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# EFFORTS TO IMPLEMENT THE PRINCIPLE OF COORDINATION BETWEEN POLICE INVESTIGATORS AND PROSECUTORS IN PROCESSING CRIMINAL CASES IN THE JURISDICTION OF THE PEKANBARU POLICE STATION

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#### Abstract

To enforce criminal law, there needs to be coordination between police investigators and public prosecutors. This is to the existing provisions in the Criminal Procedure Code in the form of criminal offenses must be disclosed, investigators must notify the public prosecutor if there is a termination or extension in the case. If the functional relationship and coordination do not go well, there will be many arrears of problems in the Prosecutor's Office, thus affecting the problem-solving process. Likewise, on the other hand, if there is coordination and communication between investigators and public prosecutors, they will be able to resolve each case properly. So, the obstacles in the implementation of the principle of coordination between police investigators and public prosecutors are the lack of communication, prioritizing the interests of their departments, the existence of sectoral arrogance, and lack of trust in the police to enforce the law and so on. This also grows from the stigma of the community towards the police so that it causes difficulties in conveying aspirations in the field, neglect of legal aspects, police ethics whose morale is still low, and equipment and investigations are still limited.

Keywords: Police Investigators, Public Prosecutors, coordination, functional relationship

#### Abstrak

Dalam rangkan menegakkan hukum pidana perlu adanya koordinasi antara penyidik kepolisian dan jaksa penuntut umum. Hal ini agar sesuai dengan ketentuan yang telah ada dalam KUHAP berupa tindak pidana harus diungkapkan, penyidik harus memberitahu kepada penuntut umum apabila terjadinya penghentian maupun perpanjangan dalam perkara. Jika hubungan fungsional dan koordinasi tidak berjalan dengan baik maka akan banyak tunggakan masalah di Kejaksaan, sehingga mempengaruh pada proses penyelesaian masalah. Begitupun untuk sebaliknya apabila adanya koordinasi dan komunikasi antara penyidik dan penuntut umum akan dapat menyelesaikan masalah setiap perkara dengan baik. Jadi, kendala dalam pelaksanaan asas koordinasi antara penyidik polri dan jaksa penuntut umum yaitu minimnya komunikasi, mementingkan kepentingan departemen sendiri, masih adanya arogansi dalam sectoral serta kurangnya kepercayaan kepada polri untuk menegakkan hukum dan lain sebagainya. Hal ini juga tumbuh dari stigma masyarakat kepada polri sehingga menyebabkan kesusahan dalam menyampaikan aspirasi di lapangan, pengabaian aspek hukum, etika polisi yang moralnya masih rendah serta perlengkapan maupun penyidikannya masih terbatas.

Kata Kunci: Penyidik Polri, Jaksa Penuntut Umum, koordinasi, hubungan fungsional

## **INTRODUCTION**

The criminal justice system in Indonesia has functional and institutional coordination where one system with another is suitable for use in every criminal law authority in Indonesia itself (Dianto & Tajuddin, 2018). A police officer, prosecutor, and judge rely on KUHAP in carrying out investigations, arrests, or checks in the Legal Assembly and the prosecutor's institution can enforce the applicable criminal law in Indonesia by applying the judge's verdict (Ananda, 2022). The police have a function as investigators as stated in Law No. 2 of 2002 concerning the duties of a police officer to enforce the law, foster public order, guide the community, preverence, and repress or take action to investigate criminal disturbances. Then, the prosecutor will perform his duties as a universal prosecutor found in Law No. 16 of 2004 articles 8, 9, and 30 (Akbar, 2024).

The principle of Coordination between the Police and the Prosecutor's Office is found in the Criminal Procedure Code as investigators and prosecutors start until the notification message is initiated (SPDP) by the universal prosecutor investigator which is regulated in Article 109 (1) of Law No. 8 of 1981 (Justicia et al., 2016). An investigator and prosecutor will carry out their duties of authority directed as law enforcement by cooperating in the judicial process until the case is delayed by the High Prosecutor's Office. If the impact of this cooperation process is positive, it will be able to overcome a problem in a fair way and by applicable law, and vice versa (Setyorantiningsih dkk., 2023).

Law enforcement is related to the problem of legal effectiveness, where this is revealed by Soerjono Soekanto that every problem of legal effectiveness has a relationship to how to enforce a fair law for the community. This is so that an applicable law can be aspired to by other communities and citizens can comply with the law. In addition, the substance of this law is a reflection of the will of the people and the value of justice to avoid corrupt rulers. This law enforcement is the implementation of the law, although, in basic reality in Indonesia, it tends to be the opposite called law enforcement. Based on data obtained from the Pekanbaru City Police, the Notice of Commencement of Investigation will be sent to the Police every year. This are a lot of criminal incidents that are filed, but the investigators and prosecutors lack coordination and communication in this criminal matter. Thus, causing law enforcement is not by the Criminal Procedure Code contained in articles 4 to 15 and Law No. 2 of 2002 Articles 13, 19.

