Revealing the Integrity of Investigators in Handling Cases of Crimes by Witnesses Perpetrated (Case Study of Alleged Criminal Acts of Vandalism in Central Buton Regency)

Muh Sutri Mansyah, Achmad Busro, Yunanto
Faculty of Law, Diponegoro University, Semarang, Indonesia

ARTICLE INFORMATION
Article History:
Received September 20, 2021
Revised November 03, 2021
Accepted December 01, 2022
DOI: 10.21532/apfjournal.v7i2.260

ABSTRACT
This study aims to examine and analyze the integrity of investigators in handling criminal cases committed by witnesses (Case Study of Alleged Criminal Acts of Vandalism in Central Buton Regency), through a juridical-empirical research approach and analysis of qualitative methods. The results show. To reveal the integrity of investigators, two indicators are used, namely honesty and objectivism. So the results of the study showed that there was dishonesty by the investigators, namely asking for the summons of witnesses at night, the investigator denied the question and said it was not true while regarding objectivism, the investigator allegedly sided with the reporter based on the alleged threat to the witness to admit that he did it. Suggestions in realizing investigators with integrity can be formed through two aspects, namely internal aspects, and external aspects, internal aspects of the police institution must be seriously fostered through quality education of cultural maturity, spiritual maturity, psychological maturity, cultural maturity, conscience maturity, and moral maturity that originates from, external aspects, namely synergies between institutions and integration into a supervisory system.

Keyword: Integrity, Investigator, Witness.

1. INTRODUCTION
Indonesia is a constitutional state, as mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, so every action taken must be based on regulations. For example, Police Investigators in carrying out their duties and authorities are based on Law some principles earning Police (Police Law), in the recall section it is written:

"that domestic security is the main requirement to support the realization of a just, prosperous and civilized civil society based on Pancasila, and the 1945 Constitution of the Republic of Indonesia".

How to Cite:

Corresponding author:
Email: posmahutasoit@gmail.com

Association of Certified Fraud Examiners (ACFE)
Indonesia Chapter
Page. 163-172
In addition, the main tasks of the Indonesian National Police are regulated in Article 13, namely:

a. Maintain public security and order;
b. Enforce the law; and
c. Provide protection, protection, and service to the community.

In the remembering section and Article 13 of the Police Law, there is a clause “UUD NRI 1945 and upholding the law” thus proving that every action taken by investigators must be based on the rules. Investigators as law enforcement officers who are included in the criminal justice system, apart from investigators, there are also lawyers, judges, suspects, defendants, public prosecutors, and so on.

In the criminal justice system some principles are used as guidelines, namely due process of law, according to A. Hamzah also describes the meaning of an honest and impartial judiciary, judges in carrying out their profession do not discriminate between people. It means that judges must always guarantee the fulfillment of treatment by human rights, especially for suspects and defendants. Heri Tahir (2010) Not only do judges apply the principle of due process of law, but investigators are also obliged to apply it. Mardjono Reksodiputro stated that, in the Criminal Procedure Code, a fair legal process is reflected in the principles of the Criminal Procedure Code, namely:

Legal principles:

a. Equal treatment before the law without any discrimination;
b. Presumption of innocence;
c. The right to obtain compensation (compensation) and rehabilitation;
d. The right to legal aid;
e. The right of the defendant to appear before the court;
f. Judiciary that is free and carried out quickly, and simply; and
g. Courts that are open to the public.

Specific principles:

a. Violation of individual rights (arrest, detention, search, and confiscation) must be based on law and carried out with a (written) warrant.
b. The right of a suspect to be informed of his suspicions and charges against him; and
c. The obligation of the court to control the implementation of its decisions. Heri Tahir (2010).

