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Harmonization of Investigation Regulations Based on Law No. 8 of 1981 and Regulation No. 6 of 2019 with an Orientation towards Dignified Justice in Indonesia

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Abstract: Currently, the practice of investigation, including inquiry, as a form of formal criminal law to enforce substantive criminal law in Indonesia, is based on the National Police Regulation (NPR) No. 6 of 2019 concerning Criminal Investigation. This National Police Regulation can be considered an implementing regulation of Law No. 8 of 1981 on Criminal Procedure Law (CPL). Therefore, the substance of NPR No. 6 of 2019 should ideally be in harmony with CPL. The harmony of legal regulations ensures sound law enforcement. However, it is commonly complained that the substance of NPR No. 6 of 2019 does not contribute to the clarity of legal norms and appears to contradict CPL potentially leading to investigative practices that disturb the image of CPL as a noble creation. This study aims to provide solutions to the vagueness and disharmony of criminal investigation norms using a normative legal research method. The Dignified Justice Theory with the postulate of law as a perfect system navigates this research. Within the postulate of law as a system, there is an understanding that principles of law are always available as an important constituent element in the legal system to address issues such as ambiguity of meaning and conflicts of legal norms. This study finds, for example, in the Pancasila Legal System, there is the principle of *lex superiori* derogate *legi inferiori* which can be used to provide clarity, and harmonize conflicting legal norms regulating investigations, including criminal inquiry formulated in NPR No. 6 of 2019, with norms regulating similar matters in CPL.
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1. Introduction

Philosophically, according to the perspective of the Dignified Justice theory, abbreviated as Dignified Justice, as a legal philosophy of the Indonesian nation[1], holding, among others, the postulate that law is a system, then the law applicable in Indonesia is also a legal system. The Indonesian legal system is sovereign. As a sovereign legal system, the law applicable in Indonesia exists within a separate legal system, standing alone, and equal to the legal systems of other civilized nations. The name of the Indonesian legal system is the Pancasila Legal System (PLS). In the PLS, Pancasila, formulated in the fourth paragraph of the Preamble

[1] A comprehensive overview of the theory of Dignified Justice can be seen Teguh Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum*, vols., Cetakan I. (Bandung: Nusa Media, 2015); Teguh Prasetyo, *Hukum & Teori Hukum: Perspektif Teori Keadilan Bermartabat*, vols., Cetakan I. (Bandung: Nusa Media, 2020); Teguh et al Prasetyo, *Hukum dan Keadilan Bermartabat: Orientasi Pemikiran Filsafat*, vols., Cetakan I. (Yogyakarta: K-Media, 2023).

to the Constitution of the Republic of Indonesia of 1945, becomes the basis of the entire legal norm structure that must be established or built upon it. As the philosophical basis of all legal norms in the PLS, Pancasila is then referred to as the source of all legal sources.[2] With Pancasila as the source of all legal sources or the highest law, it is expected that all problems arising in the PLS will be subject to the principle of *lex superiori* derogate *legi inferiori* and can be effectively used, including to provide clarity and harmonize conflicting legal norms regulating investigations, including criminal inquiries according to NPR No. 6 of 2019 with norms regulating similar matters in CPL as depicted in this research article.

As a legal system, the PLS also has constitutive characteristics or constituent elements of a legal system that cause the PLS to be logically referred to as a legal system. The theory or legal science that explains the PLS is the Dignified Justice Theory or simply Dignified Justice. The constitutive characteristics are those whose existence is a necessity in a legal system according to Dignified Justice. In other words, according to Dignified Justice, if there are no constitutive characteristics of a legal system, then a legal system cannot be called a perfect system.

One constitutive characteristic of a perfect legal system according to the philosophy of Dignified Justice, and with these constitutive characteristics, every problem within any legal system should be overcome, is the philosophical background of this research and article writing, which is the principles of law and their role in a legal system. As known, in a legal system, there are elements or various factors that are interconnected completely and harmoniously so that a legal system can achieve its goal, of humanizing people (*nguwongke uwong*). Not all constitutive elements of a legal system will be discussed in this writing. Legal principles are an important constitutive element of a legal system. Legal principles as a constitutive element of the legal system, as depicted in this research article, are also known in this case as the PLS.

Based on the understanding above, from the perspective of Dignified Justice, the PLS can be said to be a perfect legal system. It is said so because the PLS has constitutive elements of a legal system that can guarantee completeness, including clarity of meaning and harmony within the legal system. With the existence of legal principles, the PLS can achieve its goals even though within the PLS there are elements in the legal system with different functions from each other. The existence of legal principles as constitutive elements in a legal system function to shape and maintain the integrity of the legal system in which there are different elements with various functions. The existence of legal principles as constitutive elements in a legal system will complement deficiencies and harmonize conflicts if deficiencies or ambiguities are found within a legal system and also conflicts between one element and another.

The problem that is expected to be overcome with the postulate of a system according to Dignified Justice in this writing is the problem of norms regulating the practice of enforcing criminal law within the PLS. There is a general assumption that regulation is ambiguous and also the existence of elements that are not harmonious or conflicting within the Integrated Indonesian Criminal Justice System (CJS) as a sub-System of the PLS. The incompleteness or ambiguity of regulations or norms and the existence of elements that operate inharmoniously within the CJS are suspected to be the cause of the general impression that the CJS is not perfect in claiming that the CPL, which is also an element in the CJS, is a noble work, or a perfect work.

The problems apparent in the CJS above, in turn, potentially lead to the failure of the CJS to function as an element of the legal system that should have the characteristics of the PLS as a perfect legal system. In that perspective, the CJS as a subsystem of the SHP is based on Law Number 8 of 1981 concerning Criminal Procedure Law (CPL), which is also a constitutive element in the CJS. These problems have worried many parties, as if the CPL as a noble work of the Indonesian nation will be "disturbed" by its grandeur. Consequently, as a result of the problems in the CJS, it may also lead to the claim that the PLS as a perfect legal system will become meaningless.

This research seeks to address the above common concerns and thus departs from the urgency to reform the CJS, especially as viewed by some parties within the law enforcement apparatus (LEP) community, perceived as problematic within the CJS that needs to be resolved. The aforementioned problems, as

[2] Teguh Prasetyo, *Sistem Hukum Pancasila (Sistem, Sistem Hukum dan Pembentukan Peraturan Perundang-Undangan di Indonesia)*, vols., Cetakan I. (Bandung: Nusa Media, 2016); Teguh Prasetyo, *Hukum dan Sistem Hukum Berdasarkan Pancasila*, vols., Cetakan I. (Yogyakarta: Media Perkasa, 2013); Teguh Prasetyo and Arie Purnomosidi, *Membangun Hukum Berdasarkan Pancasila*, vols., Cetakan I. (Bandung: Nusa Media, 2024).

previously stated, include the ambiguity in regulation meaning and norm conflicts in legislation regulating investigations, including inquiries as an integral part thereof. Specifically, there are normative facts that can also be referred to as the juridical background of this research, namely, the problems arising from the existence of the National Police Chief Regulation Number 6 of 2019 concerning Criminal Investigation[3] as an element within the CJS which should be based on and not contradict the CPL. The normative facts that also underlie this research and article writing are that the existence of Regulation No. 6 of 2019 as an element within the CJS seems to lack clarity in regulating investigations, including inquiries. Additionally, Regulation No. 6 of 2019 also appears to contain norms or legal principles that contradict other legislation as important elements within the CJS. The important element in the CJS is the CPL.

