

EFFORTS TO BUILD THE INTEGRITY OF INVESTIGATORS TO REALIZE JUST LAW ENFORCEMENT

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ABSTRACT

Efforts to strengthen the integrity of Indonesian National Police investigators should be focused on improving the quality of the investigators, increasing their awareness and compliance, improving the supporting facilities, building public understanding about the roles of Indonesian police investigators in law enforcement, building the commitment of the police leaders, collaborating with the National Police Commission and the mass media, and increasing the motivation and dedication of the Military Police Corps. The Indonesian National Police should enforce the law against non-independent investigators and maintain cooperative relationships with external control agencies. In addition, sanctions against violation of investigators' oath of office should be enforced. The integrity of the Indonesian National Police is a solid foundation for the realization of good governance and clean government, which in turn will strengthen the image of police investigators.

Keywords: Integrity, Investigators, Law Enforcement, Just

INTRODUCTION

Law enforcement can be understood in the framework of three major concepts, namely total enforcement, which demands that all values underlying the legal norms be enforced without any exception; full enforcement, highlighting an awareness that the concept of total enforcement needs to be limited by procedural law and the equivalent laws for the protection of individual interests; and actual enforcement, which emerged after a perceived discretion in law enforcement due to limitations in terms of facilities and infrastructure, quality of human resources, quality of legislation, and the lack of public participation (Edi-Setiadi, 2002).

Police investigators are currently experiencing various problems in law enforcement. What is recently in the public spotlight is the large number of unresolved cases, especially those involving the authorities. With unresolved cases, police investigators are faced with a large number of cases waiting to be resolved. The public will judge that the unresolved cases disturb their sense of justice and make them lose trust in the Police, without trying to find out the main cause of the problem.

The public spotlight is the unclear resolution of many cases, especially those involving the authorities. The unresolved cases will disturb the people's sense of justice, which in this context refers to equal freedom for individuals to fight for their own goals. The boundary of this freedom is guarded by law enforcers, and this gives the enforcers power over everyone's freedom (Durahman, 2016). Eventually it will result in a loss of trust of the people in the Police, without

people trying to find out the main cause of the problems faced by the Police. Against this backdrop, the research raises the following question: "What are the efforts to build the integrity of investigators in justice enforcement?"

RESEARCH METHOD

This study aims to find a model and the implementation of a conceptual ideal of building investigator integrity through normative and empirical legal research methods. It begins with reviewing the literature, followed by field exploration and analysis, until an accurate and concrete model of the implementation of the concept of investigator integrity is found for law enforcers to carry out their function in the current state administration system.

LITERATURE REVIEW

Justice, which in a strict sense means legal certainty for public benefits, is largely determined by the culture upheld or shaped by the life of the people. In a liberal culture, according to Gustav Radbruch, this phenomenon (Abdulkadir, 1995) manifests in hierarchical relationships. A. Masyhur Effen argued that justice is the principal part of the ideals of law; in fact, it can be said to be a human right law because law without legal ideals becomes a dangerous tool (Mansyur, 2005).

The law is not only aimed at achieving order and fairness, but it can also serve as a means to change or renew the community. The law can also renew the attitudes and ways of thinking society, so that the law can participate in the face of the situation of development in the country of Indonesia which is essentially a process that concerns the aspects of human life. Thus, implementation of these theories is the necessity of understanding the judicial process for the Indonesian National Police investigator in order to fulfill the elements of the law enforcement process in accordance with aspects of community life (Hernawati, Dani & Dini, 2021).

The philosophical meaning of the word "Justice" in Indonesia can be found in the second Precept of Pancasila, "Just and civilized humanity." The word "just" implies that any decision and action must be based on objective standards/norms, and is not subjective, so it is not arbitrary. (Subandi, 2203) This second precept is the basis for: (a) The first paragraph of the Preamble of the 1945 Constitution; and (b) Articles of the Body of the 1945 Constitution, in particular Article 27, Article 28, Articles 28A to 28J, and Articles 29 to 31. Justice is also contained in the Fifth Precept of the Pancasila: "Social justice for all Indonesian people." According to Subandi Al Marsudi, the word "just" means "impartial."

