
RESEARCH ARTICLE

Juridical Review of the Principles of Police Coercion in Justice-Based Law Enforcement

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ABSTRACT

This study aims to analyze the juridical review of the principle of police coercion in justice-based law enforcement. The research used is normative juridical Approach. The results of the study show that forced effort comes from the Dutch language "Discretionair", which means wisdom in deciding an action based on provisions of regulations, laws or applicable laws but on the basis of wisdom, consideration or justice. Coercive measures involve decision-making that is not strictly legally bound, in which personal judgment also plays a role. A forced effort is the freedom to choose various steps of action (Causes of action or inaction). Forced efforts are one of the investigative activities carried out by POLRI investigators, as in Article 15 of the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2012, namely that investigative activities are carried out in stages, including; a) Investigation; b) Delivery of Notification Letter of Commencement of Investigation (SPDP); c) Forced efforts; d) examination; e) Case title; f) Settlement of case files; g) Submission of case files to the public prosecutor; h) Delivery of suspects and coals; i) Termination of investigation.

KEYWORDS

Principle, coercion, Police, law enforcement, justice

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1. Introduction

The Indonesian National Police is a state tool that plays a role in maintaining public security and order, law enforcement, protection, protection, and service to the community in the context of maintaining homeland security.

The National Police of the Republic of Indonesia, as referred to, is REGULATED in Law Number 2 of 2002 concerning the State Police. In principle, the Indonesian police were formed as agents of change, The Chief of Police, Idham Aziz, stated that the police are expected to be agents of change when carrying out their duties, namely not only as a tool to eradicate crime but also as a good leader through the process and which is forged in various stages to produce character leadership. The challenges faced by the national police in the future are also increasingly complicated and complex; therefore, a qualified leader is needed, rich in experience and has the courage to make decisions and has high integrity.¹²

The police have become the frontline institution in law enforcement; the police have the most dominant role in the process; this is stated in Law No. 2 of 2002 concerning the Police of the Republic of Indonesia. In an effort to enforce it, the police have the authority, as described in Perkap No. 1 of 2009, concerning the Use of Force in Police Actions.

¹ Kapol.id, "Police Chief, Police Are Expected to Be Agents of Change," 2020, <https://kapol.id/kapolri-polisi-diharapkan-menjadi-agen-perubahan>.

² Beritasatu.com, "Sign a Letter Stamping Young Police Promises to Be Agents of Change," 2017, <https://www.beritasatu.com/nasional/419737-tandatangani-surat-bermeterai-polisi-muda-janji-jadi-agen-perubahan>.

In this regard, for police investigating officers, there are several laws and regulations that are direct or indirect in relation to the problem of police coercion. The laws and regulations are regulated in the provisions of Article 7 paragraph (1) letter j of the Criminal Procedure Code (KUHP) Number 8 of 1981, which authorizes investigators because of their obligation to be able to "carry out other actions according to responsible law".

In the examination of a case or criminal case, whether it is a general criminal or a special criminal, the police/investigator often has to make a forced effort; coercive efforts are basically acts of coercion that deprive a person of their freedom, freedom or limit a person's human rights. Before making a forced effort, it is necessary to make preparations such as monitoring, analyzing, and collecting all existing evidence so that it has a strong and clear basis for the investigation process and future investigators. Implementation of coercive efforts in the context of law enforcement. According to Satjipto Raharjo, the essential meaning of ³⁴law enforcement is: "a process to make legal wishes come true. The legal desire here is the thoughts of the law-making body formulated in the form of legal regulations that will be applied in all aspects of social and state life."⁵

In the Criminal Code (KUHP), there is no detailed explanation of the meaning of forced efforts. However, coercive efforts can be interpreted as one of the powers or sets of actions given by law to law enforcement to deprive law enforcement of their freedom. A coercive effort is a series of investigative actions to carry out an investigation, namely in terms of making an arrest, detaining a search, confiscating, and examining letters. Under normal circumstances, if the act is carried out without the basis of the provisions of the law, then it can be qualified as a violation of human rights, in particular regarding the personal rights and freedoms of the person being acted upon.⁶