The presence of Regulation No. 6 of 2019, which is incomplete, or lacks clarity of meaning as a regulation implementing the CPL, which is a core element within the CJS, and which appears to contain substantive norms regulating investigations, including inquiries within the CJS, presents problems of inconsistency between Regulation No. 6 of 2019 and the CPL that potentially, or perhaps already have caused disorientation in the implementation of the CJS. Disorientation in implementation here refers to the chaos in legal actions taken in enforcing substantive criminal law through criminal procedure by law enforcement agencies (LEA) within the Indonesian National Police (INP). It needs to be briefly mentioned here in the background section that signs of disorientation or chaos in the implementation of criminal procedure enforcement can be identified through the emergence of documents issued by LEA within the INP as the authorized party at the investigation level, including at the inquiry level, to carry out law enforcement if there is suspected criminal activity.

Furthermore, it is briefly necessary to mention here that indications of inconsistency or chaos that according to common perception have occurred and persisted within the CJS as stated above, can be seen from the various concepts, terms, phrases, nomenclature, forms, as well as the content or substance of several documents often issued by law enforcement agencies (LEA) within the INP to carry out law enforcement duties. There is no uniformity, whether it be in terms of concepts, terms, or nomenclature, as well as seen from the content and form of actions that should represent systemic criminal procedure actions, both in the context of criminal law enforcement duties at the investigation level and this includes inquiries by LEA within the INP.

The disharmony between legislation, and closely related to it, the lack of clarity in the meaning of legal norms regulating investigations into suspected criminal activities as mentioned above, worsens or even exacerbates practices that are commonly known among practitioners involved in handling suspected criminal cases at the investigation level, including at the inquiry level. In practice, it also seems to be a common understanding that the chaos, as well as the abundance of meanings in the regulation of investigations, are also caused by the absence of regulations on guidelines, and perhaps in this regard can be referred to as clear Guidelines for the Implementation of Investigation Administration.

As is known, the existence of good Investigation Administration Guidelines will result in the direction of investigative actions. For example, if there are guidelines regarding the use of words, phrases, concepts, and nomenclature, as well as the form, format, and content of various letters, then those clear guidelines can guide substantive law enforcement through a criminal procedural law that provides legal certainty. In other words, considering the general assumption above, it can be said that regulations regarding guidelines or models for the preparation of letters issued in the investigative process, including inquiries into allegations of non-criminal conduct, have contributed to the disorder in law enforcement, especially the disorder within APH in the Polri environment conducting investigations, including inquiries into alleged criminal conduct.

As is known, the presence of good Guidelines for the Implementation of Investigation Administration will result in directed investigation actions. For example, if there are guidelines on the use of words, phrases, or concepts as well as nomenclature, as well as the form and content of various letters issued in the investigation process, including inquiries within the INP, currently there are only letters based on "LEA initiatives" in carrying out their duties as investigators, assistant investigators, or inquirers. These letters

[3] For further reference, it is abbreviated as "Perkap No.6 Tahun 2019," n.d.

seem to be issued only based on "best practices". "Best practices" here means only based on the initiative of authorized officials or those who feel authorized to issue such letters without precise instructions or models. In these "best practices," there is no clarity of formulation and meaning that has been predetermined in writing in the legislation on criminal procedure law that applies. In other words, the letters as a manifestation of legal acts carried out by authorized parties in the investigation, including inquiries by LEA within the INP, still rely on creativity and initiative, which seems to be personal from each LEA within the INP. Such practices then become a kind of "example or model" for other LEAs carrying out the same tasks and duties.

For example, it can be mentioned here regarding the contents of letters issued by LEA when carrying out law enforcement duties at the investigation level, including at the inquiry level of suspected criminal activity. In the subject section, it is generally written or used by LEA in the subject of the letter, words, or phrases: "invitation for clarification interview of the case." Letters with subjects like that are then sent to parties suspected of being involved in criminal activities. The purpose of making, issuing, and sending such letters is to summon the involved parties to come to meet with the relevant LEA within the local INP, or perhaps the LEA within the INP who is outside the jurisdiction or domicile of the party issuing the letter or the intended recipient of the letter.

Examples or models of words or phrases, as well as concepts and terminology, including in the subject of letters as illustrated above, as mentioned earlier, emerge or are taken not based on guidelines, Chief Regulations, or even the Criminal Procedure Code (CPC), but solely based on initiatives from law enforcement agencies (LEA) within the INP through practice. Such letter examples are then continuously and systematically used in law enforcement at the investigation level, including inquiries into suspected criminal activities.

As previously stated, because such letters only arise based on personal initiatives from LEA within the INP in carrying out their respective duties and authorities, it can be stated here that besides being based on "best practices", currently both in the CPC and Regulation No. 6 of 2019 as mentioned above as regulations implementing the CPC, no clear and definitive legal principles or norms can be found regulating models or examples that must be observed and followed by LEA within the INP in carrying out their duties and authorities to conduct investigations, including inquiries into suspected criminal activities.

The lack of regulation or absence of formal norm formulations in enforcing substantive criminal law; both the norms or legal principles formulated in the CPC, as well as the norms or principles formulated in legislation implementing the CPC, especially those highlighted in this research and writing, such as what is formulated in Regulation No. 6 of 2019 on one hand and the emergence of various models or examples, for example, models or examples of the "subject" formulation of letters that are only based on precedent or "best practices" that arise in law enforcement practice initiated by LEA within the INP in carrying out their respective duties and authorities in the field of investigation, including inquiries into suspected criminal activities, have caused uncertainty in the regulation of criminal procedure, including the implementation of criminal procedure enforcement at the investigation level, including inquiries into suspected criminal activities.

However, legal certainty, understood in Dignified Justice as the "fruit" of the clarity of legal norms, as well as the harmony or absence of legal value antinomies such as justice and utility as goals between one element of a legal system and another within a system, in this case, the CJS as part of the PLS, is a necessity of law as a perfect system.

It is an uncompromisable principle in law that if a legal system, including the CJS which is part of the PLS, is to be labeled as a perfect legal system, then the system must contain and achieve legal certainty. Therefore, there is an urgent need to purify the ideals and hopes in one of the manifestations of the Indonesian national spirit (*volkgeist*), namely the purity of the CPC as one derivation of Pancasila, which is a noble work of the Indonesian nation, as well as the implementing regulations of the CPC, namely, Regulation No. 6 of 2019. The aim of purifying here is that all elements that are part of the CPC as CJS must have clarity and harmony or interconnection with each other, with no contradictions; legal principles as constitutive elements in the legal system can be utilized in the legal purification project.

