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Abuse Of Investigator Authority In The Investigation Process Of Narcotics Crimes In Indonesia

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ABSTRACT

Investigators play a crucial role in determining the direction of drug crime investigations. However, abuse of authority frequently occurs, resulting in human rights violations and a decline in public trust in law enforcement. This study aims to analyze the legal accountability of investigators for abuse of authority in drug crime investigations in Indonesia. Using a normative juridical approach, this study examines the legal, philosophical, and sociological aspects. Legally, investigators can be held accountable for criminal, ethical, and administrative offenses. Philosophically, abuse of authority contradicts the principles of justice and legal morality. Sociologically, this phenomenon reflects weak internal oversight and a culture of impunity within the police institution. The results indicate that the oversight mechanism remains weak and ineffective in upholding investigator accountability. Transparent and independent oversight system reform is needed to achieve substantive justice.

Keywords: Investigators, Abuse of authority, Legal accountability, Narcotics.

INTRODUCTION

Investigators play a central role in Indonesia's criminal justice system, particularly as the spearhead in gathering evidence, identifying suspects, and delegating cases. They are crucial to the direction and success of law enforcement. However, intense scrutiny often focuses on the abuse of authority by investigators, particularly in handling narcotics crimes. This phenomenon is not merely a procedural issue, but undermines the foundations of the principle of due process of law and has serious implications for individual rights. This abuse of authority can manifest in various forms, ranging from violations of suspects' human rights, such as arbitrary detention or denial of access to legal aid, to acts of violence and intimidation during investigations to obtain coercive confessions, to the most serious, *fabrication* of evidence for personal or group gain. These practices not only tarnish the image of law enforcement institutions but also result in unfair court decisions, potentially imprisoning innocent individuals, and ultimately eroding public trust in the integrity of the criminal justice system as a whole. Therefore, a strict oversight mechanism and high accountability are needed to ensure that investigators' authority is carried out in accordance with the code of ethics and the constitution.[1]

However, the actual situation shows that cases of abuse of authority by investigators in narcotics cases still occur frequently, such as unprocedural seizures, arrests without

[1]Lilik Mulyadi, *Criminal Procedure Law: A Theoretical Review, Practice, and Problems in Indonesia* (Bandung: Alumni, 2018), p. 45.

clear grounds, or the use of authority for personal gain, such as soliciting bribes or extorting suspects. Other forms include falsifying evidence, pressuring suspects to confess, or even collaborating with drug trafficking networks for profit. This occurs due to overlapping authority between the police and the National Narcotics Agency (BNN), which creates the potential for abuse of power in the field, low legal awareness, and a culture of influence.

Legal accountability of investigators for abuse of authority in the process of investigating narcotics crimes has a normative basis regulated in various laws and regulations in Indonesia, starting from the Criminal Code which is the main basis for imposing criminal sanctions on officials including investigators, who abuse their power is regulated in several articles, namely articles 421-423 which regulate abuse of office authority. Likewise in the Criminal Procedure Code as a formal reference. [2]Law No. 2 of 2002 concerning the Indonesian National Police which strictly regulates the principles of professionalism, proportionality, and accountability in carrying out investigators' duties, [3]then Law No. 35 of 2009 concerning Narcotics. [4]In the context of investigating narcotics crimes, articles 75 to 86 regulate the authority of Polri and BNN investigators. Article 84 firmly emphasizes that investigations must be carried out by upholding the principles of justice, legal certainty, and respect for human rights.

Although regulations regarding investigator accountability have been established, this differs from the actual situation on the ground, creating a gap between normative regulations and the actual situation. Its implementation is still far from ideal. Most previous research has focused primarily on normative aspects, without examining the philosophical and sociological dimensions underlying the abuse of authority. These aspects are crucial for understanding the root of the problem comprehensively, both in terms of values of justice and the police organization.[5]

Therefore, the urgency of this research lies in its efforts to examine the legal accountability of investigators in the context of narcotics crimes more comprehensively, taking into account the juridical, philosophical, and sociological dimensions. This research is expected to contribute to reforming the supervisory system and accountability mechanisms for investigators to align with the principles of substantive justice and respect for human rights.

DISCUSSION

Forms of Legal Accountability for Investigators for Abuse of Authority in the Investigation Process of Narcotics Crimes in Indonesia

Based on the provisions in Article 1 paragraph 1 of the Criminal Procedure Code (KUHAP), the definition of investigators includes two categories of officials who are given specific authority by law to carry out investigations, namely the Republic of Indonesia National Police Officers or Certain Civil Servants who are specifically given such authority. [6]In other words, investigators are law enforcement officers from both the police and civil servants

[2]Republic of Indonesia. (1946). *Criminal Code (KUHP).*
[3]Republic of Indonesia. (2002). *Law Number 2 of 2002 concerning the Indonesian National Police.* State Gazette of the Republic of Indonesia 2002 Number 2
[4]Republic of Indonesia. (2009). *Law Number 35 of 2009 concerning Narcotics*
[5] Satjipto Rahardjo, *Law and Society* (Bandung: Angkasa, 2009), p. 61
[6] *Criminal Procedure Code (KUHAP)* , Law Number 8 of 1981

who are legally appointed to have the duty and right to initiate and carry out the investigation process of a criminal case . [7]Investigation is a crucial phase in the criminal process to reveal the material truth of a crime and identify the perpetrator through the collection of valid evidence. [8]However, in practice, the broad authority held by investigators often has the potential to be misused, especially in narcotics crime cases, thus giving rise to legal issues regarding the form of legal accountability for investigators who abuse their authority.