2. Discussion

2.1 The Concept of Police Efforts in Law Enforcement

Forced efforts are one of the investigation activities carried out by POLRI investigators, as in Article 15 of the Regulation of the Chief of Police of the Republic of Indonesia Number 14 of 2012, namely investigation activities are carried out in stages, including.⁷

- a) Investigation;
- b) Delivery of Notification of Commencement of Investigation (SPDP);
- c) Coercive efforts;
- d) Examination;
- e) The title of the case;
- f) Settlement of case files;
- g) Submission of the case file to the public prosecutor;
- h) Surrender of suspects and embers;
- i) Termination of the investigation.

The attempt at force in *the Black Law Dictionary* comes from the Dutch "*Discretionair*", which means discretion in the case of deciding an action based on the provisions of the applicable regulations, laws or laws but on the basis of discretion, consideration or fairness. According to Wayne La Farve, forced efforts involve decision-making that is not strictly bound by law, where personal judgment also plays a role.⁸⁹

From some of the definitions of forced attempts, it can be said that in simple terms, coercive efforts are an authority regarding making a decision under certain conditions based on one's personal considerations and beliefs, in this case, the police.

The granting of coercive efforts to the police, according to Chambliss and Seidman, is essentially contrary to the state based on law. This forced attempt eliminates certainty as to what will happen. But order in a society that is entirely based on laws is also an ideal that will not be achievable. Here it is desired that all things and actions be governed by clear and unequivocal rules, a state of affairs that cannot be achieved.¹⁰

With the power of force by the police, the police have great power because the police can make decisions where their decisions can be outside the provisions of the law but are justified or allowed by law. It is as stated by Samuel Walker: "One thing that can explain the power of the police or other agencies in carrying out their duties, namely the existence of coercive efforts or authority granted by law to act in special situations in accordance with the judgment and heartfelness of the agency or officer himself."¹¹

³ Ely Kusumastuti, "Determination of Suspects as Pretrial Objects," *Journal of Juridics* 33, no. 1 (2018).

⁴ Gunawan Johan Imanuel, Sunarto, "Implementation of Forced Efforts Carried Out by Densus 88 Anti-Terror in Uncovering Criminal Acts of Terrorism (Review of Human Rights Enforcement in Indonesia)," *Journal of FH Unila* 5, no. 2 (2017).

⁵ Teguh Sulistia and Aria Zurnetti, *Criminal Law: The New Horizons Post-Reformation* (Jakarta: Raja Grafindo Persada, 2011).p. 163

⁶ Nikolas Simanjuntak, *Indonesian Criminal Proceedings In Legal Circus* (Jakarta: Ghalia Indonesia, 2009).p. 77

⁷ Regulation of the Chief of Police of the Republic of Indonesia Number 14 of 2012 concerning Management of Criminal Investigations, Article 15

⁸ Yan Pramadya Puspa, *Legal Dictionary* (Semarang: Miscellaneous Sciences, 1977).p. 91

⁹ M. Faal, *Police Screening of Criminal Cases (Police Coercive Efforts)* (Jakarta: Pradnya Paramita, 1991).Pp. 16

¹⁰ Sajipto Raharjo, *Legal Studies* (Jakarta: PT. Citra Aditya Bakti, 1999).p. 111

¹¹ Anton F. Susanto, *The Face of Our Judiciary, The Social Construction Of Deviance, Mechanisms Of Criminal Justice Control And Accountability* (Bandung: PT. Refika Aditama, 2004).p. 98

In article 5, paragraph (1) letter a number 4 and article 7 letter j of the Criminal Procedure Code, it is explained that the principle of obligation is to hold other actions according to the responsible law with the explanation referred to by other actions are the actions of the investigator for the purposes of investigation on the condition that :

- 1) Does not conflict with the rule of law; 2) in line with legal obligations that require the action of office to be performed; 3) the act must be appropriate and reasonable and included in the environment of his office; 4) for proper consideration based on coercive circumstances, as well as respect for human rights.