The principles that have been mentioned, in their development are applied at the empirical level, for example in Central Buton Regency, Southeast Sulawesi, starting from the existence of an alleged molestation case experienced by A (victim), A is a girl who is still 15 years old. A is suspected of having experienced sexual harassment by one of the local village officials in Matawine Village, Lakudo District, Central Buton Regency with the initials K, the incident occurred around May 2021. After that incident, A reported to the family that he was allegedly molested by K, and not long after that After that, family A reported to the Lakudo Police, Central District, Southeast Sulawesi Province. The evidence submitted to the police at that time was only the testimony of victims and witnesses. Then A told his aunt that there were other pieces of evidence, such as sex toys. Based on information from A, Aunt A finally told the victim’s brother (S) to go to the perpetrator’s house on May 31, 2020, and was allowed by the perpetrator’s family to look for the tool. It turned out that S found a sex toy device and then brought the evidence to the assistant investigator at the Lakudo Police Station with the initials (G). On June 3, 2020, the witness was reported by the perpetrator’s family to the Lakudo Sector Police Office, that S was suspected of committing a crime of vandalism Article 170 paragraph (1) Subs Article 406 Jo 55,
56 of the Criminal Code and based on Information Report Number: LP/03/VI / 2020 / Sultra / Baubau / SPK Sek Lakudo, on 03 June 2020. Following the request documentary evidence Lakudo information from the police on the report of the alleged perpetrator’s family felony obscenity.

Where as a witness of the case has a felony obscenity legal protection as regulated in Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. Meanwhile, on the other hand, the investigator represented by the Lakudo Police Chief, AKP Halim Kaonga, explained that “they have postponed for two months the report of the vandalism case with the suspect initials S (victim-witness, the ed) referred to by the lawyer. The report against the initials S is a different case / new case because it has been suspected of a criminal act of vandalism. Before there was a back report about the vandalism, the Lakudo Police had already handled the alleged rape case, which is the younger brother of initials S. “I have told you that there should be no further action. It turned out that the husband and wife were carrying hammers. Only his wife was involved,” he said.

If you compare the chronology between the police who are represented through the Kapolsk with the chronology of the advisor (S) / Reported Party. Actually what happened behind the different chronological versions. Researchers are interested in studying and analyzing the integrity of investigators in dealing with witnesses who are reported for alleged criminal acts of vandalism? and how to overcome it to create an investigator with integrity?.

2. METHODS
Methods uses an empirical juridical research approach. Informants in this study who will be interviewed consist of legal advisors, witnesses, and investigators from the Lakudo Police, Central Buton Regency. In this study, qualitative data collection techniques will be used with in-depth interviews as the primary data collection technique. The process of data analysis in this study begins with the collection and assessment of data obtained from interviews, observations, and documentation. Qualitative data analysis is then carried out interactively and continues to get the results of the problem points. Through this method, the resulting data is saturated data (Miles & Huberman, 1994). Through this limited research, principally the researcher tries to see the picture in depth with a not too broad scope (Ridwan, 2012).

3. RESULTS AND DISCUSSION
Reveals Integrity Investigator In addressing the Crime of experienced Witnesses
Etymologically, integrity (integrit), integration (integration), and integral (integral) have a root Latin word the same, namely “integer” meaning “whole” (“whole or entire”) or “an integer” (“a whole number”), a number that is not a fraction (Skeat 1888; Black, 1825). Integrity is generally associated with virtue or good character (Audi & Murphy, 2006). Its development is often associated with efforts to prevent corruption so that one of the indicators most often mentioned as a representation of the nature of people with integrity is honesty. However, how to explain honesty in terms of cohesiveness/wholeness? While it is true that one cannot have integrity without practicing honesty, it is not impossible for someone who is always honest to have a low level of integrity (Carter, 1996). Blind honesty without consideration of the appropriateness of context can instead indicate a narcissistic nature and indifference to the bad consequences that will befall others (Martin, 1996), a trait that seems to run counter to integrity.

Integrity refers to the total of those fundamental values or principles. Integrity is an internal system of principles that guide or guide behavior. Derived from the Latin integer which means, intact (complete) or whole (whole), the definition of integrity
according to the compact *Oxford English Dictionary* is as follows:

a. The quality to be honest and uphold morals
b. Complete or unified state
c. Plausibility about the arrangement.