A theory especially related to justice can be found in John Rawls (John, 2003). A Theory of Justice, in which justice is viewed based on 2 (two) principles, namely:

The principle of equal liberty, where everybody has an equal right in the sense of liberty. Rawls states: Social and economic inequality must be structured in such a way that they can (a) produce the highest possible profit for disadvantaged individuals, and (b) provide opportunities and positions open to all under the same conditions)

Difference Principle, explained by Rawls as follows: Social and economic inequality must be structured in such a way that they can (a) generate the maximum possible benefit for disadvantaged individuals, and (b) provide opportunities and positions open to all under equal conditions)

It is understandable then if justice is said to have "highly ambiguous and [be] pregnant with various meanings" (Cited from, 2020). Everyone can talk about it, but it is not easy to find a unified understanding.

The Indonesian National Police as law enforcement agency are part of the judiciary subsystem, where initial process for criminal procedural law takes place, followed by the prosecutor's office. The functions inherent in the position of an investigator are in the form of concrete actions in order to achieve the goals of the state. These concrete actions can be realized through a number of authorities and obligations attached to the functions of investigators. The concrete actions also require responsibility of the officers in carrying out the functions inherent in their position (Iskandar, 2003).

The success of an investigator, in addition to be determined by being sufficiently reliable, is supported by adequate technical capabilities, facilities, and sufficient investigation costs. In examining suspects and witnesses, appropriate examination tactics and techniques are one of the absolute requirements of an investigator. For example, according to the Criminal Procedure Code, suspects have the right not to answer questions raised by investigators. In such circumstances, reliable investigation tactics and techniques are needed so that the suspect will be willing to provide the information required by the investigator. Indeed, there is a tendency among investigators to use force to help reveal criminal cases easily. But considering the increasing number of cases, police investigators need to work harder to solve the cases. In addition, such an investigation method using violence negatively impacts the Police, causing them to be seen as inadequate to carry out their duties, taint their image for having acted arbitrarily outside of the provisions of the law. The only thing that matters for the public is the National Police must be able to reveal every criminal case, without actually considering the difficulties and obstacles encountered in the investigation. Furthermore, any mistakes made by the police in uncovering cases can lead to pretrial hearing and prosecution in a human rights court.

DISCUSSION

When a police investigator carries out an investigation process by ignoring the procedures stipulated by law, the investigator is not only deemed to have violated the professional code of ethics of the Indonesian National Police but can also be considered to have deviated from the investigation procedure. Thus, the investigator is deemed to have violated discipline in his capacity as a State Administrator who must be free from Corruption, Collusion, and Nepotism in accordance with the provision of Law Number 28 of 1999.

The law has regulated how law enforcement apparatus or state administrators should behave and act; therefore, if they deviate from or violate the professional code of ethics, the legal sanctions in the governing law will apply to them. To whom the sanctions are aimed also plays a very important role in supporting the role of sanctions and legal effectiveness.

In general, sanctions or penalties can be in the forms of moral sanctions for despicable actions or administrative sanctions for government employees. They can also take the forms of corporal punishment through imprisonment or restraint, fines by paying an amount of money, or revocation of a person's rights, which is officially announced by the competent authorities. The threat of punishment or negative sanctions is only aimed to create fear or as a kind of formality. The power of the threat will only materialize when it is actually applied to any violations of the law. Meanwhile, positive rewards or sanctions are mere incentives or momentary pleasures. There is even an assumption that the threat of punishment serves as a drive to commit crimes. Some people under strong pressure may channel their human desires through action that violates the law. The length of time needed in executing a punishment represents the certainty and severity of the punishment. In other words, the prolonged or slow handling of a violation will result in the emergence of new violations and create a sense of distrust in the performance of law enforcers and an impression of being unprofessional.

The application of sanctions against investigators who violate discipline requires a more in-depth study. What is currently in effect is the application of sanctions against investigators who violate the internal or institutional discipline of the criminal justice sub-system, creating an issue with transparency and the inability of the public to play their function of control. The forms of sanctions currently applied, especially by the National Police, are moral and administrative sanctions against members of the National Police in general, including their investigators.

