

The Deviant Behavior of The Investigators in Using of Forced Efforts as Learned and Maintained Behavior

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Abstract. The author conducts research especially on the use and abuse of forced effort by investigators. This research was done qualitatively for twelve years through respondents, Polri officials, both of those who were still in service or not, those who had dealt with Polri investigators as suspects in a criminal case, and University students from the Faculty of Law in Semarang. The use of forced efforts and even the abuse can run continuously because the investigators have studied it and defended it. This can occur due to several reasons, including lack of professionalism of investigators and infrastructure and funds to carry out investigations in criminal cases; in using the investigator forced efforts without paying any attention to the consequences or the negative side of the use of it for others and also in the end for themselves; they are also no longer able to control the consequences of their actions which can be harmful and unpleasant; what they have done before, in the form of this deviant behavior, has also been strengthened to be done again through the ease of their work activities and the various benefits that can be obtained through the use and abused of such forced efforts. This is following the Differential Enforcement theory submitted by Burgess and Akers. The essence of the basic understanding of this theory can be said to continue the essence of Sutherland's basic understanding of the theory of Differential Association regarding learning about crime.

Keywords: defiant behavior, abuse of forced effort, differential association

1 Introduction

The research results that the author conducted can show that the lack of funds in carrying out the task of investigating criminal cases in the criminal investigation unit makes the use of forced effort does not aim to clear cases. The use of it tends to get financial benefits from the detective units; The motivation could be for the benefit of the concerned unit or the benefit of the police organization as a whole or the investigating officers themselves.¹

There is a presumption or more precisely as a "justification excuse" stated by the investigators themselves that this is a kind of discretion that is necessary and intended to sustain the activities that must be carried out by the investigators. Although if the case was studied based on Article 18 paragraph (1) of Law Number 2/2002 concerning the Indonesian National Police, it cannot be classified as an act of discretion; which requires -as the law explanation-, that "the meaning of the officer of the National Police" is act according to the judgment itself", that the action should be consideration of the benefits and risks of the actions mentioned. Besides, it should also be really for the sake of the public interest; not for the sake of the interests of the investigator himself and the environment at the time.

The process of investigation which became the primary task in the police, recognized in general and scientific quite difficult to do. The investigators are required to "visualize" the contents of the abstract of the article to apply it for the real action of somebody who is considered as deviant, then to analyze the real actions and to qualify whether this action exactly xcles that expend much-thinking energy and physical energy need capabilities such as strength and physical endurance and the investigators mental of the criminal detective. They've also expected to have the intellectuality that is adequate that at least the same or even more than the average of the suspects, members of the society, as well as members of the police on the other functions of the police. For the sake of their professionalism, the police who were assigned as an investigator, recently he/she is usually given special education addition (short course) about detectives/investigations; which was held for the Police in Megamendung, Puncak area, West Java.

¹ It needs to be understood that the investigation of a criminal case is not only carried out within the work environment of the Police criminal investigation unit but is also carried out within the police traffic task force; especially in the traffic accident investigation.

It was not easy the core of the process of investigation of the criminal case, so at least in the era before independence, these investigations have become the domain of the prosecutor who relatively considered has higher intellectuality compared with average members of the police who exist at that time, which only considered as assistant / assistant prosecutor (hulp' magistraat). Therefore, no wonder if most of the investigators -especially the youth/ new officer- are evaluated less professionally and less expert. It is also often compounded by the presence of work mutation for the personnel of the police; both function and place; which results in a lack of focus on their work and learning about their work to learn more about their work following their police function. What should be known later, related to the professionalism of the investigators which is still evaluated lack of adequate, it is not surprising if in carrying out their duties they choose a shortcut way. The way for making easier the process of the investigation, they commit several deviant actions, including the abuse of forced efforts. Meanwhile, frequently what the investigators have done, has been able to be qualified as a violation of the law (criminal). Because they have violated various rules or articles of the penal law. For example, at least against Article 418 of the Criminal Law Code and another article in KUHP maybe even articles in the Corruption Act. Besides that, the related actions can also be regarded against Articles 6, 7, 9, and 10 of Law Number 12/2005 concerning the Ratification of the International Covenant on Civil and Political Rights.