The depiction of the background of the research problem and article writing as presented by the authors above has also prompted the authors to choose and formulate the title of the research article, namely: **"Harmonization of Investigation Regulation Based on Law No. 8 of 1981 and Regulation No. 6 of 2019 with Dignified Justice Orientation".**

Meanwhile, the formulation of the research problem behind the aforementioned title is: how is the harmonization of investigation regulation based on Law No. 8 of 1981 and Regulation No. 6 of 2019 with Dignified Justice orientation? It is also necessary for the authors to state here that within the formulation of the problem, two other research questions will also be attempted to be answered.

The two aforementioned research questions are: "how are the principles of investigation regulation in the CPC as a guide to Regulation No. 6 of 2019 concerning criminal investigation", and "how to address weaknesses or problems found in the regulation of investigation, including inquiries[4] into suspected criminal activities within the INP based on the CPC and Regulation No. 6 of 2019 concerning Criminal Investigation"?

2. Theoretical Overview of the Main Concepts

The term "perfect legal system" is synonymous or equivalent to "sovereign legal system." It is stated that there is a similarity between the phrase "perfect legal system" and the phrase "sovereign legal system" because the word "sovereign" carries the meaning of perfection (self-sufficiency), self-sufficiency, or self-reliance in fulfilling the needs within the legal system. In such a system, it is not surprising that people can accept the principle that the Pancasila Legal System is a perfect legal system, as expressed in the phrase "Pancasila as the source of all legal sources." This means that if there is any ambiguity in meaning within the system, within the Pancasila Legal System itself, there is sufficient clarity of meaning that can be used to clarify any ambiguity. Likewise, if conflicts arise among elements within the system, within the Pancasila Legal System, there are also sufficient means available to resolve conflicts within the system itself.

The issues and materials examined and described in this research article are considered by the authors, especially after studying the existing secondary legal materials, such as previous research reports and literature, to contain novelty. Therefore, in this section, the authors need to briefly present evidence of the novelty of the research and writing materials known after conducting a comparative study of previous research reports and literature that seemingly share similarities with the research chosen by the authors. In addition to presenting a brief overview of the results of the literature review or secondary legal materials, in this section, the authors also feel the need to briefly present a literature review on Dignified Justice as the main theoretical framework used to navigate this research and writing.

The authors found in the exploration of literature in the form of previous research reports several legal research titles below that have been conducted previously, and may be said to have similarities with the research conducted by the authors. However, after the authors observed these research reports more closely, as briefly described below, there was no substantive or principled similarity related to legal issues between the research and writing conducted by the authors. Below are some dissertations that have been written and need to be compared to prove what the authors referred to as the novelty of this research, as presented below.

One example is a dissertation as a research report previously conducted by Armunanto Hutahaean, written in the Doctoral Program of Law (DPL) at Diponegoro University, Semarang, in 2019. Hutahaean's dissertation titled: "Upholding the Law to Achieve Justice, Utility, and Legal Certainty (A Paradigmatic Study of the Investigation and Prosecution of Corruption Cases by the Jakarta Metropolitan Police as Part of the Integrated Criminal Justice System)". From the methodological standpoint alone, there is a striking difference between Hutahaean's research, compared to the research method used by the authors.

The method used by Armunanto Hutahaean employs a socio-legal research approach, following the tradition of pure social science research. The method used by the authors of this research article uses a pure legal research method, legal research, or what was mentioned in the research method section above

[4] Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Suatu Tinjauan Singkat*, vols., Cetakan 18. (Depok: Raja Grafindo Persada, 2018).

as a normative legal research method. The paradigm used by Hutahaean is constructivism. This paradigm is ideological in nature.

This is different from the theory, not paradigm used by the authors of this research article, namely the theory of Dignified Justice. Furthermore, if Hutahaean only examines and discusses the investigation norms of corruption crimes, Hutahaean also does not discuss investigation norms in general. Moreover, the ambiguity and disharmony of norms in the Criminal Procedure Code (CPC) regulating the implementation of investigations, including investigations compared to National Police Regulation No. 6 of 2019 as one type of implementing regulation regulating criminal investigations.

Another dissertation was written by Moh. Achyar from PDIH Unissula Semarang, in 2019. The title of Achyar's dissertation is: "Reconstruction of OJK and the Indonesian National Police Authorities in Investigating Banking Crimes Following the Principles of Justice and Legal Certainty." Besides being far from the study of the clarity of meaning and harmony of norms in investigation regulations as regulated in the Criminal Procedure Code when compared to those regulated in National Police Regulation No. 6 of 2019, Achyar did not study the harmonization of investigation norms, including criminal investigation conducted by the police investigators, assistant investigators, and investigators of the Indonesian National Police. Achyar's research focuses more on abstract normative aspects governing the authority of the Financial Services Authority (FSA) to create justice.

The next dissertation is the result of research conducted by Zulkarnein Koto, PDIH Faculty of Law, Universitas Padjajaran, in 2019. The title of Koto's dissertation is: "Interpretation of Polri Investigators' Law in Criminal Case Investigations in the Indonesian Criminal Justice System". At a glance, this research appears to delve into investigations conducted by INP Investigators according to the Criminal Procedure Code, the Police Law, and various Police Regulations as the legal basis for conducting investigations. However, there seems to be no effort in Koto's research to answer the issue of ambiguity and also the harmonization of norms in the legislation regulating investigations, including investigations of alleged criminal acts conducted by law enforcement officers within the Indonesian National Police.

The perspective used in the research is directed towards the characteristics of legislation formation adopted or used. Additionally, Koto highlights the characteristics of legal interpretation at the practical level used by Polri Investigators in the decisions made during criminal case investigations. Legal reasoning activities in investigations carried out by law enforcement officers are examined by Koto to see the legal philosophical currents that influence them. According to Koto, there is often a gap (discrepancy) between the characteristics of legislation formation and the characteristics of legal interpretation in investigations. According to Koto, the characteristics of legal interpretation used by law enforcement officers can not only differ but also even contradict the characteristics of legislation formation.

The characteristics of the formation of legislation regulating investigations, including criminal inquiries, are rooted in legal positivism. According to Koto, this characteristic aligns with the legalistic doctrine that prioritizes the principle of legal certainty. From the perspective of legal development theory, Koto finds that regulations governing investigations, including inquiries, have not yet played a role as a means of legal change or renewal used by the INP investigators. Koto hopes that legislation governing investigations should also serve as a means of societal and criminal justice system bureaucracy renewal.

According to Koto, based on the aforementioned legal renewal theory, there are still no concrete/operational legal provisions for INP Investigators to accommodate the demands of societal justice and human/humanitarian interests following sociological jurisprudence or progressive legal theory. Koto notes that it is precisely in the regulations governing criminal investigations that abuse of power/deviation from the police as law enforcement officers can still occur. Apparently, according to Koto, this is the result of the legal interpretations used by INP investigators.

The interpretations used by law enforcement officers, in this case, INP investigators, still heavily rely on legal positivism or the philosophical doctrine of legalism. Consequently, according to Koto, the use of these interpretations can lead to unjust practices. However, Koto also observes that there are INP investigators who appear to use the characteristics of sociological jurisprudence legal interpretations. According to Koto, this is evident in the application of alternative solutions to criminal cases or the concept of restorative

justice.