In article 16, paragraph 1 letter l of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it is also explained that carrying out other actions according to the law responsible is an act of investigation and investigation carried out if it meets the following conditions:

- 1) It does not conflict with the rule of law; 2) In line with legal obligations that require acts of office to be performed; 3) The act must be appropriate and reasonable and included in the environment of his office; 4) For proper consideration based on coercive circumstances, as well as respect for human rights.

Meanwhile, in article 18 of the Police Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it is explained that for the public interest, officials of the National Police of the Republic of Indonesia in carrying out their duties and authorities can act according to their own judgment; with the explanation referred to by acting according to his own judgment is an action that can be done by members of the Indonesian Republic State Police who in their actions must consider the benefits and risks of their actions and are properly in the public interest.

The formulation of the authority of the National Police of the Republic of Indonesia in article 18 paragraph (1) of Law Number 2 of 2002 is an authority derived from the principle of the general obligation of the Police (*plichtmatigheids beginsel*), which is a principle that gives authority to police officials to act or not act according to their own judgment, in the framework of their general obligations to maintain, maintain order and ensure public security. In general, this authority is known as the "police forceful attempt", whose validity is based on consideration of its need for duty obligations (*Pelichmassiges Ermessen*).

Forced efforts, on the one hand, provide solutions, but on the other hand, forced attempts can cause conflict among the public when law enforcement does not carry out their duties in accordance with applicable regulations. Therefore, in carrying out its authority, the Police must pay attention to the principles of implementing the authority of the Police; there are 2 (two) types, namely:

- a. The Principle of Legality is the principle by which every action of the Police must be based on laws and regulations;
- b. The *Plicmatigheids* principle is the principle by which the Police are considered valid if they are based on/derived from general power or authority.

The forced attempt by the Police is an act that is not separated from the provisions of the law and occurs a lot in the daily life of the general public, but the forced effort is still carried out within the framework of the law. Forced efforts have also led to a loss of public trust in law enforcement officials.

Therefore, the rights of the suspect in the attempt to coerce the suspect must be considered innocent, in accordance with the legal principle of "*the principle of presumption of innocence*" (*presumption of innocent*) until a court decision has been obtained that has permanent legal force. Police investigators are not necessarily able to carry out investigation activities at will, but there are also restrictions that must be followed by these investigators so as not to violate human rights considering that the investigator's power in carrying out this series of actions is too great. The limitations on the investigator's activities are contained in the Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Police Duties of the Republic of Indonesia. In Article 13, paragraph (1) of the Regulation, it is stated that in carrying out investigation activities, any police officer is prohibited from:¹²

- a) Intimidation, threats, physical, psychic or sexual torture to obtain information, information or confessions; b. Instructing or inciting others to commit acts of violence outside the legal process or arbitrarily c. Preaching the secrets of someone who is litigating; d. Manipulate or lie in making or delivering reports on the results of investigations, e. Engineer reports so as to obscure investigations or distort the truth; f. Carrying out actions aimed at seeking remuneration from the litigants

¹² M Yahya Harahap, Op.Cit. p. 134

The examination conducted by the investigator is focused on all matters concerning legal issues. The base point of the examination before the investigator is the suspect. It was from him that information was obtained about the criminal event under investigation. However, even if it is the suspect who is the starting point for the examination. The suspect must be placed in a position of a man of dignity. He should be judged as a subject, not as an object. It is the criminal acts committed by him that are the object of examination. The inquest was aimed at the wrongfulness of the criminal act committed by the suspect.