In other words, people who have integrity are people whose actions or behavior are guided or guided by a set of *core principles* that encourage them to act consistently to achieve higher or better standards or measures. Some understand that other values or virtues such as honesty, reliability, kindness, honesty, loyalty, maturity, objectivity, respect, trust, and wisdom are part of the values of integrity (Corruption Eradication Commission & Satunama Foundation, 2016).

To assess the integrity of an investigator, we must explain the position of the case. In the case of the witness reported by the family of the perpetrator of the alleged molestation, it can be explained chronologically, starting on May 31, 2020, the witness went to the house of the perpetrator. When he arrived at the house of the perpetrator, the witness asked his brother for permission Usman (Mr Perpetrator or Whistleblower) and the perpetrator’s wife to enter the perpetrator’s room looking for the 4 (four) sex instruments. Usman’s brother and the perpetrator’s wife permitted the witness and even the perpetrator’s wife to give the room key properly and consciously to the witness. After that the witness entered the room and found 4 (four) sex instruments stored in the perpetrator’s closet then reported and collected the sex equipment to the Lakudo Sector Police, after that later on June 5, 2020, the perpetrator’s family reported the witness on suspicion of committing a criminal act of vandalism, the following is the letter as intended:

Based on the above, the chronology that begins with a Rapporteur man named Usman, aged 60 years, a job entrepreneur, address Village Matawine, District Lakudo, Buton Central, reported criminal acts vandalism allegedly committed by the suspect S which the act was carried out 2 times on May 31, 2020, at around 07.30 WITA, then it was repeated again on the same day and date at around 15.30 WITA, located in Matathethewine Village, Lakudo District, Central Buton Regency, while the Reporting Party objected to the action.

Meanwhile, based on interviews with the Reported Party/witnesses, they denied all statements including material losses of Rp. 5,500,000 and lost Rp. 46,000,000 which the victim then reported to the Lakudo sector police, so the Lakudo Police received the Complaint Report that was reported by the Reporting Party, Usman, by issuing an Information Report Number: LP/03/VI/2020/Sultra/Baubau/SPK Lakudo Secretary, June 03, 2020, regarding the crime of vandalism.

“Initially the Witness came to the Reporting Party’s house when the witness’s sister named Adelia (Victim of the Alleged Case of the Crime of Obscenity) informed the Witness as her sister that there was still evidence at the house of the alleged perpetrator of the crime of obscenity; On May 31, 2020, the Witness went to the perpetrator’s house accompanied by her husband named Lukman, when he arrived at the perpetrator’s house, S asked for permission from the owner of the house who at that time was only the perpetrator’s family and was then given permission to enter. After that, Wa Sandria went straight to the Perpetrator’s room and found a sex tool in the form of a toy which was allegedly owned by the perpetrator when he carried out an obscene act on the victim, besides that S
did not do any damage and took money as alleged; After finding the evidence, the Witness and Lukman went to meet his aunt, Ibu Murni and through Ibu Murni, went to the office of criminal Lakudo Sector Police, Central Buton Regency to submit evidence in the case of alleged sexual abuse of his sister S and investigators in the alleged criminal case.

However, the Witness considers the case reported by the perpetrator’s family to be completely untrue, on the other hand, it turns out that the witness allegedly experienced threats by investigators who ordered him to admit that it was true that he had committed the vandalism and taking money. The aim is that the witness’s case is subject to a lighter prison sentence but if the witness does not admit it, he will be sentenced to a heavy prison sentence. The actions of these investigators are contrary to the task of protecting and protecting the community, as stated in Article 2 of Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, which relates to

“The function of the police is one of the functions of the state government in the field of maintaining security and public order, enforcement of the law, protection, shelter, and service to the community.”

Even though the stage of the alleged criminal act of vandalism was still in the investigation process at that time and the investigator was not entitled to give a statement that discredited the Witness because it was not his authority and was contrary to the principle of presumption of innocence or presumption of innocence that applies until choosing a decision that has permanent legal force and has the right to decide someone. guilty or not and the severity or lightness of the sanction imposed is only the judge.

