

Authority Of Polri Investigators in The Criminal Justice System in Indonesia

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Abstract. The National Indonesian police are tasked with enforcing the country's laws. (Polri) as one of the institutions that carry out the function of public services, which has the function of maintaining public order and security as well as legal protection and protection. Realizing formal law enforcement as well as material law in order to create security and order institutionally is carried out based on a Criminal Justice System (SPP) which is a process based on stages involving institutions of Investigation, Prosecution, Judiciary, Correctional Institutions and Legal Protection against suspected communities. violate the law played by the advocate institution. During the investigation stage, this authority is the responsibility of the National Police. For this reason, the problem related to the title of this paper, how is the authority of the police investigation in the criminal justice system in Indonesia?

Keywords: Investigator's Authority

1 Introduction

Since the reformation era in 1998/1999, one of the responsive and progressive changes in the institutional separation between the Indonesian National Armed Forces (Polri) and Indonesian National Police (Polri) (TNI) is regulated by Presidential Instruction No. 2 of 1999 and TAP MPR. Number 6 of 2000 concerning the separation of the National Police from the TNI, which is also reinforced by TAP MPR Number 7 of 2000 concerning the Role of the TNI and Polri in the Indonesian National Police.

The Indonesian National Police (Polri) as one of the institutions that The performance of a professional and reliable unit in its field is essential to carry out the function of public services in order to provide the finest volunteer work in the community According to According to Article 13 of Law No. 2 of 2002 on the National Police of the Republic of Indonesia, the National Police of the Republic of Indonesia is responsible for maintaining public security and order, upholding the law, and providing protection, shelter, and other services and public service.

Furthermore, the State Police of the Republic of Indonesia is entrusted with conducting investigations and investigations into all criminal crimes under the legislation on criminal

procedure and other laws and regulations in order to carry out the major functions alluded to in Article 13. This is based on Law Number 2 of 2002, Article 14 paragraph (1) letter g. [1]

In Indonesia, realizing formal law enforcement and material law to create security and order institutionally is carried out based on a Criminal Justice System (SPP) which is a process based on stages involving institutions of Investigation, Prosecution, Judiciary, Correctional Institutions, and Legal Protection against people who are suspected of violating the law played by the Advocate institution.

The Criminal Justice System as a large system involving these 5 institutions, interacts with each other to achieve one goal, namely seeking truth and material justice as is the spirit and spirit of the Criminal Procedure Code (KUHAP). Criminal Procedural law in the context of criminal law enforcement is a broad reference that all those participating in the Criminal Justice System's working process must use as a guide to achieve a common goal.

The criminal justice system's procedure System begins with the suspicion of a criminal event (criminal act) and begins an investigation and investigation. Investigation and investigation are a series of actions that cannot be separated, although the stages are different. The court's decision was based on the Criminal Procedure Code's provisions investigation stages can be carried out by Polri investigators.

The problems raised in this paper are; What is the police investigation authority in the criminal justice system in Indonesia?

2 Discussion

Law Number The Article 8 of the Criminal Procedure Code, enacted in 1981, assigns the job of investigating and investigating criminal crimes (in general) within the realm of public law to the National Police of Indonesia It implies that the cops are on the case have the authority, under the Criminal Procedure Code, to conduct investigations and investigations into all criminal activities Code also authorizes certain PPNS to conduct investigations following the special powers granted by the law on the legal basis for each.

The KUHAP-based integrated law enforcement system Whatever we have thus far follows the principle of a compartment system, which divides the tasks and authority of investigating, prosecuting, and examining in court, as well as implementing integrated court rulings and decisions, resulting in an integrated criminal justice system.

In carrying out law enforcement, if law enforcement officials are unable to demonstrate their capabilities, the community will look for another solution or what is called an Alternative Dispute Resolution (ADR). Radical views of society will judge problems that arise so that a chaotic situation will occur because they do not go through an existing legal route is happens because they think that the judiciary is no longer trusted.

Apart from being the investigation process is the most important stage in the criminal justice system, where the investigator, as a supervisor and coordinator for PPNS investigators, oversees and coordinates the inquiry plays a critical role investigation duty entrusted to the National Police is extremely difficult. With the adoption of reforms in all aspects of life in Indonesia, the complexity of Polri investigators' responsibilities is expanding. Investigators must also follow the Human Rights Act (HAM) when investigating someone accused of committing a crime.