The professionalism of the Indonesian National Police can be realized and felt by all members of society if every member of the National Police is able to carry out his/her duties of protection, security, service, and law enforcement before the public on the basis of the existing professional code of ethics. It is expected that every single action of the members of the National Police can be accepted by the public at all risks. Every member of the National Police should also be able to accept public criticism and willing to make changes for improvement to consolidate a strong existence. Finally, every member of the National Police should be able take responsibility for all actions and consequences, possess noble moral, be patient and forgiving, and have broad insight.

As law enforcers, The National Police must be true in their words and actions. The truthfulness is in accordance with the mandate of the people and the government, both as written in the law, or as implied in the customary and cultural norms, as well as the truth according to the religious teachings they embrace. In carrying out their duties, the National Police should not only be professional in terms of knowledge but also in practicing modern technology and applying noble character. Through various conceptual plans the National Police have made efforts to truly show their professionalism in carrying out their duties according to the expectations of the community. The efforts are primarily concentrated in their service functions as reflected in the field of ethics and profession, cooperation, and cross-sectorial coordination among law enforcement officials.

These efforts must be made not only by the Indonesian National Police, but also by the Government, as the Police are an element of the government. As professional law enforcers, the National Police can build their capacity through four resources that should meet the requirements both in terms of quality and quantity. The four resources are known as the 4Ms, namely Man (human resources), Money (budget), Materials (facilities and infrastructure), and Methods (systems), where each of them is interrelated and influences each other systemically and holistically.

The level of education greatly influences a person's maturity in making decisions. Education here refers to the general education at secondary and university level and the particular seminars and workshops attended during the school years. Service education will also affect the work performance, starting from the police brigadier education to police inspector education (Police Academy, Inspector School for Brigadiers). Finally, vocational education affects the technical and tactical abilities of the police members, which can take the forms of short courses, trainings or upgrading, coupled with experience in certain functions and the competences obtained from their respective talents and interests.

Specialization development education includes such fields as psychology, medicine, technology, forensics, DNA. Vocational education and training may take the form of leadership or managerial training, interpersonal or management skills training, crime scene training, selfdefense training, shooting training, investigative training, further investigative training, training on how to carry out forced attempts, training on preparing administrative files and case files, seminars, language courses, computer program courses, communications courses, and many others.

In terms of quantity, the number of human resources should be adjusted to the needs and workloads, comparable to the ratio of the well-known strategic environmental dimensions called

astagatra, consisting of three elements, namely geography, demography, and natural resources; and pancagatra consisting of ideology, politics, economy, socio-culture and social security and order.

With regard to budget, it must be adequately met and accounted for because budget greatly affects the welfare of personnel in meeting their personal and family needs. Appropriate budget is also needed to support personnel development to increase their capacity through education and training. Finally, the budget for operational support of the proper implementation of duties is related to personnel spending, procurement of goods and services, and office stationery needs.

The material or logistics factors include office facilities and infrastructure in the forms of buildings and office furniture, communication tools, special tools, other supporting facilities, and dormitories or other residential infrastructure for members who do not have their own residence to facilitate the deployment of troops whenever there is a threat to the social security and order. Logistic facilities and infrastructure in the form of two-wheeled or four-wheeled operational vehicles and other means of transporting troops and fuel are needed to assist the smooth running of tasks.

As regards methods or systems and procedures, the National Police as an organization has been perceived to have a very rigid and convoluted structure and bureaucracy with a very long span of control. This perception has made the public consider them unprofessional and always make services complicated for the people. For this reason, the National Police have made efforts to reform the instrumental, structural, and cultural dimensions. The development and operational system of the National Police has been regulated by law, government regulations, and the National Police Chief's regulations. The system has also been continuously adjusted based on the development, studies, research, and evaluation. The education system implemented follows a curriculum adapted to the national education system and the official education system regulated separately by the Chief of the National Police. The personnel career development system follows the system regulated by the Decree of National Police Chief.

CONCLUSION

Efforts have been made to realize the integrity of the Indonesian National Police through the implementation of new paradigm values and reform values in law enforcement against investigators who are not independent and by maintaining cooperative relations with external control agencies. Strong integrity of the National Police is a solid foundation for the realization of good governance and clean government, which will ultimately strengthen the image of the Police investigators. The efforts must be made not only by the National Police, but also by the Government, because the National Police are part of the government. The government together with the apparatus responsible for drafting the law should immediately form an independent supervisory institution based on the statutory rules as the legal umbrella to supervise and control the performance of investigations.

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