In the examination of criminal acts, it is not always only the suspect who must be examined. Sometimes an examination of witnesses or experts is required for the sake of the light and clarity of the alleged criminal event. However, the suspect must be upheld the protection of dignity and human rights, to witnesses and experts must also be treated in a humane and civilized manner.

2.2 The Role of Coercive Efforts in Equitable Law Enforcement

To realize fair law enforcement in Indonesia, the role of law enforcement agencies is very important. In fact, this has been regulated in accordance with laws and regulations. In this case, the institution in question is the Indonesian National Police (Polri). The police force is a right relating to the functions and institutions of the police in accordance with laws and regulations. The police force is, at its core, a law enforcement officer who is in charge and responsible for public order, public safety and security.¹³

One of the coercive attempts is *arrest*, according to Article 1 number 20 of the Criminal Procedure Code reads:

"An arrest is an investigative act in the form of a temporary restraint of the freedom of the suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and or trial in the case and according to this law.¹⁴

According to Maidin Gultom, in making an act of arrest, the principle of presumption of innocence must be respected and upheld in accordance with dignity and dignity. The principle of ¹⁵*presumption of innocence (presumption of innocent)* can be found in the General Explanation of item 3c of the Criminal Procedure Code, namely:

"any person who is suspected, arrested, detained, prosecuted and/or confronted in advance of the court shall be presumed innocent until a court ruling declaring his guilt and obtaining permanent legal force".

In addition, it is also regulated in Law No. 48 of 2009 concerning Judicial Power; in Article 8 paragraph (1), it is stated that:

"any person who is suspected, arrested, detained, prosecuted, or confronted before a court shall be presumed innocent before there is a court ruling declaring his guilt and having obtained permanent legal force".

The arrests to be made are directed at persons who are strongly suspected of committing criminal acts based on sufficient preliminary evidence. What is meant by sufficient preliminary evidence is preliminary evidence to suspect a criminal act. The performance of the duties of arrest cannot be carried out arbitrarily but is aimed at the person who actually committed the criminal act. In the event of being caught, an arrest is made without an arrest warrant, but one must immediately hand over the arrested person along with the available evidence to the investigator.¹⁶¹⁷

Hand-catching is the arrest of a person when he is committing a criminal act or immediately after a while the crime was committed, or a moment later it is called by the public as the person who committed it, or if a moment later it is found that an object that is strongly suspected of having been used to commit the crime shows that he is the perpetrator or participated in or assisted in the crime.¹⁸

The next coercive attempt is *Detention*, that is, the placement of a suspect or defendant in a certain place by the investigator, or the public prosecutor or judge by his determination, in the case as well as in the manner provided for in this law. The Criminal Procedure Code only provides in the details of the article on the material of the suspension of custody, which concerns the

¹³ Article 4 of Law No. 2 of 2002 concerning the Police of the Republic of Indonesia

¹⁴ Gerry Muhamad Rizki, *Op.cit.*, p 195.

¹⁵ Gultom Morning, *Legal Protection of Children in The Juvenile Criminal Justice System In Indonesia* (Bandung: PT. Refika Aditama, 2008).p. 101

¹⁶ Ratna Sari, *Investigations And Prosecutions In Criminal Procedural Law Legal Study Groups And Societies* (Medan: USU Faculty of Law, 1995). P. 36

¹⁷ Chapter 18 Verse 2 Khap.

¹⁸ Article 1 Paragraph 20 of the Criminal Procedure Code

guarantee of money or persons and officials authorized to establish the suspension of detention as well as the whereabouts of the suspect or defendant if it escapes from the status of the custodial suspension.¹⁹²⁰

Another opinion says that detention is essentially an act that limits a person's freedom of independence. A person here is not every person but rather a person who, by law, can be subject to detention. A person who, by law, may be subject to detention under the above article is a person who has been designated as a suspect or defendant.²¹

Therefore, the Criminal Procedure Code determines that officials or agencies authorized to make arrests, namely investigators or auxiliary investigators, public prosecutors, and judges who, according to the level of examination, consist of judges of the district court, the high court, and the Supreme Court (Articles 20 to Article 31 of the Criminal Procedure Code).²²