From the information above, this is accordingly supported by the results of previous research on "Application of the Principle of Coordination Between Police Investigators and Prosecutors in Processing Criminal Cases" conducted by (Manik, 2018). The results of his research show that law enforcement in investigating crime cases is not integrated and optimal. There are three forms of activity in enforcing the law, namely work procedures, technical guidance, and operational assistance for investigations.

Then, according to Arwinsyah explains that there is a relationship between the investigator and the prosecutor's office which is regulated in Law No. 8 of 1981 when investigating a criminal act notified by the prosecutor (Sjarief, 2020). The prosecutor's office will conduct a prosecution in which the SPDP will be managed by the Pidum / Prosecution Section to appoint a prosecutor to determine the case submitted to the court so that it can be resolved. If the investigation conducted by the Police is not accepted by the prosecutor, it is necessary to conduct an additional examination by examining the case file equipment by paying attention to the requirements, evidence, coordination, judicial principles as well as costs and functional differentiation (Naibaho dkk., 2021).

From the results of previous research, there are differences and similarities. The similarity is that the research equally discusses the juridical theory of KUHAP with various forms of the legal basis, duties, and authorities of the police and prosecutors. The difference lies in the location of the research and how to analyze it. The purpose of this research is to find out what factors occur from coordinating investigators, public prosecutors, and prosecutors that can slow down the process of cases handled and even overlap in criminal cases and the delay in costs in trials that end up in arrears of costs.

### **METHODS**

This research uses an empirical juridical approach in the form of a study that looks at the facts contained in the practice of law enforcement. The types of data used are first, primarily related to the results of field studies through related parties and several books of law such as the Criminal Code. Second, secondary relates to data obtained from literature studies, journals, books, and so on. Third, tertiary is based on the opinions of experts who have been outlined in the literature on the problems contained in this study. Normative legal research is one of the studies that is often used in revealing community data (Purwanza, 2022). Soetandyo Wignjosoebroto revealed that this normative legal research has to do with doctrine as developed by philosophers & the positivist school (Winarni, 2021). In Indonesia itself, this method is often called the normative legal research method (Winarni, 2021).

Based on the description above, it can be given an overview of normative legal research that has its characteristics. First, this normative legal research focuses on doctrine and analysis in legal decisions. Second, because the legal standard is formal, the data sources come from primary, secondary, and tertiary sources through literature and field studies. Third, this normative legal research does not require sampling and the data cannot be replaced with others. Fourth, this research has a priority nature, deductive syllogism reasoning, and interpretation methods in explaining legal symptoms. Fifth, normative legal research is descriptive and analyzes the symptoms that occur in the field (Made Pasek Diantha, 2016).

# **RESULTS AND DISCUSSION** Criminal Justice System

The criminal justice system is one of the efforts to understand and answer criminal law questions that exist in society by the Law that needs to be applied by judges. Based on

Law No. 8 of 1981, it is explained that there are four subsystems in the form of administrative police under the auspices of the president, prosecutors in the Attorney General's Office, and Community Institutions in the Department of Judges. The purpose of this system is to achieve resocialization of perpetrators, the prevention of criminal politics and to obtain welfare for the community (Johar, 2024). The criminal justice system has input-process-output. Maksundya is an input in the form of a report or complaint about a criminal offense experienced by individuals or the community. The process is the decision taken by the police, prosecutors, courts, and community institutions. Then, the output is the result of the decision that will be obtained. This subsystem decision cannot be separated because the goal is one but the tasks are different (Susanti, 2024).

### Police of the Republic of Indonesia (Polri)

The National Police is one of the agencies that involves the criminal justice system when carrying out its duties by Law No. 2 of 2002 Article 14 in the form of receiving complaints, arresting, and detaining (Law and regulations on the National Police of the Republic of Indonesia, 2008). Meanwhile, based on Law No. 8 of 1981 concerning Criminal Procedure, the police represent the authority and state as investigators (Article 4 of the Criminal Procedure Code), stop investigations (Article 109), and determine criminal acts committed by suspects (Article 121). In addition, the police also have the main task of making such an important decision on how the law will be applied to the suspect. Police Discretion authorized in Law No. 8 of 1981 by some academics can influence the attitude of the police in acting. The existence of this discretionary power, will not rule out the possibility that there will be an abuse of power that results in disruption of the process and principles of justice (Laws and regulations concerning the police of the Republic of Indonesia, 2008).