Investigative activities are enforcement activities/ Examining, settling, and submitting case files are all things that must be done under duress. The investigation cannot be carried out in accordance with the Criminal Procedure Code, causing various kinds of problems when the investigation process is ongoing.

In this case, the investigation process starts from Investigators/assistant investigators took every effort or action step in order for the acts to function successfully and efficiently in the context of law enforcement, from making police reports, investigations, summons, arrests, detention, searches, confiscations, exams, filings, and the submission of case files, suspects, and evidence (P-21).

An investigation is the initial the working of the criminal justice system (SPP) mechanism or a stage of the criminal law enforcement procedure. The examination plays a critical and strategic role in determining whether the subsequent criminal law enforcement process succeeds or fails. The success of the Public Prosecutor will be determined by how well the investigation is carried out carrying out prosecutions and subsequently provide convenience for judges to explore/find material truths in examining and adjudicating at trial.

According to "An investigation is a sequence of investigators' acts in terms of and according to the manner prescribed in this law to seek and gather evidence that with that evidence makes clear about the crime that occurred and to discover the suspect," says Article 1 Number 2 of the Criminal Procedure Code. [2]

Investigation activities are coercive measures that include activities to make summons, arrest, search, and confiscate. Activities in the prosecution limit the freedom of a person's rights and roles. In carrying out investigative activities, the legal norms and provisions governing such actions must be taken into account.

The investigation is a preliminary/preliminary examination (vooronderzoek) which should emphasize the search or collection of "factual evidence" of arrests and searches, even if necessary it can be followed by the detention of suspects and confiscation of goods or materials that are suspected to be closely related with the crime that occurred.[3] An investigation is a follow-up to investigative activities with strict requirements and restrictions on the use of coercive measures after sufficient preliminary evidence is collected to shed light on an occurrence that has a reasonable chance of being a criminal act. [4]

The investigation is to look for and gather proof, at the first stage, must be able to provide conviction, although it is still temporary, to the public prosecutor about what happened or about what criminal acts have been committed and who the suspects are. Investigations are carried out for the sake of the judiciary, particularly for the purpose of prosecution, i.e. deciding whether or not someone has committed a crime not a particular activity or act can be charged.

Concretely, the act called an investigation can be particular as an action taken by an investigator to obtain information about:

1. What crime has been committed,
2. When was the crime committed,
3. Where was the crime committed,
4. With what was crime committed,
5. How was the crime committed,
6. Why was the crime committed, and
7. Who made or committed the crime. [5]

Investigation as the most important part of the Criminal Procedure Law which in its implementation often has to offend the dignity of the individual in suspicion is sometimes obliged do. A crucial motto in the law of Criminal Procedure is that the essence of criminal cases investigation is to clarify the problem while avoiding the innocent person from the action that should be charged against him. A series of investigative deeds are all actions in the name of law carried out by Police Investigators, ranging from summons, examination, arrest, detention, seizure, and other activities regulated in the provisions of law, and operative legislation until the investigation process is declared completed.

The investigation can begin to be carried out since the issuance of the Order of Commencement of Investigation (SPDP) issued by the authorized official in the investigating agency, where the investigator has received a report on the occurrence of a criminal incident. Based on the warrant, the investigator can perform his duties and authority by using investigation tactics and techniques based on KUHAP so that the investigation can run smoothly and the necessary evidence can be collected when the investigation process has begun, then the investigator must notify the prosecutor as soon as possible.

The activities carried out under the authority of the investigator in the investigative procedure is described in Article 1 Number 2 of the Criminal Procedure Code as follows:

2.1 Arrest

"Arrest" is defined as "a If there is sufficient evidence for investigation or prosecution, and the judiciary in matters as an investigator's action and according to the method regulated in this law regulated in Articles 18 to 19 of the Criminal Procedure Code, a suspect's or defendant's freedom may be temporarily restrained." according to Article 1 paragraph 20 of the Criminal Procedure Code and is carried out for investigation or the investigation purpose.