The validity of detention is specified in Article 21, paragraph (4) of the Criminal Procedure Code, namely that detention can only be imposed on suspects or defendants whose criminal acts are in the case stipulated in items a and b. The need for detention is regulated in Article 21 paragraph (1), i.e. a follow-up restraining or detention order is carried out against a suspect or defendant who is strongly suspected of committing a criminal act based on sufficient evidence, in the event of circumstances that cause concern that the suspect or defendant will escape, tamper with or remove evidence and/or repeat the criminal act.²³

There are 3 types of detention, namely: 1) State detention, namely detention in a certain building called the State Detention Center (Rutan). If there is no building available, it is used by the Penitentiary, The Court Detention Center or the Prosecutor's Office. 2) House arrest, that is, detention carried out in a residential house or residence of a suspect or defendant by conducting supervision of it. 3) Municipal detention carried out in the city of residence or residence of the suspect or defendant with the obligation to self-report at the appointed time.²⁴

The types and periods of detention include the following; 1) Detention carried out by the Investigator with a period of 20 days and can be extended by the JPU for 40 days. 2) Detention carried out by the General Prosecutor with a period of 40 days and can be extended by the Chairman of the PN for 30 days; 3) Detention carried out by the PN Judge with a period of 30 days and can be extended by the Chairman of the PN for 60 days, 4) Detention carried out by a PT Judge with a period of 30 days and can be extended by the Chairman of the PT for 60 days, 5) Detention made by a Supreme Court Judge with a period of 50 days and can be extended by the Chief Justice of the Supreme Court for 60 days.²⁵

A *search* is an act of examination to collect goods and evidence, and information related to a legal case. The search action included a coercive effort whose authority was given to the investigating party. This examination action is carried out in a closed place (house, building, and its type) or a person's body Article 32 of the Criminal Procedure Code states that for the purposes of investigation, the investigator may conduct a house search or clothing search or body search according to the procedures prescribed in this law. At the time the investigator conducted an urgent search without the court's permission, there was a ha;- something that was not allowed to be examined or confiscated. These provisions are regulated in article 34, paragraph (2) of the Criminal Procedure Code, which states: ²⁶²⁷

Confiscation is a legal action in the investigation process carried out by the investigator to legally control an item, both movable and immovable goods, that is suspected to be closely related to the criminal act that is taking place. The definition of Confiscation is a series of actions of an investigator to take over and or store under his control a movable or immovable, tangible or intangible object for the purpose of proof in investigation, prosecution and trial.²⁸²⁹

¹⁹ Article 1 paragraph 21 of the Criminal Procedure Code

²⁰ Andi Hamzah, *Potpourri Of Criminal Law And Criminal Procedure*. (Jakarta: Ghalia Indonesia, 2011).p. 19

²¹ P.A.F Lamintang, *Basic Basis of Indonesian Criminal Law*. (Bandung: Citra Aditya Bakti, 1996).p. 16

²² Andi Hamzah, *Principles of Criminal Law* (Jakarta: Rineka Cipta, 2010). Pp. 132-133

²³ Mahmud Mulyadi, *Op.cit.*, hasl 21-22.

²⁴ Gerry Muhamad Rizki, *Op.cit.*, p. 205.

²⁵ See Articles 24-28 of the Criminal Procedure Code

²⁶ Imam Sopyan Abbas, *Op.cit*,p 93.

²⁷ Gerry Muhamad Rizki, *Op.cit.*, p 210.