The deviation or violations of law committed by the law enforcer, without any scientific study has already been understandable by members of the public at large because it is a common public secret; especially, for those who have dealt with investigators. But as a layman who is not involved in the scientific world and law, will face difficulties to identify and explain who a member of the investigator was, both from a personal side and his task, and his function in his position; what is the meaning of the forced effort in the CJS, as well as for humans and the community at large in general, how the behavior of the investigators in using the forced force was entrusted to them, and why the behavior could occur and look like what it is; those when the forced effort was constantly or repeatedly being abused

How can forced efforts be used continuously by the investigators, even they can abuse? In this article, the subject or any issues will try to answer and explain.

2 Result and Discussion

Psychologists have assumed that the constancy of behavior mainly depends on the consistency of the trends that become a background of somebody to behave in certain ways and situations. [1] Furthermore, David P. Farrington adds that these trends are termed as behaviors or personal personalities, such as impulsivity (more intuitive), the pursuit of pleasure, assertiveness, simplicity/humility, and obedience. [1]

Compliance with the boss in an organization that is still said tends to semi- militaristic, which in this study shows that may have influence that very significant for the building of behavior of the police investigators in Indonesia.² The consistency of this compliance also forms "consistency" of investigators' behavior.

According to Edwin H. Sutherland that: "*Criminology is the body of knowledge regarding crime as a social phenomenon*"³, [2] so if the crime is regarding as a social phenomenon, the social environment also becomes a factor that greatly influences why a person can have certain behaviors, including criminal behavior. Based on the theory of Differential Association, that is stated by him, so Sutherland ~~evaluate~~ evaluates that based on social background, somebody learns criminal behavior; thus, he strongly against the resulting study about contemporary behavior; even more, it is received instantly/suddenly. Because according to him, criminal behavior is learned behavior. [2]

If such explanation is accepted, it will raise various, among others :

1. How is the learning process in the environment of the investigator?
2. What things are actually learned?

Related to the knowledge at the time, for example when he builds his theory, there has not been available a recording device that is widely owned by individuals, even televisions that can be enjoyed continuously in the house, is not also not available yet, so Sutherland speculated that learning occurs in a

² The atmosphere of militaristic working life among members of the National Police can at least be seen by the designation "ndan" which means "commander" for each of their superiors; this brings signals and a climate of subordinates' obedience to their superiors.

³ Sutherland, Edwin H. and Donald R. Cressey, *Principles of Criminology*, 6th edition, (Chicago: JB. Lippincott Company, 1960), p. 3

close social group; then the behavior is obtained through an association that exists between the members of the group, instead of through the display of media electronics.

From the results of the study, it is found that the members of the police investigators at the beginning joined the criminal detectives' unit, are not accustomed to using forced effort. It is following the statement of one of the informants, who had stated that at the beginning he also did to have a heart and not be able to receive the treatment of his colleagues against the examinee/suspects; although after that he admitted that he was considered as the most sadistic member of the criminal investigator in his unit, at Semarang City Police. The results of the learning process in the units do not only make them skilled in using forced effort but the behavior that they received more following the behavior of the most person in their unit. So, when the surroundings (in the unit) have been accustomed to abuse forced effort, that also means violence of law, which as illegal abuses of public power, so the behavior also becomes learning for them, to be able to behave like his surrounding. If the behavior is learned as usual, so the behavior that against the norm of law (criminal), in essence, can also be learned by means that are no different.

It is shown in the earlier description, that the change of behavior is so strongly influenced and shaped by the "power" and "tradition" environment; in this case, is the environment in the criminal investigation unit at any level of any territory.