3. Methodology

Each field of knowledge has its unique characteristics. The differences in characteristics or features among each field of knowledge emphasize the fact that, although collaboration between fields of knowledge is encouraged, each field of knowledge maintains its own identity. It is not easy to assert that because something is a science, it must always be the same across different fields of knowledge. A significant factor marking the differences in identity among each field of knowledge is the methodology[5] of each field.

It is a scientific reality that the research methodology of one field of knowledge is always tailored to its parent field of knowledge. For example, sociological research differs from legal research.[6] As part of the field of law, legal research is also sui generis, unique, using legal research methods.[7] According to Peter Mahmud Marzuki, when outlining research to be used by a researcher in the field of law, "there is no need to use the term normative legal research because the term legal research alone, or the term legal research or *rechtsonderzoek* in Dutch, always refers to normative research."[8]

Legal research, which is the research method used in this research article, includes, among others: research on legal principles, including research on legal norms; research on the vertical and horizontal synchronization levels of legislation; and legal history research. The approaches used in this research include legislative approaches, conceptual approaches, historical approaches, and philosophical approaches. The legal materials collected primarily consist of primary and secondary legal materials. Specifically, regarding secondary legal materials, as seen both in the footnotes of this article and in the bibliography, they are also considered in this research to obtain an overview of societal responses and the state of law enforcement practices by Law Enforcement Agencies (LEA) within the Indonesian National Police (INP) in conducting investigations, including conducting investigations into allegations of criminal acts. The analysis employs qualitative, descriptive, and deductive analytical techniques.

4. Discussion

Law is a System from the Perspective of Dignified Justice Theory

When considering the literature review or exploration of secondary legal materials above, it is evident that long before the conduct of this research and the writing of this research article, there were previous studies that also attempted to examine relatively similar issues regarding the norms regulating law enforcement at the investigative level, including investigation. It is apparent in these research reports an effort to understand legal norms in legislation, as well as the behavior of law enforcement agencies (LEA), including those within the Indonesian National Police (INP), in interpreting the norms regulating criminal investigations, including the investigation of criminal acts.

However, previous studies mentioned above have not addressed the issue of ambiguity in meaning, nor the issue of harmonization between norms in legislation regulating investigative practices, particularly the practice of investigating criminal acts conducted by LEA, especially investigators, assistant investigators, and investigators within the INP environment. The theories used in attempting to understand the relatively similar issues above are theories derived from the West, such as the theory of law as social engineering by Dean Roscoe Pound, as well as progressive legal theories adopted from Western thinkers such as Nonet and Zelsnick.

In contrast to various studies as mentioned above, in this research and writing of the research article, the object of study is the clarity of meaning and harmony of norms in legislation regulating investigations,

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[5] Sudikno Mertokusumo, *Teori Hukum (Edisi Revisi)*, vols., Cetakan 6. (Yogyakarta: Cahaya Adma Pustaka, 2014). Expresses that methodological sedimentation or deepening is the purposes of studying legal theory.

[6] *Ibid.*, and that is why in the understanding of the authors of this research article, it is understood that legal research should prioritize legal research, not research in other social sciences which are generally considered sciences, but inherently cannot be equated with law as a *sui generis* science.

[7] Teguh Prasetyo, *Penelitian Hukum Suatu Perspektif Teori Keadilan Bermartabat*, vols., Cetakan I. (Bandung: Nusa Media, 2019).

[8] Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, vols., Cetakan 13. (Jakarta: Kencana, 2017).

including investigations conducted by LEA within the INP environment. As briefly mentioned above, the theory used to navigate the research in understanding the research object is primarily the theory of Dignified Justice.

The perspective of Dignified Justice theory, abbreviated as Dignified Justice, significantly differs compared to the theories or paradigms used in examining relatively similar issues as mentioned above. Therefore, it is crucial to present a brief overview of the Dignified Justice theory here, which is expected to be accepted as a new contribution to legal scholarship in the country in understanding and explaining the law.

If the theories mentioned above place and perceive legal norms formulated in legislation in force, especially in this case placing and perceiving legal norms regulating criminal investigations as formulated in the Criminal Procedure Code (CPC) and National Police Chief Regulation No. 6 of 2019 (NPR No. 6/2019) which are the objects of study to assess the clarity of meaning concerning the steps to be taken by LEA in conducting investigations, including investigations as separate and standalone legislation. Then the Dignified Justice theory used as a grand theory in this research or writing of the research article places and perceives legal norms in legislation regulating investigations, including those regulating investigations of criminal acts by INP LEA as norms contained within the legislation in force as a systematic whole.

As mentioned above, from the perspective of law as a perfect system oriented towards Dignified Justice, then all elements or all components within a legal system should be viewed as interconnected parts. In the perspective of a system according to Dignified Justice, no matter how small the elements in a legal system, especially the fundamental elements or principles of law as formative and preservative elements of the legal system, they are crucial and closely related to each other within the legal system, and therefore the legal system can achieve the ultimate goal of law, which is to humanize humanity (*nguwongke uwong*) or create laws that humanize humans.

The methodological approach oriented toward Dignified Justice as mentioned above will yield different views and consequences compared to an approach oriented towards theories or paradigms as mentioned in the study of literature in the form of research reports briefly described by the authors above.

Dignified Justice theory is a legal philosophy, theory, dogma, and doctrine in law and legal practice within a positive legal system. As a theory discovered by the nation's children and developed with legal raw materials unearthed from the soul of the Indonesian nation, the Dignified Justice theory or Dignified Justice[9] can be called a philosophy, in this case, a philosophy of law. Dignified Justice is justice that balances rights and obligations. Justice is not only material but also spiritual, where the material follows automatically. Dignified Justice places humans as creatures of God and guarantees their rights.[10]

Positive law must contain values, including justice. If legal regulations that do not meet system requirements are still recognized as law, then the law cannot be distinguished from power.[11] As a philosophy, Dignified Justice describes the legal purpose within every legal system, especially the legal purpose in legal systems based on Pancasila. Emphasis is placed on fair and civilized human principles, which underlie the concept of humanizing humans. Based on the second principle of Pancasila, Indonesian legal justice is justice that humanizes humans.

Dignified Justice does not neglect the understanding that justice originates from the word fair, which means impartial, unbiased, and fair. Ulpian said, "*Iustitia est constans et perpetua voluntas ius suum cuique tribuere. Iuris produentia est divinarum atque humanorum rerum notitia, iustiat que iniusti scientia*" (Justice is the constant and perpetual will to render to each his due. The production of law is the knowledge of divine and

[9] It needs to be stated here that the theory of Dignified Justice is not merely intended to discover a new type of justice concept and provide a new meaning to existing concepts of justice, thus complementing definitions of justice that have long been known to legal experts and have even become common understanding. Dignified Justice Theory, abbreviated as Dignified Justice, is a legal theory. Included in this legal theory are explanations and justifications, and perhaps even falsifications, of the concepts and meanings of justice that have been commonly understood up to now.