Witness when asked to admit only by the individual investigators, the witness felt fear “Yes, I was scared because he had never caught a case and the position I came merely take evidence in his house and did not carry out the destruction” should individual investigator protecting and nurturing not instead of trying to imprison someone. The witness felt that there was something wrong with the case that he reported “usually the person processes the report from the family while I found evidence and used it as evidence in my sister’s case, they should feel sorry for me, not the other way around, they want to imprison me” even though the witness could do this. defense, namely the protection of witnesses as regulated in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, while the rights possessed by witnesses are the right to physical protection, the right to procedural protections, the right to protect legal rights, medical assistance rights, psychological rights, and psychosocial rights, restitution facilitation rights, and compensation rights. The right that is relevant to the case of natural witnesses is the right to legal protection, but unfortunately, the witness does not know the rights that have been regulated in the Law on the Protection of Witnesses and Victims. The witness learned about these rights after being notified by his legal advisor.

Another oddity, on July 6, 2020, at 21.00 WITA, the investigator through his phone, called the witness to come to the Lakudo Sector Police Office to be asked for information, even though there was no written summons yet. However, the witness still came to the Lakudo sector police office in when evening. According to the criminal procedure law in the Criminal Procedure Code, the summons must be based on a written summons. When referring to the provisions in Article 112 paragraph (1) of the Criminal Procedure Code, “Investigators conducting examinations, by stating the reasons for the summons clearly, are authorized to summon suspects and witnesses deemed necessary for examination with a valid summons by taking into account a reasonable time lag between receipt of summons and the day a person is required to fulfill it. So that the actions of unscrupulous investigators who summon witnesses without a written
summons are contrary to the Criminal Procedure Code. This study, of course, does not only focus on witnesses, but also investigators, so the researchers conducted interviews with investigators, while this interview was about clarifying the actions experienced by witnesses entangled in cases of alleged criminal acts of vandalism.

The investigator when met at the Lakudo Sector Police Office, Central Buton Regency, according to him, in the case of the alleged criminal act of vandalism, according to the procedure, this is based on a report from the family of the alleged molester, then his party is tasked with following up on the report, as for threatening actions against witnesses such as if not admitting that he will be punished with a heavy prison sentence is not true. In addition, regarding the summons at night for witnesses, the person reasoned that he forgot when to call witnesses. As for witness protection, the person initially knew that there was a Witness and Victim Protection Act. However, when asked, why did you continue to follow up on this case? even though the witness has the right to immunity and the case is being postponed, he only replies “that witness protection is being submitted to the trial” Meanwhile, according to the researcher, the reason stated by the person is wrong because there is no need to submit to the court and all law enforcement officers, namely the police, prosecutors, or courts can directly protect witnesses. This case seems forced. According to the witness’s legal advisor. Muhaini said that:

“The existence of this report is indeed very disturbing because the evidence used to report witnesses suspected of doing vandalism which caused material losses of Rp. 5,500,000 and loss of money of Rp. 46,000,000, even though it was not true that there was damage and loss. This case is related to the alleged molestation case experienced by the witness’s sister, where the suspect/defendant has a family relationship with the vandalism reporter and the aim is to exchange cases/ case swaps between the case experienced by the witness and the sexual abuse case experienced by the witness’s younger brother so that the alleged perpetrator does not follow up. the abuse. On the other hand, investigators prefer to defend the perpetrators and want to immediately follow up on cases of alleged criminal acts of vandalism without looking at it from a humanitarian perspective. A sister who has experienced sexual harassment but it turns out that the witness was reported for allegedly doing vandalism even though the purpose was solely to find evidence, not to do damage, and then it was used as evidence in the case of alleged molestation experienced by the witness’ sister. Whereas the procedure for taking evidence is wrong and not procedural because the investigator who is authorized to take evidence at the perpetrator’s house so that the evidence obtained by the witness is formally flawed or invalid. However, the police are still used as evidence to be included as evidence in cases of alleged sexual abuse.”