So - once again - the behavior of criminals is a learned behavior. This behavior is learned in interaction with others through the communication process. [2]It means the process of studying through somebody association with others in the community or any certain group. In groups of private are intimate among the investigators in the unit, studied the criminal behavior; and this is also one of the parts of the most important of the learning process, [2]which experienced by the investigators. It makes them have a behavior that can be categorized as deviant. The more important thing is that in their environment the investigators act based on their understanding of the violation of the law, which exceeds their understanding of the compliance of the law. [2]

So, the behavior of the investigators is determined by their work environment, mainly in their criminal detectives unit which can be intertwined intimate relationship among the members of the criminal detective in their environment.

As what David Matza expressed, the concept of change is slow in the process of cognitive (read: the direct process of thought, concrete and spontaneous) by rejecting their loss caused by the investigators and refusing responsible and showing that they dare as an offender, investigators are already learned to conduct a certain police social role. [1] This is a social role that in essence does not correspond anymore to the role that is expected by society to be actualized (the ideal role). The investigators are doing a certain social role to actualize criminal behavior, which started from trying bit -by- bit.

An effort in understanding investigators' behavior when conducting their duties, especially when they use forced effort that can be seen as deviant behavior deviates even criminals, indicates that the learning process is part of the most basic in the process of forming a deviant behavior.

If following the opinion of the EM Lemert about forms of deviant behavior, considering that the work system in the ranks still shows the militaristic impression, with the work orientation that is just a command of his superiors as well as the lack of source; [3]besides, it was also because of a lack of the investigators' professionalism and the pressure of the task to finish the work that certainly had not been easy, added by the fact of the lack of energy due to lack of funds, that also means they should look for themselves by many ways that can be done, so it will cause stress or pressure in their work situation/condition. Then all of this make the investigators do what is referred to situational deviation. But the investigators are not just limited to the situational deviation. Because by displacing the goal of the use of forced effort and manipulate the cases handled, means that it has already been existing the psychologic elaboration in the investigators. Because the investigators' behaviors have also already been known and even allowed by the entire members that exist in the unit even up to the superior of the top leader , in fact - within the certain limitation - also let it happen, so when the behavior is actualized among the rules of law (Criminal Procedure Code) and it also means being organized in the sub-culture of detectives, this means that the deviance can be called and becomes systematic deviation.

Before the description of the deviation is continued, it should present here, that effort to manipulate a case and attempt to displace the goal by using forced effort by the investigators successfully because it is related with the reality of fear that consciously or unconsciously the examinee/suspects against the imposition and the possibility of the imposition of a forced effort against himself. As it is known, forced efforts which can also be felt like a punishment, that is a sorrow and a severely painful, distressing, suffering, scary and at the same time be deter, although it can also be evaluated as a tool for education. In line with the statement of Prof. Sudarto, which are briefly identified the punishment as suffering that is intentionally charged to the person who committed the act that fulfills a certain condition. [4] Therefore, that's the

examinee or even suspect that fear to be imposed the punishment / forced effort, are consciously or even unconsciously trying as much as possible to avoid it. For example, bribing investigators. It makes "facilitate" the investigator abuse the forced effort.

Realizing that the investigators have arranged a psychological characteristic around his roles actualizing his deviant act, so it remains to refer to Lemert [5]- which can also be mentioned as an architect of the perspective of labeling in Criminology - the investigators can also be told that they have conducted secondary deviance. This secondary deviance is a deviant that can be considered as the highest level of deviance. It means it is not easy to be avoided or to be changed. Therefore, they no longer be called just conducting primary deviance. Because what they have done was not beginning action and it is not also a violation that can be considered by them, arise due to a various thing (which are suddenly and temporarily) and it is not regarded by them as an actor, have meaning for their personality. How and why do the investigators arrange the characteristics of their psychology around their role as law enforcers and crime rider, but they commit deviant behavior? Needs to be added that the person doing the crime was due to have the behavior of criminals who studied and the behavior of role. As stated by Robert Burgess and Ronald Akers in Differential Reinforcement Theory - that no other can be said to proceed and clicking stronger right theory Differential Association, that the behavior of criminals is a behavior that is learned, which is a function of the consequences that produced and perceived meaningful to somebody (criminal). But they commit a deviant behavior?