²⁸ Hartono, *Criminal Investigation and Enforcement Through a Progressive Approach* (Ray Grafika, 2010).p. 118

²⁹ See Article 1 number 16 of the Criminal Procedure Code

The purpose of confiscation for the purpose of "proof" is primarily intended as evidence before the trial court. Most likely, without evidence, the case cannot be brought to a court hearing. Therefore, in order for the case to be complete with evidence, the investigator conducts a seizure to be used as evidence in the investigation, the prosecution and examination of the court trial.³⁰

In Article 38 of the Criminal Procedure Code, confiscation can only be carried out by an investigator with the permission of the chief justice of the local district court. In very necessary and urgent circumstances where the investigator must act immediately, and it is impossible to obtain a permit in advance, the investigator may make seizures only of movable objects and, for that, shall immediately report to the Chief Justice of the local District Court for his consent.³¹

The objects subject to confiscation as mentioned are: 1) Objects or bills of the suspect or defendant which are wholly or partly suspected to have been obtained from a criminal act or as a result of a criminal act; 2) Objects that have been used directly to commit criminal acts or to prepare them; 3) Objects used to obstruct criminal investigations; 4) Objects that are specially made or intended to commit criminal acts; 5) Other objects that have a direct relationship with the criminal act committed; 6) Objects that are in confiscation due to civil cases or because of bankruptcy may also be confiscated for the purposes of investigating, prosecuting, and adjudicating criminal cases, as long as they meet the provisions referred to above.³²

Letter Inspection, The arrangement for the examination of letters in the Criminal Procedure Code is regulated in Article 47 and Article 48 of the Criminal Procedure Code. His authority rests with the investigator with the permission of the Chief Justice of the District Court. The investigator has the right to open, examine and confiscate other letters sent through the post and telecommunications office, the office or communications company or the appointment if the object is suspected on good grounds of having a connection with the criminal case under examination, with special permission granted for it from the Chief Justice of the District Court.

The provisions in Article 48 of the Criminal Procedure Code state that if, after opening and inspection, it turns out that the letter is related to the case being examined, the letter is attached to the case file. If, after inspection, it turns out that the letter has nothing to do with the case, it is neatly closed and immediately handed back to the post office and telecommunications office, the office or other communication or transportation company after it has been affixed with a stamp that reads "it has been opened by the investigator" with a date, signature and identity of the investigator. Investigators and officials at all levels of examination in judicial proceedings are obliged to keep seriously confidential the power of the oath of office of the contents of the returned letter.³³

From the description above, Coercive efforts are also any form of action that can be forced by criminal law enforcement officials on a person's freedom of movement or to own and control an item, or against his personal freedom not to be disturbed by anyone. Coercive efforts may be imposed against a person or against his or her property necessary to expedite the examination process or to obtain evidentiary materials.³⁴

Deviant actions during the investigation process are not a rare occurrence. In fact, on the contrary, it is a method that is considered reasonable by the investigating officials. Acts of violence by investigators against suspects are contrary to the substance of the Criminal Justice System, which promotes the equality or balance of position between subsystems of the Criminal Justice System itself. A person accused of being a criminal offender is not an object in the Pidana Judicial System but a subject of the system.³⁵³⁶ The Criminal Procedure Code wants a criminal justice process that develops a paradigm, namely, that citizens who become suspects are no longer seen as "objects" but as "subjects" who have rights and obligations. On the basis of the goal of promoting the dignity of human dignity, the Criminal Procedure Code also lays the basic lines of the purpose of fostering the attitude of law enforcement implementers to carry out the provisions of the criminal procedural law in a humane way and oriented towards respecting and protecting the human rights of suspects.³⁷

Just as in making an arrest which is one part of a forced attempt, police officers must pay attention to the procedures for arrest according to the Criminal Procedure Code; namely must show a letter of duty and provide the suspect with an arrest warrant that

³⁰ M. Yahya Harahap, *Discussion of Problems and Application of KUHAP, CetKe-13* (Jakarta: Sinar Grafika, 2010).p. 265

³¹ Gerry Muhamad Rizki, *Op.cit*,p. 213.

³² *Ibid.*

³³ *Ibid.*, pp 216-217.