[10] Musthafa Kamal Pasha, *Pancasila dalam Tinjauan Historis, Yuridis, Filosofis.*, vols. (Yogyakarta: Citra Karsa Mandiri, 2002).

[11] Sukarno Aburaera and Et.al, *Filsafat Hukum*, vols., Cetakan I. (Makassar: Makassar: Pustaka Refleksi, 2010).

human things, the science of what is just and unjust).[12]

Indonesia's positive legal system is a system built by discovering, developing, adapting, and even compromising various legal systems that have existed. The systems compromised into the legal system based on Pancasila are legal systems from civilized countries, which can enter the national legal system, as far as the norms have been filtered with Pancasila as the main filter for it. Thus, it can be said that Indonesia's legal system originates from the spirit of the people and the nation (*volkgeist*) of Indonesia.[13]

Pancasila was chosen as the state foundation because Pancasila is considered to be in line with the spirit of the Indonesian nation itself. This is as emphasized by President Soekarno in his speech during the BPUPKI session, stating[14] that in establishing an independent Indonesia, the state must be able to place it on a static table that can unite all elements within the nation, but also must have a dynamic direction towards where we lead the people, nation, and state.

Furthermore, it is stated that the description is provided to gain an understanding that for the Indonesian republic, a foundation is needed that can be a dynamic *leitstar* (guiding star), aside from a static foundation that can gather all. The dynamic foundation or what is called a *leitstar* can become the direction of the journey. These two aspects are obtained from deep excavation within the Indonesian society's soul. Such thinking does not include elements not present in the Indonesian soul, which cannot serve as a basis for sitting on it.[15]

Conceptually, Dignified Justice is a reflection of the second principle of Pancasila. The humanitarian value of justice and social justice, which cannot be separated from the other principles of Pancasila, embodies the essence of humanity as cultured beings, inherently destined to be just, both for oneself and towards other humans, society, the nation, and the environment, as well as being just towards the One Almighty God.[16] All of these are unified within Pancasila, which, as mentioned above, must be the source of all applicable laws, including laws that form the framework for criminal investigations, including investigations into criminal acts in general, especially those applicable to LEA within the INP environment.

Justice, in the sense of Dignified Justice, is always related to the law. In other words, law and justice, from the perspective of Dignified Justice, are like two sides of a coin that cannot be separated, one coin with two sides that make it called money. Sometimes justice itself is interpreted according to the origin or root word of fairness, which means impartial, only incomplete.[17] Policies, including criminal law formulation policies, both materially and formally, must be guided by the principle that the law is the commander in determining justice. [18]The important legal principles in Dignified Justice that can be used to provide solutions to any issues arising in law enforcement, including issues in the criminal investigation conducted by LEA within the INP environment, can be addressed with the principles available in the NPR (National Police Regulations). Based on the framework of the Dignified Justice theory outlined above, it can be argued here that within the Pancasila Legal System, there is the principle of "*lex superiori derogate legi inferiori*" (the higher law derogates the lower law), which can be used to provide clarity and harmonize conflicts between legal norms regulating investigations, including criminal investigations formulated in National Police Chief Regulation No. 6 of 2019, with norms regulating similar matters in the Criminal Procedure Code.

The Application of Legal Principles Provides Clarity and Harmonizes Investigative Actions, Including Criminal Procedure Core

The Application of Legal Principles as the Most Important Constituent Element in SPPTI, which cannot be

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[12] O.Notohamidjojo, *Demi Keadilan dan Kemanusiaan, Beberapa Bab dari Filsafat Hukum*, vols. (Jakarta: BPK Gunung Mulia, 1973).

[13] Teguh Prasetyo, *Hukum dan Sistem Hukum Berdasarkan Pancasila*, vols., 2013.

[14] Teguh Prasetyo, (2014), *Op. Cit*., h., 20-21

[15] Mufti Makarim, *Peran Organisasi Masyarakat Sipil Dalam Reformasi Sektor Keamanan*, vols. (Pusat Dokumentasi ELSAM, 2020).

[16] Agus Santoso, *Hukum, Moral dan Keadilan, Kajian Filsafat Hukum*, vols. (Jakarta: Kencana, 2012).

[17] Teguh Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum*, vols. (Bandung: Nusa Media, 2015).

[18] Munchsan, *Hukum Tata Pemerintahan*, vols. (Yogyakarta: Liberty, 1985); M. Husni, "Moral dan Keadilan Sebagai Landasan Penegakan Hukum yang Responsif" *Jurnal Equality Fakultas Hukum Universitas Sumatera Utara*. 11.1 (2006): 1–7.

separated from NPR, is in the form of giving meaning and harmonizing investigative actions, including criminal investigations by LEA within the INP environment. Here below, the discussion or application of legal principles to maintain the sustainability of the system, in this case, CJS, both materially and formally, including investigations and inquiries, is outlined.[19] In this regard, it needs to be added here that according to Teguh Prasetyo, an important legal principle is: "regulation on how the government maintains the continuity of material criminal law enforcement can be found in formal criminal law or criminal procedural law",[20] which is an understanding of the legal system.[21] The principle related to it, criminal procedural law is part of SPPTI that regulates how to preserve and maintain material criminal law.[22]

Another principle in criminal procedural law, including those regulating investigations, also inquiries, is formulated in the Criminal Procedure Code (CPC). These legal principles make the law, in this case, criminal procedural law, effective. These principles will create the ability of criminal procedural law to stand up to prevent and punish the implementation of criminal procedural law based on bad intentions of its execution. The inclusion of these legal principles also shapes the understanding of the Criminal Procedure Code as a masterpiece of the Indonesian nation, different from the criminal procedural law replaced by the Criminal Procedure Code, namely the HIR. In the Criminal Procedure Code as part of CJS, the principle most commonly understood in giving meaning and harmonizing a legal system, namely the principle of legality, is known.[23] From the perspective of Dignified Justice, as mentioned above, this principle can be found in the considerations of the Criminal Procedure Code as a manifestation of the nation's spirit. This principle serves as a guide for criminal procedural law, including guidelines in investigations and inquiries conducted by LEA within the INP environment.[24] The principle of legality is an important pillar in the Republic of Indonesia as a rule of law country. [25]

The principle of legality navigates that the implementation of the Criminal Procedure Code, including investigations and inquiries inseparable from the investigation, must be based on the rule of law. Thus, all actions of LEA, including LEA within the INP environment, must be based on legal provisions and laws built on the assumption of a perfect legal system. In the perspective of the Indonesian rule of law as stated in the considerations of letter (a) of the Criminal Procedure Code, legal interests should not be separated from justice and utility, legislation is placed above all.

Placing legal interests in legislation enables the realization of a society under the rule of law. That is also the principle in the Criminal Procedure Code. This principle functions to harmonize or align legal provisions and the sense of justice of the Indonesian people. The principles of legality and the supremacy of the law are the cornerstone of testing every law enforcement action to be subject to constitutional provisions, laws, and the sense of justice that lives amid societal consciousness. At this point, it can be seen those initiatives by LEA within the INP environment, for example, are possible, but they must be minimized as much as possible, to avoid becoming "best practices".

