessity of international law. Suastuti assert that this chasm results in a paradoxical scenario where international obligations

are acknowledged in theory yet neglected in practice (Suastuti et al., 2024). In its Concluding Observations on Indonesia, the UN Committee Against Torture emphasized the persistent and systemic issue regarding the lack of legal safeguards against the use of coerced evidence. This lack of action from the courts shows that there is a bigger resistance to including human rights standards in the way that cases are handled.

This conflict illustrates the distinction between formal ratification and substantive change. When a treaty is ratified without changing the legal culture and procedural structures that give it meaning, David Kennedy calls it "human rights without conviction." The Indonesian situation exemplifies this trend, illustrating how institutions formally acknowledge international norms yet fail to implement them (Sidharta, 2018). These standards are mostly meaningless without the involvement of the courts, legal education, and clear doctrine. According to human rights theory (Espósito, 2023), this is an example of norm internalization gone wrong because legal duties don't lead to legally binding rights and remedies.

This is a big problem for people who are accused of crimes, especially for people who are on the fringes of society, political dissidents, and people who don't have a lawyer. These people are more likely to be forced to do things. The acceptance of evidence compromised by unlawful surveillance or torture by courts not only legitimizes investigatory misconduct but also denies victims a viable remedy (Bell, 2019). The state is not doing its job to stop torture and make sure that its effects don't affect the courts. González Pinto also says that these tactics make procedural shortcuts seem normal, encourage a culture of impunity among police, and make people less likely to trust the judicial system (González Pinto, 2022).

## **F. Reconstructing a Rights-Based Evidentiary Doctrine for Indonesia**

For Indonesia's evidentiary doctrine to be rebuilt, it needs to move from a loose, state-centered model to a rights-based procedural one. Indonesian criminal procedure lacks the requisite normative framework to protect individuals from the misuse of state power, particularly concerning evidence obtained through coercion. Due to this lack of doctrine, confessions have become standard evidence. This has made it possible to get them without questioning their legality or voluntariness (Sumardiana et al., 2024). A rights-based approach would make the state show that its methods for gathering evidence are fair and legal by putting the focus on people's rights. This would make the criminal justice system's pillars of justice and the presumption of innocence stronger (Meernik & King, 2021).

The formal incorporation of an exclusionary rule into the Criminal Procedure Code (KUHAP) is essential to this doctrinal shift. According to the toxic tree doctrine, this kind of rule should let derived evidence in and not let evidence gotten through torture or illegal coercion in. It is morally and constitutionally important to make sure that the courts don't make state wrongdoing legal, and this exclusion must work regardless of whether the evidence is true or not (Son, 2024). Exclusion is primarily used to stop injustice from happening through methods that make the legal system seem less reliable, not to stop the search for justice. In this context, the exclusionary doctrine serves two purposes: it is a structural protection that is important for upholding the rule of law, and it is a judicial remedy.

The establishment of procedural mechanisms to assess the validity of evidence prior to trial is a crucial aspect of evidentiary reform, which also requires formal codification. This includes pre-trial hearings that deal specifically with the issue of whether evidence collection was affected, illegal,

or a violation of rights. These hearings must be adversarial, open, and appealable to prevent the trial process from being permanently damaged and to ensure that procedures are followed (Sumardiana et al., 2024). Without these protections, courts risk making decisions based on false information, which could lead to unfair and illegal miscarriages of justice.

The principles and human rights outlined in the constitution should also guide how judges use their discretion. You need to be able to use your judgment to make decisions based on the situation, but you shouldn't do so without thinking. To determine the necessity of exclusion, courts should utilize normative factors, including the severity of the breach, the investigator's intentions, the impact on the accused's rights, and the availability of alternative evidence (Sales, 2024). These principles can be influenced by comparative jurisprudence while being adapted to Indonesia's distinct legal culture and institutional capacities. The key is to use discretion to make fair decisions, not to let people off too easily.

Because digital coercion is becoming more common, it is important to deal with this problem by putting in place technology safeguards and oversight measures. This means making clear laws about how digital evidence can be collected, requiring court approval for intrusive monitoring methods, setting rules for how to keep electronic data safe, and doing fair forensic audits. In today's world, coercion has changed from physical violence to digital, algorithmic, and often undetectable forms. The law needs to reflect this. Without rules in these areas, abuse can happen on a large scale, and the legal system can be easily manipulated by unknown technologies and limitless investigative powers. A theory of evidence based on human rights is necessary because it is visionary, tech-savvy, and morally sound.

Finally, changes in doctrine must be followed by changes in institutions and legal education. Schools that teach the law, the courts, and the prosecution need to change their curriculums to focus more on the ethical and procedural parts of evidential law. Judges and prosecutors need to learn about the philosophical and human rights ideas that back up the rules of admissibility, as well as the technical standards. Legal cultures that ignore the need for strict procedures and let investigators take shortcuts can't support the idea of evidentiary rights. To rebuild Indonesia's evidential framework, which is more than just a matter of writing laws, we need to change the way we think about the relationship between law, power, and justice in the criminal process..

#### IV. CONCLUSIONS

This study demonstrates that Indonesia's criminal procedure law is devoid of a coherent rights-based evidentiary doctrine, permitting the systematic and insufficient acceptance of evidence acquired through physical coercion and progressively advanced methods of digital manipulation. Through philosophical, comparative, and normative legal analyses, it is evident that Indonesia's dependence on confessions, absence of exclusionary safeguards, and judicial leniency compromise the constitutional guarantee of due process and the state's international human rights obligations. The research indicates that a structural threat to procedural integrity and voluntariness in the digital age is digital coercion, evidenced by algorithmic intimidation, opaque surveillance, and unlawful data extraction. These findings underscore the necessity of regulating the truth production process within adversarial systems in alignment with the principles of procedural fairness.

This study offers a normative framework for exclusion that integrates human rights philosophy, comparative jurisprudence, and the local legal

context. It characterizes digital coercion as a contemporary manifestation of evidential abuse. To stop digital abuse, the report says that Indonesia's KUHAP should have pre-trial evidentiary assessments, court control of surveillance, and an immediate implementation of an express exclusionary rule. Future research should focus on the public's perceptions of procedural fairness, the empirical dimensions of evidential coercion in Indonesian courts, and the impact of emerging technologies, such as AI interrogation and predictive policing, on evidentiary power dynamics. According to the message sent to policymakers, Indonesia runs the risk of increasing legal cynicism and undermining the legitimacy of its criminal justice system unless it reconstructs evidentiary doctrine through a rights-based lens..

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