In the case of abuse of authority by an investigator of the South Sulawesi Regional Police who extorted a narcotics suspect by demanding Rp. 50 million in exchange for his release, this is a clear violation of positive law in Indonesia. [9]This act fulfills the elements of Article 423 of the Criminal Code which stipulates that "A civil servant who, with the intention of unlawfully benefiting himself or another person, forces someone to give something" can be punished with a maximum of six years in prison. In this case, investigators as law enforcement officers are included in the category of civil servants as regulated in Article 92 of the Criminal Code and Article 1 number 1 of Law Number 2 of 2002 concerning the Indonesian National Police. [10]This act of extortion also violates Article 421 of the Criminal Code which regulates abuse of power by officials. In criminal procedural law, this act is contrary to the principle of due process of law in the Criminal Procedure Code which guarantees fair treatment of suspects. [11]Therefore, investigators can be held criminally responsible for acts of abuse of authority, in addition to ethical and administrative sanctions in accordance with internal police mechanisms.

In terms of ethics and discipline, the actions of police officers who extort narcotics suspects constitute a serious violation of the provisions of Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police and Regulation of the Chief of the Indonesian National Police Number 14 of 2011 concerning the Code of Ethics for the Indonesian National Police Profession . [12]Based on Article 3 letter g and letter h of Government Regulation No. 2 of 2003, every member of the Indonesian National Police is obliged to obey the applicable laws and regulations and report to their superiors if they know of anything that could endanger or harm the state. In the context of the extortion case, such actions clearly contradict the obligations of police officers to obey the law and maintain the integrity of the police institution. Meanwhile, from the perspective of the Indonesian National Police Profession Code of Ethics, such behavior also violates the principles of moral integrity, honesty, and professional responsibility as stipulated in Article 7 paragraph 1 letter b and letter c of the Chief of Police Regulation No. 14 of 2011, which requires every member of the Indonesian National Police to act honestly, fairly and not abuse their authority. Therefore, the perpetrator may be subject to ethical

[7]Andi Hamzah, *Indonesian Criminal Procedure Law* , Sinar Grafika, Jakarta, 2019
[8] Leden Marpaung, *The Process of Handling Criminal Cases in Indonesia* , Sinar Grafika, Jakarta, 2018
[9]"Police Officer Allegedly Extorted Rp. 50 Million from Drug Case Suspect", *Kompas.com* , June 12, 2024, https://www.kompas.com
[10]Republic of Indonesia. (2002). *Law Number 2 of 2002 concerning the Indonesian National Police.* State Gazette of the Republic of Indonesia 2002 Number 2
[11]Republic of Indonesia, *Criminal Code (KUHP) , Article* 421
[12]Republic of Indonesia National Police, *Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2011 concerning the Code of Ethics for the Indonesian National Police Profession*

sanctions in the form of dishonorable dismissal or disciplinary sanctions according to the level of the violation, in addition to criminal liability arising from his actions.

Thus, the form of legal accountability for investigators for abuse of authority in investigating narcotics crimes in Indonesia includes criminal, ethical, and administrative accountability which complement each other to uphold the principles of accountability and professionalism in law enforcement.

Factors that Underlie the Abuse of Authority by Investigators in Narcotics Crime Investigations and the Implications for Law Enforcement and Public Trust

After understanding the legal accountability of investigators for abuse of authority, it is also important to analyze the factors that cause such abuse and its impact on law enforcement and public trust. Investigators, as law enforcement officers, play a central role in determining the direction of criminal law enforcement, particularly during the investigation phase, which serves as the foundation for subsequent judicial proceedings. However, the strategic position and significant authority held by investigators often create opportunities for abuse of authority, particularly in the handling of narcotics crimes, which have high economic value and involve complex criminal networks. This phenomenon not only reflects individual deviations but also indicates systemic problems within the internal oversight and development mechanisms of law enforcement officers in Indonesia.

In general, abuse of authority by investigators can be caused by several factors, both internal, originating from the officers themselves, and external, originating from the system and work environment. The underlying causes of abuse of authority include:

1. Individual Factors (Morality and Personal Integrity)

   Low moral integrity and weak appreciation of professional ethical values are among the main causes of abuse of authority. Some officers are tempted by personal gain arising from economic opportunities in handling narcotics cases. This corrupt attitude indicates a violation of Article 7 paragraph (1) letters b and c of the Indonesian National Police Code of Professional Ethics, which requires every member of the Indonesian National Police to act honestly, fairly, and not abuse their power.