#### Attorney of the Republic of Indonesia

The Attorney of the Republic of Indonesia is a government agency that carries out prosecution and other authorities by the provisions of statutory law (Isra, 2021). This prosecutor's office has duties and authority in the form of investigations, and prosecutions in cases of corruption, human rights violations, and so on (Mansar dkk., 2024). While the main task of the prosecutor's office is contained in articles 16 to 30 of the Law on the Prosecutor's Office of the Republic of Indonesia Th. 2004 that the prosecutor must exercise state power to enforce the law (Harwanto, 2021). Other task functions are:

- 1. Can implement policies, provide instructions, and provide approval guidelines
- 2. Build infrastructure and factories, develop organizational management, and manage state property.
- 3. Ensure law enforcement is preventive and suppresses crime, utilizing judicial messages for peace, support, and services enforcing government authority in civil and administrative matters.
- 4. Be able to place suspects in their proper place.

- 5. Considering the law for institutions, central and regional agencies, and stateowned enterprises to draft laws and regulations to increase legal awareness in the community.
- 6. Coordinate, guide, take responsibility for, and supervise the proper implementation of the mission by the provisions of the laws and regulations that have been established.

The Attorney General's Office oversees good prosecutors and 31 Chief Prosecutors in each country to carry out their duties and authorities based on Law No. 16 of 2004. The AGO is in the middle and has an important role as a preliminary examination and decision-maker (Syakur, 2023). Thus, a prosecutor must be able to make decisions in cases that have been filed according to the evidence of the Criminal Procedure Code in the form of receiving, examining files, prosecuting, and submitting a case to the court, which is stated in Articles 3 and 14 of Law No. 8 of 1981 (Zulfahmi & Susanti, 2021).

## **Coordination between Police Investigators and Prosecutors**

In the criminal justice system, a police officer and a prosecutor who are institutions in enforcing the law must work well together to achieve goals. This can be seen from the spirit of genuine unity for criminal justice in the Pancasila state (Azis dkk., 2020). According to Muladi, the criminal justice system is substantive and standard law. However, this institution must be seen from the social context, the principle of synchronization of equality in enforcing the law (Sukabdi & Wheeler, 2024).

A principle can lead to a relationship between investigators and prosecutors by the Criminal Procedure Code where the police are the main investigators and public prosecutors. The prosecutor's office is only the organizer of the service function of the investigation sent by the investigator, BAP, and giving his opinion. As long as under criminal law, law enforcement authority, legality, the principle of presumption of innocence, the principle of functional differentiation, the principle of procedure, and others will stop overcoming the criminal process (Prayitno & Supanto, 2022).

The link between functional coordination with investigators is that they must be obliged to notify the prosecutor when the investigation begins by Article 109 paragraph 1. The prosecutor's office must be notified when there is a termination of the investigation case by the prosecutor to submit the case to the court (Harahap, 2020). In the meantime, the prosecution needs to submit the investigation file prepared by the investigator and examine the file properly within the prescribed time limit of 14 days. After the deadline, the responsibility of the investigator is transferred to the prosecutor's office and a request is made to extend the detention for 40 days by article 24 (2) (Purba, 2021).

# Police Investigators with Prosecutors in Processing Criminal Cases in the Pekanbaru City Police Legal Area

In the case of P19 & P21 the Riau High Prosecutor's Office has increased every year. This can raise the question of how the cooperation between investigators and prosecutors (Manullang, 2022). A criminal system goal must be achieved effectively and efficiently, namely:

#### Table 1 Perceptions between police and prosecutors about pre-prosecution

### **NO POLICE VIEW**

#### PUBLIC PROSECUTOR'S VIEW

1.	Prosecutors sometimes give unclear instructions that change questions X, Y, and Z and then ask for corrections so that they become questions A, B, C, and so on.	Seorang polisi tidak dapat melakukan tugasnya dengan baik berdasarkan petunjuk jaksa, hal ini mengakibatkan dapat berulangkali bolak-balik.
2.	Prosecutors do not understand how difficult general crimes are compared to special crimes.	Police do not understand that investigating special crimes is more difficult than general crimes.
3.	The police should be the primary investigators who should be responsible for the outcome of the investigation.	Prosecutors should be able to participate in the investigation, this is their responsibility in court.
4.	Prosecutors often change the content of police charges, thereby weakening court hearings, despite the hard work of the police.	The police often provide a weak legal basis for examination in court. So, prosecutors make changes to the articles as responsible persons in their fields.
5.	There is no oversight of criminal files that are not forwarded by the prosecutor to court.	No one supervises the police when prosecutors ask for files to be corrected.
6.	If the ability of the police is still minimal, it is necessary to replace other personnel, not the system.	The existence of weak police capabilities and hope that the processing system can run properly and quickly.