³⁴ H. Rusli Muhammad, *Contemporary Criminal Procedural Law* (Bandung: PT Citra Aditya Bakti, 2015). P. 65

³⁵ Indrayanto Seno Adji, *Torture and Human Rights in the Perspective of the Criminal Procedure Code* (Jakarta: PT. Deltacitra Gapindo, 1998).p. 39

³⁶ O. C. Kaligis, *Legal Protection of the Human Rights of Suspects, Defendants And Convicts* (Bandung: Alumni, 2006).p. 179

³⁷ A. Fourth M. Zen, *Legal Aid Guide In Indonesia: Your Guidelines For Understanding And Resolving Legal Issues* (Jakarta: YLBHI, 2007).p. 235

lists the identity of the suspect and states the reason for the arrest and a description of the crime in question and the place where he will be examined.³⁸

The provisions of the Criminal Procedure Code want that there is no justification for the practice of violence in the implementation of arrests. So the mental attitude and behavior (law behavior) of Police officers must also really understand, understand, and comply with these regulations in order to establish truth and justice through a series of criminal case settlement processes through the criminal justice system. This is to anticipate the violation of the rights of a suspect with a long period of detention, while not necessarily the suspect is the perpetrator of the criminal acts alleged to him. Thus the objectives of the criminal justice process can be achieved without necessarily violating the human rights of a human being.³⁹

Likewise, the detention of investigators in detaining a suspect must have a clear basis, as is the case with the phenomenal event that occurred on September 24, 2012, in the case of a shuffle carried out by Fitrah Rahmadani, whose initials were "FR" alias Doyok. At that time, after school hours Faruq and his three colleagues were about to pick up a motorcycle that was deposited at the scene of the crime (behind the M Plaza block); suddenly, dozens of 70 high school students appeared and immediately attacked them with sharp weapons in the form of centuries.⁴⁰

Rights that must be protected by the government related to the legal protection of human beings or suspects undergoing the process of examining criminal cases include 1) Rights of Protection, Right to personal protection, family honor, dignity and property rights, 2) Right to Security, Right to a sense of security and peace and protection against the threat of fear of doing or not doing something. 3) Right to Be Free from Torture, 4) Right not to be treated Arbitrarily, Everyone should not be arrested, detained, excommunicated, exiled, or treated arbitrarily, 5) Right not to be tortured.⁴¹

Forced efforts are one of the investigation activities carried out by POLRI investigators, as in Article 15 of the Regulation of the Chief of Police of the Republic of Indonesia Number 14 of 2012, namely investigation activities are carried out in stages including; a. Investigation; b. Delivery of Notice of Commencement of Investigation (SPDP); c. Forced attempts; d. Examination; e. Title of the case; f. Completion of the case file; g. Submission of the case file to the public prosecutor; h. Surrender of suspects and embers; i. Termination of the investigation.

Coercive effort comes from the Dutch "*Discretionair*", which means discretion in the case of deciding an action based on the provisions of regulation, law or law in force but on the basis of discretion, consideration or fairness. Upaya force concerns decision-making that is not strictly bound by law, where personal judgment also plays a role.

Forced attempts are the freedom to choose various measures of *action* (*Causes of action or inaction*). Forced efforts require an adequate level of intelligence in making decisions. In this case, law enforcement human resources (HR) plays an important role than the content of the product, or in this case, it is a law only (*to improve the human resources is more important than its product*).

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³⁸ Moh. Hatta *Criminal Procedure Law: In A Q&A* (Yogyakarta: Liberty Press, 2010).p. 56

³⁹ *Ibid.*, thing 59

⁴⁰ Ana Syafiana Syafitri, "Shuffling Alawi With The Initials FR High School Students 70," 2012.

⁴¹ Agus Sri Mujiono, "Analysis of Legal Protection of Suspects' Rights and Their Potential Violations in Criminal Case Investigations," 2017, <https://eprints.uns.ac.id>.

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