   The effectiveness of a law's implementation depends heavily on the mentality and integrity of its law enforcement officers. Even if a regulation is well-designed, its successful implementation still depends on the behavior and responsibility of the law enforcers themselves.[13]
2. Structural and Institutional Factors

   Weak internal and external oversight systems for law enforcement officers create opportunities for abuse. Despite the oversight functions of the Propas Division and the National Police Commission (KOMPOLNAS), reactive and limited oversight mechanisms are often unable to prevent violations early. Furthermore, a hierarchical organizational culture can also create oversight gaps between levels.
3. Economic and Welfare Factors

[13]Mohd. Yusuf DM, Andry Kusuma Putra, Revi Yanti Hasibuan, Selvin Delpian Giawa. " *Factors Influencing Law Enforcement in Society* ." JIHHP: Journal of Law, Humanities, and Politics

Unequal welfare among police officers can trigger deviant behavior, such as extortion or the buying and selling of cases. Economic factors are often used as subjective justification by certain officers for committing unlawful acts, even though, as a norm, they cannot absolve criminal responsibility

4. Factors of Weak Sanction Enforcement
   When violations committed by officials are not met with firm and transparent sanctions, a culture of impunity will emerge within the institution. This will increase the potential for similar violations due to the lack of a deterrent effect.[14]

Abuse of authority by investigators in drug crime investigations has far-reaching implications for the national legal system. From a law enforcement perspective, such actions undermine the principle of *due process of law* as stipulated in the Criminal Procedure Code (KUHAP), which mandates that suspects be treated fairly and objectively without pressure or extortion. [15]Abuse of authority also distorts the objectives of criminal law, as an illegitimate investigation can lead to *unlawful evidence* or even dismissal of a case in court.[16]

Meanwhile, from a public trust perspective, deviant behavior by law enforcement officers creates a legitimacy crisis for the police institution. When the public perceives law enforcement officers as violating the law, the principle *of equality is undermined. before the The law* is being violated . [17]Decreased public trust will lead to a decline in the effectiveness of law enforcement, as public participation in assisting authorities in eradicating narcotics crimes requires cooperation between authorities and the community.[18]

Thus, abuse of authority by investigators is not merely an individual issue, but also reflects systemic weaknesses in the development, oversight, and enforcement of ethics within the police force. Therefore, institutional reform and strengthening of internal accountability are necessary to truly realize the principle of *clean law enforcement* .[19]

CONCLUSION

The form of legal accountability for investigators for abuse of authority in the process of investigating narcotics crimes in Indonesia includes three aspects, namely criminal, ethical, and disciplinary. Criminally, the actions of investigators who use their positions for personal gain are included in the category of criminal acts as regulated in Article 421 and Article 423 of the Criminal Code, which regulates the abuse of power and extortion by state officials. Meanwhile, ethically and disciplinary, these actions violate the provisions of Article 3 letters g and h of Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police, as well as Article 7 paragraph 1 letters b and c of Regulation of the Chief of Police No. 14 of 2011 concerning the Code of Ethics for the Indonesian National Police Profession, which demands Integrity, Honesty,

[14] Soerjono Soekanto , *Factors Influencing Law Enforcement* (Jakarta: Rajawali Pers, 2013)
[15]Criminal Procedure Code (KUHAP).
[16]Andi Hamzah, *Indonesian Criminal Procedure Law* (Jakarta: Sinar Grafika, 2016)
[17] Satjipto Rahardjo, *Law Enforcement: A Sociological Review* (Yogyakarta: Genta Publishing , 2009)
[18]Barda Nawawi Arief, *Anthology of Criminal Law Policy* (Jakarta: Kencana Prenada Media Group, 2010)
[19]Yuliana Dewi, *"Abuse of Authority by Investigators in Narcotics Law Enforcement," Indonesian Journal of Law Enforcement* 8, no. 1 (2021): 56, https://doi.org/10.25041/jphi.v8i1.2189

and Professional Responsibility. Therefore, investigators can be subject to criminal, disciplinary, or ethical sanctions according to the level of violation committed.

Factors underlying the abuse of authority by investigators in drug crime investigations include weak internal oversight, low integrity and professionalism of officers, and job and economic pressures. These factors reflect systemic problems in moral and ethical development within the police force. The implications are very serious, as they not only undermine the principle of *due process of law* but also erode public trust in law enforcement institutions. The decline in the legitimacy of officers will impact the effectiveness of law enforcement, particularly in drug eradication efforts that require public participation. Therefore, institutional reform is needed , increasing accountability, and strengthening ethical oversight so that the principle of *clean and accountable law enforcement* can be realized in real terms.

SUGGESTION

For the police, strengthening the internal oversight system to be more transparent and independent is essential, particularly through optimizing the functions of the Professional and Security Division (Propam) and a public complaint system. This oversight must be accompanied by firm and consistent sanctions to deter officers who abuse their authority.

For the Government and Policy Makers, it is important to strengthen regulations governing the criminal liability of law enforcement officers, particularly in the context of investigating narcotics crimes, in order to have clear legal certainty and prevent overlapping authority.

For law enforcement officers (investigators), improving moral integrity and professionalism must be a top priority through ethics training, instilling humanist values in law enforcement, and implementing the principle of zero tolerance towards all forms of abuse of power.

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