This notification begins when the investigation to the public prosecutor that the investigation has begun on a certain criminal offense. This is stated in Article 109 (1) which explains that if a phenomenon suspected of being a criminal offense turns out to be true after the investigation process, this notification is carried out after the commencement of the investigation (Widyawati dkk., 2022). An investigator must be obliged to carry out his duties by Article 109 paragraph 1 of the Criminal Procedure Code with its formulation being imperative (Mir-Hosseini dkk., 2022). Meanwhile, the public prosecutor must follow the progress of how to investigate a case, this is because the results of the investigation are based on the prosecution with coordination between the investigator and the prosecutor to reveal data and facts in a case (Mansar dkk., 2024).

A case will be submitted together with the submission of files which in general, after the examination, the results of the investigation are still not complete enough. This is due to cases that are returned for re-examination (Kriswandaru & Lubis, 2024). Detective and juridical skills should be united to investigate a case quickly. In this discussion, it is

necessary to conduct an analysis related to detective and juridical as evidence to see the results of the data whether complete or not.

The Criminal Procedure Code requires the settlement of cases to be carried out quickly, simply, and at a low cost. This is so that cases are not repeatedly carried out by investigators and public prosecutors. Muhammad Yahya explained that the obligation to submit a notification starts from the police and prosecutor differentiation investigators. Therefore, this principle has a relationship to the principle of the ranks of law enforcement in KUHAP which is strengthened by the conclusion of coordination and certainty from investigators and public prosecutors (Kusnandar & Rahma, 2023).

# Coordination of notification of commencement of investigation to the public prosecutor

In the Criminal Procedure Code, it has been regulated on how to submit a notification of the commencement of an investigation to the prosecutor as stated in Article 109 paragraph 1. Similarly, the formation of laws in the submission of the implementation of law enforcement practices (Azis dkk., 2020). Meanwhile, the notification method begins when there is an agreement between the investigator and the public prosecutor which is carried out in writing or via electronic messages in the form of telephone, WhatsApp, and others (Wulandari dkk., 2023). This notification uses the A-3 serve formula which can include:

- 1. Notification begins when a criminal investigation completes data based on the criminal article with the time and place carried out by the requirements of the provisions in the form of a police report, arrest warrant, or related to criminal acts or searches.
- 2. This notification requires the signature of the investigator and is accompanied by the seal of office.
- 3. The notice shall attach the minutes of the examination of the defendant and witnesses conducted by the investigator.

Thus, the public prosecutor will get an overview of the case received. In addition, the public prosecutor has also directed the investigator to lay the foundation for the prosecution to be carried out after the file is received. This communication, consultation, and coordination has an informal nature because the investigation has not been accepted by the public prosecutor. So, legally there has been no cooperation between the investigator and the public prosecutor. On the other hand, investigators can also face doubts in starting an investigation of what happened to the criminal act such as the collection of data and facts that are still insufficient and others (Ananda, 2022). There is a connection between the Attorney General of the Republic of Indonesia in circular letter Number: SE-013/J.A/8/1982 dated August 20, 1982, concerning factors that need to be considered in several stages of prosecution to achieve perfect investigation results. Thus, cooperation between investigators and prosecutors must be fostered and continuously briefed (Kooria, 2023).

## CONCLUSION

A successful prosecution is due to the cooperation between investigators and public prosecutors in the court process. If investigators and public prosecutors fail to coordinate, it will affect the process of solving a case or hinder the application of the principle of coordination between investigators and public prosecutors. Thus, it is necessary to have communication and coordination between the police and the prosecutor so that there is no overlap in carrying out the duties and authority of the obligations. This effort can be done by improving the relationship between the police and the prosecutor by instructing the investigator to examine a criminal case. Based on the Criminal Procedure Code, investigators and prosecutors must trust each other to conduct investigations to facilitate the case process.

Based on the analysis of these problems, it can be concluded that the application of the principle of coordination between police investigators and public prosecutors in criminal cases in the Pekanbaru City Police area to enforce the law properly. P-19 and P-21 arrears have increased every year by showing obstacles between functional relationships and positive cooperation between Police Investigators and Public Prosecutors as well as a lack of communication and coordination in solving a case.

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