Law enforcement officers, including those within the CJS framework in the INP environment, are not justified, under the principle of legality, to act or take initiatives outside the provisions of the law, or undue to law or undue process. Thus, law enforcement officers must not act arbitrarily or abuse their power. Under the principle of the rule of law, referred to as the Indonesian rule of law, every individual, whether they are a suspect or defendant, has equal standing before the law, or is equal before the law. They also

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[19] In general, the concept of investigation is understood as the initial stage of the investigative process. This means that investigation is not an independent action separate from the function of investigation. In other words, investigation is an integral part of the investigative function and cannot be separated from it.

[20] Teguh Prasetyo, *Pengantar Ilmu Hukum*, vols., Cetakan 1. (Depok: Raja Grafindo Persada, 2018).

[21] Sudikno Mertokusumo, *Mengenal Hukum Suatu Pengantar*, vols., Cetakan 2; (Yogyakarta: Liberty, 1999).

[22] C. S. T. Kansil, "Pengantar Ilmu Hukum (Semester Ganjil)" in *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. , vols., Cetakan 9. (Jakarta: Balai Pustaka, 1992), 48.

[23] In order to compare the concept and understanding of the principle of legality, it has been described in quite detail by Gabriel Halley, *A modern Principle of Legality in Criminal Law*, vols. (Berlin Heidelberg: Springer-Verlag, 2010).

[24] As mentioned earlier, in the theory of Dignified Justice, the answer to legal questions must always be sought within the national spirit (*volkgeist*), which manifests itself in the prevailing legislation as well as in legally binding court decisions.

[25] This is in line with the formulation of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, where it is stated that Indonesia is a legal state.

have the same legal protection, equal protection under the law, and receive equal treatment and justice under the law, equal justice under the law.

Indeed, within the legal framework as a system, there may be what is known in criminal procedure as the principle of opportunity to deviate from the principle of legality. However, this must be based on the principle of legality, as regulated by the applicable laws. Understood as the principle of opportunity, even if a suspect is guilty according to the investigation, and is likely to be sentenced, the results of the investigation may not be brought to trial by the public prosecutor. In other words, based on the principle of opportunity, a case that has undergone the investigation process, including inquiries, may be dropped by the prosecution based on considerations for the public interest. Based on the principle of opportunity, it is possible for law enforcement agencies, particularly the prosecution, to make a judgment or opinion that it is more beneficial for the public interest if the case is not brought to trial. Thus, the case is set aside or generally conceptualized as being deposited. The dismissal of criminal cases by the Prosecutor's Office is known in criminal procedure law as guided by the principle of opportunity.

Another principle found in the Criminal Procedure Code (CPC) is the principle of balance. This principle can be found in consideration (c) of the CPC. It is emphasized there that in every law enforcement action, there must be a balance between protecting human dignity on one side and protecting the interests and order of society, or as mentioned above, the public interest on the other side.

The implementation of the CPC as a magnificent work demands a new understanding. Law enforcement officers must position themselves within a framework of law enforcement based on a balanced approach between the orientation of enforcement and the protection of social order with the protection of human rights. Law enforcement agencies must avoid actions that could violate human rights and inhumane treatment. Law enforcement officers must at all times be aware and capable of fulfilling their duties and obligated to uphold social interests, which are concurrent with the duty to uphold human dignity and individual protection. Upholding human dignity here means upholding human dignity (*nguwongke* uwong) and protecting individual interests.

The presumption of innocence principle and the adversarial system thus require law enforcement officers in the criminal justice system, including investigators, assistant investigators, and detectives, to respect and protect the human rights that may be violated due to the tendency of abusive power. From the initial examination, suspects/defendants have a legal status or position that is equal to or on par with the examining official. Therefore, suspects/defendants have the right to demand treatment as outlined in the Criminal Procedure Code (CPC)

The next principle that is also important to be applied in understanding the meaning and harmonizing investigative actions by law enforcement officers within the Indonesian National Police (INP) is the principle of limiting detention. For the layperson, detention can mean an action that temporarily places someone under the control of another for a certain period. Concerning this certain period, the layperson may consider even a second spent under someone else's control as a form of detention. Therefore, the issue of detention is the most essential matter in law enforcement.

Every instance of detention inherently involves values and meanings, including the deprivation of freedom and liberty of the detained person; concerns about humanitarian values and human dignity; as well as implications for reputation and personal integrity. In essence, every detention involves the temporary restriction and suspension of certain human rights.

To protect individuals from arbitrary deprivation and restriction of their fundamental rights, criminal procedural law through the Criminal Procedure Code (CPC) has formulated several provisions as legal measures to “minimize” the dangers of arbitrary deprivation and restriction of human rights. Thus, to safeguard the fundamental values of human rights and ensure the rule of law and justice, the CPC has stipulated “limitations” and detailed provisions regarding the authority to detain that can be exercised by every level of law enforcement apparatus.

The principle of simple, speedy, and cost-effective justice can be found in the formulation of the Basic Law on Judicial Power as part of the regulatory framework within the Indonesian Legal System. The desired outcome of the principle of simple, speedy, and cost-effective justice is that law enforcement, including the

investigation and prosecution of alleged criminal cases in Indonesia, does not result in lengthy or convoluted legal processes, nor incur excessive costs. Moreover, this principle aims to prevent deliberate delays in the resolution of criminal cases. If such delays occur, criminal law enforcement becomes counterproductive and fails to respect human beings (*nguwongke uwong*) as intended by the law, thus constituting a violation of human rights and dignity.

In addition to the principles mentioned above, several other legal principles, besides the regulatory principles outlined above, are important to consider and present here. The overview provided here is intended to address the question of the regulatory principles of investigation in the Criminal Procedure Code (CPC) compared to Regulation No. 6 of 2019 on Criminal Investigation (NPR No. 6 of 2019) in this study. The principle of protection and upholding of human rights, which should not be abandoned either known within CPC or already, should not be disregarded in implementing regulations such as NPR No. 6 of 2019, needs to be elaborated below. Some of these principles are closely related to the principles mentioned above, and upon careful consideration, they appear to be reaffirmations or underlining.

Human rights that must always govern criminal procedural law, including investigation and prosecution, include, among others: the right to equal treatment and position and obligations before the law. This principle guides that in enforcing the law, whether it be suspects, defendants, or law enforcement officials, they are all citizens with equal rights, positions, and obligations under the law. They all have the same goal of seeking and achieving material truth and justice.

If there is any party that commits a legal violation, they will receive equal treatment without discrimination (equal treatment or equal dealing). In this first principle or principle of human rights, the rule applies that legal regulations applied to someone must be applied to others in the same case without discrimination based on rank, class, religion, or status. This principle is widely known as equality before the law. In the theory of the Rule of Law, equality before the law is the most important element for a state to be considered as the rule of law or a legal state as formulated in Article 1 paragraph (3) of the 1945 Constitution.