From the results of interviews and observations made by indepth research, if it is related to the integrity of the investigator based on the integrity indicator used, namely carrying out his duties honestly and objectivism, namely investigators who can make a balanced assessment of all relevant conditions and are not affected by their interests. or the interests of others in making their decisions (Baisary, 2013). it can be stated that:

a. In the investigation process of the alleged criminal act of vandalism carried out by the witness, it was shown that the alleged investigator was indeed dishonest, was proven when the researcher questioned the summoning of the witness at night for questioning, but the investigator denied and argued that he did not remember the incident when the witness was summoned he was accompanied by his husband and parents and it was true that there was a summons.
b. The actions of individuals who threaten “if they don’t admit their mistakes, they will be sentenced to more punishment” the statement is very threatening and discriminatory, this is proven when the researcher clarifies people who have heard directly the conversations between investigators and witnesses. asked the person denied. According to the researcher, it is difficult to reveal that it is true that the investigator carried out threatening actions, but the researcher is sure because it is based on the evidence, such as people who heard the threatening conversations and evidence of the witness’s phone call history with these individuals. The methods of examining witnesses/reported are called inquisitors or the “inquisitorial system”, which places the suspect/defendant in the examination as an object that can be treated arbitrarily (Remaja, 2018).

c. Investigators are considered not to objectively handle cases of alleged criminal acts of vandalism, this is evidenced by the irregularity of the actions of individuals who threaten witnesses that “if they don’t admit their mistakes, they will be sentenced to more”. that the individual wants the legal process to continue without applying the principle of presumption of innocence or the principle of presumption of innocence so that this person shows his side with the complainant.

Handling Integrity of Investigators in Handling Criminal Cases Experienced by Witnesses
Establish a legal system for criminal law enforcement that has integrity. As a system, of course, criminal law cannot work alone but works together according to their respective functions, according to HROtje Salman and Anton F. Susanto, the system is sometimes described in two ways, first, as a form or entity, namely an ordinary system. Second, the system has a methodological meaning known as the general understanding of the systems

Figure 1. Integrity of Individual Investigators in Handling Cases of Alleged Criminal Acts of Vandalism Committed by Witnesses

<table>
<thead>
<tr>
<th>Integrity Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objectivism</td>
</tr>
<tr>
<td>Honesty</td>
</tr>
</tbody>
</table>

- Investigators sided with the complainant
  the evidence: the witness was allegedly ordered to admit his guilt and if he used a legal advisor, the punishment would be even more severe

- Clarification of investigators on the actions of investigators suspected of carrying out threats;
- Clarification of the researcher on the summons at night, without being accompanied by a summons and only by telephone, witnesses are called.

Source: Data Processed
approach which is the application of the scientific method to solve problems or apply the habit of thinking, or assume that there are many causes for things to happen, in seeing or dealing with interrelationships. The systems approach is to try to understand the complexity in most things, to avoid seeing it as something very simple or even wrong (Salman & Susanto, 2008).

Barda Nawawi Arief believes that improving the quality of law enforcement human resources will create clean and authoritative law enforcers, who are honest and moral, not corrupt, and can be trusted to uphold the values of truth and justice. (trustworthy), because it not only understands the law of homo juridical) but also has ethics/morals or what is called “homo etichus”, therefore upholding the authority of the law essentially upholds the value of trust in society (Arief, 2008). The increase in education to improve the quality of law enforcement human resources as conceptualized by Barda Nawawi Arief shows a close relationship between legal science and divine science, so what Moeljatno said is correct that science (including legal science) is not accompanied by scientific knowledge. God is incomplete (Moeljatno, 1985).

In building the integrity of law enforcement officers, especially investigators, two aspects are needed, namely internal and external, here are the explanations.

**Internal Aspects**

Aspects researchers use the thoughts of Barda Nawawi Arief, that the quality of law enforcement demanded by society today is not just formal quality, but especially the quality of law enforcement materially/substance as in several central issues demanded by the community, among others: (1) the protection of human rights (human rights); (2) upholding the values of truth, honesty, justice, and trust among others; (3) no abuse of power/authority; (4) clean from the practice of “favoritism” (favoritism), KKN, and judicial mafia; (5) the realization of independent judicial power/law enforcement, and the establishment of a code of ethics/professional code; (6) the existence of a clean and authoritative government administration. Meanwhile, the immaterial quality: a prosperous and materially affluent life alone is not a guarantee of a pleasant and quality living environment. The immaterial aspect is a basic human spiritual and socio-cultural need because it is indispensable to ensure the existence of a healthy and meaningful quality of the environment. So that the police agency must seriously foster through education quality to form a person who has cultural maturity, spiritual, psychological, and moral that comes from the values of faith and religious ethics. it will have implications for law enforcement which contains the values of truth, honesty, justice, the value of trust, and love for each other and has high integrity in living these values (Arief, 2018)