2.2 Rummage

A house search, according to The Article 1 paragraph 17 of the Criminal Procedure Code is the act of an investigator entering a residential dwelling or other closed place to conduct inspections, confiscation, or arrest in the case and according to the procedure outlined in the law.

2.3 Foreclosure

A house search, according to The Criminal Procedure Code's Article 1 paragraph 17 act of an investigator entering a residential dwelling or other closed place to conduct inspections, confiscation, or arrest in the case and according to the procedure outlined in the law.

Confiscation of evidence is regulated in Articles 38 to 46 Investigators can only seize evidence with the permission of the local District Court's Chief Judge, in accordance with section of the Criminal Procedure Code.

2.4 Inspection

Examination activities are one of the activities of investigators/assistant investigators to obtain information and clarity about to complete the case file, criminal activities that occurred are noted in the examination minutes. Both witnesses and suspects were subjected to interrogation. Examining a suspect with the presence of a lawyer is a material condition governed by the Criminal Procedure Code.

2.5 Detention

According to "Detention" is described as "an investigator, public prosecutor, or judge places a suspect or defendant in a specific area based on his determination, in terms of and according to the Criminal Procedure Code." method specified by this legislation." Considerations and provisions regarding the detention of suspects are regulated in Articles 20 to 31 of the Criminal Procedure Code.

2.6 Case File Submission to the Prosecutor

If the investigator has completed the investigation, he or she is required by the Criminal Procedure Code's Article 8 to send the case file to the public prosecutor as soon as practicable.

Case file completion and submission is divided into two stages: first, the investigator submits the case file, and if it is deemed complete, the investigator submits responsibility for the suspect and evidence. This activity is the end Investigators are in charge of the criminal investigation procedure.

The entire investigation process that has been carried out by the National Police Investigator will then be continued by the Prosecutor's Office in terms of preparing the prosecution to be submitted in a court trial and subsequently the sentencing of the accused, all of which takes place in a in the context of enforcing the law, The criminal justice system is a complex structure and criminal law is used.

The criminal justice system is a societal mechanism for dealing with crime. Tackling is an effort to bring crime within acceptable limits by resolving the majority of reports and complaints from community members who have been victims of crime, as well as bringing perpetrators of crimes to court to be found guilty and sentenced, among other things, such as preventing the occurrence of victims of crime and preventing perpetrators from repeating their crimes.

Criminal justice is referred to as a system because it includes subsystems that assist the criminal justice process, such as crime control, which includes the police, prosecutors, courts, and prison convicts. Within the framework of this understanding, the police, prosecutors, courts, and prisons are elements that build the system. Each of them is independent and does a different job, but are still only elements of one system, namely the criminal justice system.

The Criminal Procedure Code's integrated criminal justice system serves as the framework for the criminal justice system. justice process that works well and provides legal protection for the dignity of suspects, defendants, or convicts as human beings. The The Criminal Procedure Code established a criminal justice system involves an examination subsystem in court proceedings and a subsystem for implementing court decisions. Each of these subsystems in the Criminal Procedure Code is carried out by institutions of the Police (investigation subsystem), Prosecutors (prosecution subsystem), Courts (trial examination subsystem), and Correctional Institutions (implementation subsystem of court decisions).

Integration in the criminal justice system is more aimed at cooperation and coordination between one subsystem with other subsystems with the principle of unity in diversity. Each subsystem in the criminal justice system plays a specific role in crime prevention, by mobilizing all the potential (members and resources) that exist within their respective institutions. However, the activities of this subsystem must be directed at achieving the common goals that have been set out in the design of the crime prevention policy.

3 Conclusion

In essence, the criminal justice system is a network of justice that uses criminal law as its primary means, both material criminal and formal criminal law. The implementation of criminal law contains a systemic movement of its supporting components, namely the police, prosecutors, courts, and correctional facilities.

The legal actions that lead to the presence or absence of a criminal event, which can then be proven within the framework of providing legal protection and legal certainty to the community are the investigation conducted by the Polri Investigators. Legal actions and efforts as a whole and totality try to transform inputs into outputs that are the targets of the work of this justice system, namely short-term targets are resocialization of perpetrators, crimes, long-term crime prevention goals and medium-term crime prevention aims as final goals is social welfare.

References

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