Another part of the element in the principle of protecting human rights is the presumption of innocence. This principle protects human rights because everyone must be presumed innocent until proven guilty in a fair and impartial trial in public. This means that in the process of investigation and prosecution, every suspect must also be presumed innocent. Moreover, this principle requires, especially in the process of investigation and prosecution, to avoid interference from any parties, whether it be the government or any social-political forces. Social-political forces here include respected elements in society as well as political parties. Since they are still suspects or even when they have become defendants, the independence of law enforcement officials, especially judicial independence, must be observed.

Another principle that is part of the pillars of respecting and protecting human rights in the law enforcement process, both known in the Criminal Procedure Code and, ideally, in the implementing regulations of the Criminal Procedure Code, is that arrest and detention are based on sufficient preliminary evidence. This principle emphasizes evidence, particularly scientific evidence, not solely relying on the whims and attitudes of law enforcement officials.

The principle that suspects or defendants must be allowed to prepare a defence early on should also be considered concerning efforts in the Criminal Procedure Code and the implementing regulations of the Criminal Procedure Code to provide protection and respect for human rights in enforcing criminal law. This principle is related to the right of suspects or defendants to obtain legal counsel, which is currently supported by various laws and regulations governing Legal Aid.

The Criminal Procedure Code (CPC), as the parent of criminal procedural law, including existing implementing regulations, grants the right to suspects or defendants to be accompanied by legal counsel at every stage of examination. Concerning the focus of this research, which is law enforcement at the investigation level, including inquiry, it must be understood that at the investigation stage, including inquiry, as mentioned above, the principle of "within sight not within hearing" applies. Legal counsel is also limited by the rule according to the Criminal Procedure Code to only be able to speak with the suspect under the supervision of officials, but officials must not hear what is discussed between the suspect and legal counsel.

Regulation No. 6 of 2019 concerning Criminal Investigation provides suspects or defendants and their families with certainty in all forms of law enforcement actions. This is in line with the purpose of the Criminal Procedure Code which aims to eliminate the suffering of the past when law enforcement still used the HIR. In line with the thoughts in the theory of Dignified Justice as well, the Criminal Procedure Code and its implementing regulations truly contain the spirit of humanizing people, including elevating human dignity.

Therefore, it would be ironic if the spirit or idea and intention that uphold human dignity in the Criminal Procedure Code, in this case, the spirit that aligns with the theory of Dignified Justice, as mentioned above, including in the implementing regulations of the Criminal Procedure Code such as Regulation No. 6 of 2019 concerning Criminal Investigation, contradicts its manifestation in the actions and practices that emerge in the enforcement of criminal law.

The Weakness in Regulating Criminal Investigations Including Criminal Inquiries

The supremacy of law or law as a perfect system as described from the perspective of Dignified Justice above is a meaning that should be adhered to by law enforcement agencies (LEA). It is intended so that legal texts are not merely seen as language games that tend to deceive and disappoint.[26]

The weaknesses in the regulation of investigations that the authors found in this research, as part of the preparation of this research article, can be seen in the types of "invitation letters" described below, as a more detailed illustration of the weaknesses in the regulation of investigations, including criminal investigations within the Indonesian National Police (INP), which represent the actions of LEA within the INP environment in the context of criminal investigations. All of these weaknesses can be addressed through the postulate of Dignified Justice, namely the postulate of law as a perfect system.

There is inconsistency between practice and regulations or norms, as seen, for example, in letters issued by a unit of the Criminal Investigation Agency of the Indonesian National Police (AINP), General Crime Directorate. At first glance, observing the format and form of the letter, there doesn't appear to be any issue. However, upon closer examination, and in the understanding of the authors, it seems that the same letter, or similar ones, have been and may still be issued in practice by the police concerning the handling of alleged criminal cases at the investigation or inquiry stage. The first letter, which is the focus of this research, was signed on behalf of the General Crime Director, Sub-Directorate III, on December 21, 2023.

The letter was also forwarded, among others, to the Directorate of Criminal Investigation of the National Police Headquarters. At first glance, the letter does not appear to deviate from the norm. However, upon closer inspection, there seems to be extreme inconsistency between the norms or examples/models specified in the regulations and the reality of the letters found in practice.

For example, the letter numbered B 018/XII/RES. 1.8/2023/Dittipidum. As part of the content and structure of the letter, in the subject section, the phrase or words "invitation for clarification"[27] are written. This means that the letter issued by the Director of General Criminal Investigation KASUBDIT III on December 21, 2023, was made to obtain clarification from members of the community or legal subjects. However, when the contents of the letter are examined, it is not known from the wording of the letter the

[26] Satjipto Rahardjo, *Masalah Penegakan Hukum: Suatu Tinjauan Sosiologis*, vols. (Bandung: Sinar Baru, 1983).

[27] Regarding the "Clarification Invitation" above, it differs from the "letter model or sample letter that has been arranged or determined in Annex II of the Regulation of the Chief of the Indonesian National Police Criminal Investigation Agency No. 1 of 2022 concerning Standard Operational Procedures for Criminal Investigation Administration dated December 27, 2022. The model or example that should be followed is written or presented as model number 34, on page 42 of Annex II of the Regulation of the Chief of the Indonesian National Police Criminal Investigation Agency No. 1 of 2022 concerning Standard Operational Procedures for Criminal Investigation Administration dated December 27, 2022. In the model for example, it is written "Letter of Invitation for Case Clarification Interview." Whereas in the Letter that appears in practice, only "clarification invitation" is written. Not only is there inconsistency, but in practice, many "subjects" of letters do not match the outlined model or example, namely it is written: "Letter of Invitation for Case Clarification Interview." However, there are "subjects" of letters that are in line with the specified example or model. For example, the latest letter found by the authors in practice, issued or published by the Indonesian National Police East Java Provincial Police in Surabaya City Resort on Jl. Taman Sikatan 1, Surabaya, 60175 issued on January 5, 2024. The subject of the letter corresponds to example/model number 34. The subject of the letter is written: "Invitation for Case Clarification Interview."

status of the party being summoned. It is unclear whether the individual summoned from the community is called a suspect or a witness in a case of alleged criminal activity. The recipient (addressee) of the letter is a woman living in Denpasar. The ambiguity of the status, whether called as a suspect or as a witness by the party "invited for clarification," raises a more serious issue within the system, particularly when viewed according to the principles mentioned above known in the Criminal Procedure Code (CPC) as Criminal Procedure Law. A serious problem arises, namely "uncertainty," which is also a goal of law in general and criminal procedural law in particular, and as mentioned above, from the perspective of Dignified Justice, cannot be separated from justice and utility.

The above description has revealed the weaknesses found in the research as problems in the regulation of investigation, including criminal investigation based on CPC compared to the same regulation based on NPR No. 6 of 2019 concerning Criminal Investigation. Not to be overlooked is the issue of technical norms such as the Administrative Investigation Guidelines, which are expected to be used to navigate existing practices. The content in the "subject of the letter" section with the phrase or words "invitation for clarification" does not match each other with letters for similar purposes issued by law enforcement agencies (LEA) within the Police force in practice. Similarly, when examined through a comparative approach with the latest regulations governing this matter, especially those that have established models or formats for similar letters, there are no regulations regarding the nomenclature that needs to be used in the above-mentioned letters. As mentioned above, there is a possibility that letters with similar subject lines are only based on common practices known in the handling of criminal cases during the investigation, including investigations so far.