**External Aspects**

Aspects are supervision that is carried out by internal and external institutions. Previously, the investigator supervision system had been established such as the Indonesian National Police Supervision Profession (PROPAM), the Regional Supervision Inspectorate (IRWasda), National Police Commission (Kompolnas) even if there was an alleged violation, you could directly report it online through a website and application called Dumas Prisisi which was supervised directly by the National Police Headquarters. Besides that, it can also file a pretrial lawsuit in the District Court if there is a procedural error in handling the case and if it is related to the maladministration of public services of a state institution including the Police, it can report to the ombudsman, while Komnas HAM can also handle reports of alleged human rights violations that have occurred. experienced by citizens who are examined by investigators. But unfortunately, the Indonesian people, especially the people of Central Buton Regency, do not know the duties and functions of the institution and
the reporting procedures. This makes it increasingly difficult for state institutions to supervise investigators and on the other hand, it is easy to commit violations by unscrupulous investigators. The active role of state institutions is very important and must be integrated with a supervisory system, especially legal products issued must have an imperative nature and have implications for sanctions if they do not follow up on decisions that have been made. According to the researcher, the role of advocates in supervising investigators is currently urgent when accompanying someone who will be examined, whether they are witnesses, perpetrators, or victims. Advocates who have received legal education will find it easier to supervise and synergize in a supervisory system such as Propam, Irwasda, Ombudsman, Komnas Ham, Courts, Advocates, and the media to jointly supervise investigators and create investigators with integrity.

4. CONCLUSION
To reveal the integrity of investigators in handling criminal cases committed by witnesses (case studies of alleged criminal acts of vandalism in Central Buton Regency), to reveal the integrity of investigators. So the researchers used two indicators, namely honesty and objectivism. So from the research analyzed it can be concluded that there is dishonesty by the investigators, namely when the researcher conducts in-depth interviews to ask for the summons of witnesses at night, the investigator denies the question and says it is not true, the researcher clarifies the actions of the investigator who allegedly threatened and said it was not true. by the investigator, while regarding objectivism, the investigator is suspected of siding with the complainant based on the alleged threat to the witness to admit that he did the damage and without the need for legal counsel so that the punishment is not severe. Interestingly, behind the cases reported against witnesses, it turns out that there is a motive, namely cases of barter or exchange of cases between cases of alleged criminal acts of vandalism committed by witnesses and cases of alleged criminal acts of obscenity perpetrated by the perpetrator against the witness’s sister and investigation only.

Suggestions in realizing investigators with integrity can be formed through two aspects, namely internal aspects and external aspects, internal aspects of the police institution must seriously foster through quality education of cultural maturity, spiritual maturity, psychological maturity, and moral maturity that comes from the values of faith and belief, religious ethics. external aspects, namely synergy between institutions and integration in a supervisory system such as Propam, Irwasda, Ombudsman, Komnas HAM, Kompolnas, Courts, advocates or the media to jointly supervise the performance of investigators.

REFERENCES


Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 31 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban

Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian.

Wawancara Wa Sandria, Selaku Saksi/Terlapor, pada tanggal 1 Juni 2020 pukul 10.00 WITA.

Wawancara Wa Sandria, Selaku Saksi/Terlapor, pada tanggal 1 Juni 2020 pukul 10.00 WITA.

Wawancara Oknum Penyidik, Selaku Penyidik, pada tanggal 12 Juni 2020 pukul 10.00 WITA.

Wawancara Muhaini, Selaku Penasehat Hukum, pada tanggal 15 Juni 2020 pukul 10.00 WITA.