How and why do the investigators arrange the characteristics of their psyche around their role as law enforcers and crime raiders, but they commit a deviant behavior? Before explaining and discussing furthermore to this matter, one needs to add that somebody commits a crime because he/she has criminal behavior that is learned and it is a role behavior. As stated by Robert Burgess and Ronald Akers in their Differential Reinforcement Theory which the essential meaning can also be said to continue and strengthen the Differential Association Theory that criminal behavior is a learning behavior. That is the function of consequences produced and felt meaningful for a criminal.

This means that when an investigator feels the consequences or result that please him after he did the actions that it deviates, namely abusing forced effort, he tends to repeat it. So also, the reverse. So, the consequences of the behavior deviant who conducted by investigators that - in terms of the fun - will determine how far or how much he will repeat the behavior of those later. It is following the explanation Skinner, that the behavior which the responses of a person not to be due or generated by the stimulus (the pass), but that is highly influenced by the effects of the responses it themselves (reinforcement). [6]The Explanation of the psychologist strengthens the opinion that the deviant behavior of the investigators is highly influenced by the realm, socio-psychology. It is a part of traditional studies of criminology according to Positivism.

As known before, the investigators have often got the results of what they have done that beneficial and enjoyable for the interest of their duties implementation, as well as the interests of his own by abusing forced efforts. For example, those who were dealing with the law enforcement will provide some funds so that forced effort doesn't subject to him, or even to revoke that is imposed on him. The forced efforts that become "lucrative" (can make money) obviously will be done repeatedly by an investigator, because he feels that it can help to fulfill their needs (both in his work and personal) and simultaneously benefit them. From this point of view of the theory, the criminal behavior of an investigator can also be explained from their history of the strengthening individual in the implementation of their duties in the criminal detective unit.

From the whole description above, in short, can be delivered that what investigators learned is deviate behavioral and as an effect or a result that is obtaine. If it is stated that the investigators' behavior - primary in using forced effort - is the result of learned behavior, so this is a reality as stated by Sutherland in his The Differential Association theory. It supports the reality that such behavior is the result of learning (in criminal detectives environment) in interaction with others (a fellow member of detectives unit) through the communication process. [2] Furthermore, if the learning process is pushed or strengthened, so that learned behavior can be done repeatedly, so it can be explained and in accordance to the "*Differential Reinforcement*" theory by Burgess and Akers, which states that:

"A criminal act occurs in an environment in which in the past the actor has been reinforced for being in this manner, and the aversive consequences attached to the behavior have been of such a nature that they do not control or prevent the response".

As a result, the actor will conduct it repeatedly without regarding anymore the result of his action which may be able to harm him; nor he attempts and is unable to control the unpleasant consequence of his behavior. So that the actor will continue to do the same actions or remain to behave the same. That is the description in the realm of social psychology- that can explain why the deviant behavior through abuse of forced effort by the investigators to be done again and again.

3. Conclusion

Based on the whole description above, it can be concluded that the deviate behavior which often conducted by the investigators of criminal cases - with abusing forced effort in the process of conducting of his duty -, due to:

1. besides lack of professionalism of the investigator and the lack of the infrastructure and their operational fund, also the important one - because from "social psychologic" they have experienced a learning process to do the deviations in their work environment;
2. to carry out their actions the investigators without paying attention to the result, which may be able to harm them;
3. in addition, they have not also been able to control the result of their actions that can harm them and be inconvenient;
4. Moreover what they did previously (deviate behavior) has also been strengthened to do more through the ease of their work activities and various advantages that can be obtained by doing the deviate behavior, through the use and abuse of forced efforts.

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