What has become common practice is not regulated. For example, the prohibition of making subject lines different from those specified in technical guidelines or models and examples in applicable legislation, including internal regulations. The applicable legislation referred to here includes legislation governing criminal procedural law in the Criminal Procedure Code (CPC) and regulations governing the same matter, particularly in the field of investigation, such as in the Chief of the Indonesian National Police Regulation No. 6 of 2019 concerning Criminal Investigation. The practice that occurs is that such letters are made because of "best practices" or precedents, as well as "customs" that are commonly known and can be referred to as "internal regulations" within the Indonesian National Police (INP) environment. For example, in the form of instructions or guidelines for implementation, as well as technical instructions or guidelines related to the administrative handling of alleged criminal cases during the investigation stage.

In the research conducted by the authors, for example, in the manual of investigation administration, the format and wording of letters such as those stated in the aforementioned letter cannot be found. For instance, there are no regulations mandating the use of the phrase "request for information" in the subject line. Based on this, according to the authors, what happens is "best practice" or common practice in handling cases at the investigation or inquiry stage. From the research conducted by the authors, no format/example/model of letters is found in their administration guidelines.

Upon further examination, in addition to the editorial issues of the letter's subject matter, in the letters observed in the study, it was found that even though editorial aspects such as using the phrase "request for information" may be common, there are still issues with the structure of the letter. The letter structure observed in the study does not include *"pro-Justitia"* at all. However, it should be a proper and common practice to include the phrase *"pro-Justitia"* in documents, including letters related to handling alleged criminal cases at the investigation or inquiry stage within the Indonesian National Police (INP) environment.

The issues or shortcomings as stated above are likely caused by the overlap of implementation regulations regarding the duties and authorities of the police as law enforcement agencies and as servants and protectors of the community according to Law Number 2 of 2002 concerning the Indonesian National Police. As mentioned above, the duties and authorities of the police as investigators and investigators are regulated in the Criminal Procedure Code (CPC) and other implementing regulations, including Chief of the Indonesian National Police Regulation No. 6 of 2019, which regulates the duties of the police in the investigation or inquiry stage of alleged criminal cases.

Stated as the content of the letters observed in this study, such as the first letter mentioned above, is that

in the letter, there is a formulation such as: “This clarification invitation letter is for notification purposes in the context of public service and cannot be used for judicial purposes.” This statement is presented in the letter by law enforcement agencies within the Indonesian National Police (INP) as the maker or the party who signs and issues the letter, namely on behalf of the General Criminal Investigation Directorate of the North Sumatra Regional Police PS., Kasubdit-Harda-Bangtah.[28]

For example, it appears quite odd that in one summon letter issued by law enforcement agencies (LEA) in the Indonesian National Police of North Sumatra Regional Police General Criminal Investigation Directorate with reference number B/12195/XII/RES.1.11/2023/Ditreskrimum. On one hand, the letter contains elements that give the impression that there is a criminal case, and the “addressee” is suspected to be involved. However, on the other hand, there is a phrase in the editorial formulation of the letter stating that the letter was not issued at all by law enforcement agencies within the Indonesian National Police to handle allegations of criminal acts.

Considering the part of the editorial formulation in the observed letter, namely: “This clarification invitation letter is for notification purposes in the context of public service and cannot be used for judicial purposes,” it could mean there is an "overlap" of authority given to law enforcement agencies within the Indonesian National Police as law enforcement officers on one side, but on the other hand, law enforcement agencies also appear to have authority as servants or protectors of the community without the enforcement of law. As a result, there seems to be vagueness or ambivalence in the regulation of the authority of law enforcement agencies within the Indonesian National Police. This leads to further consequences in the law enforcement process, namely the lack of legal certainty in regulations governing the authority of law enforcement agencies within the Indonesian National Police to carry out their functions as criminal law enforcers.

The “addressee” called through a letter originating from the authority of law enforcement agencies (LEA) within the Indonesian National Police might become confused. They might feel aggrieved by the letter, which, on one hand, does not imply criminal threats against the officer because it is explicitly stated in the letter that: “This clarification invitation letter is for notification purposes in the context of public service and cannot be used for judicial purposes.” However, on the other hand, for a layperson, the letter from law enforcement agencies within the Indonesian National Police might create obligations and fears due to the phrase “invited for clarification” in the “subject of the letter”. Based on this fear, the "addressee" is compelled to attend and bring all the items mentioned in the observed letter. In the research conducted by the authors, it was also found that there is a lack of clarity in the meaning and contradictions or conflicts in the substance of the invitation letter issued by law enforcement agencies within the Indonesian National Police.

On one hand, the letter's content states that the “addressee” is invited only for “clarification”. The wording of the invitation letter makes it seem as if what is desired by the law enforcement agencies is merely an invitation for clarification, which is a notification letter in the context of public service and cannot be used for judicial purposes. However, on the other hand, because the same letter contains several references to legal provisions, it may be understood as a letter issued by law enforcement agencies within the Indonesian National Police for the criminal trial process.

For example, the following letter contains references to legal provisions, such as: “a. Article 4, Article 5

[28] The addition of substance to the letter that creates confusion as mentioned above, including, for example, the reduction of the “subject of the letter” as discussed earlier, would greatly disrupt the handling of modern criminal cases that use standard applications internally within the Police. As it is commonly known, adding or removing words, or even characters or letters, in computer applications can have fatal consequences because they cannot be accepted by the system. Thus, it can be said that it is not in accordance with the regulations on the use of the electronic investigation management system (EIMS) / Annex IV of the Regulation of the Chief of the Indonesian National Police Criminal Investigation Agency No. 1 of 2022 concerning Standard Operational Procedures for Electronic Investigation Management. Computers only recognize “nomenclature” that matches what has been provided in the computer system.

paragraphs (1) and (2) of the Criminal Procedure Code; b. Law No. 2 of 2002 concerning the Indonesian National Police; c. Police Report Number: LP/B/450/11 April 2023 in the name of the Complainant FI; d. Investigation Order Letter Number: SP-Lidik/729/VIII/2023/Ditreskrimum, dated August 11, 2023". Such references can create the perception for the "addressee" that they are summoned due to their alleged involvement in a criminal case, hence they are obligated to attend the "invitation letter" issued by law enforcement agencies within the Indonesian National Police.

The juridical problem arising from the "invitation letter" as described above lies in the contradiction within the letter's content regarding the "clarification invitation" or "invitation letter". On one hand, it is stated to the "addressee" of the "invitation letter" that: "This clarification invitation letter is for notification purposes in the context of public service and cannot be used for judicial purposes", seemingly granting "freedom" to the "addressee" to feel not legally obligated to attend or not attend "to meet the inviting party". However, if the content of the "invitation letter" as described above is examined more carefully, it contains a substance that may lead to the understanding that the "invitation letter" "obligates" the addressee to attend and meet the law enforcement agencies within the Indonesian National Police.

In the research conducted by the authors regarding the practices of law enforcement agencies (LEA) within the Indonesian National Police issuing the type of "invitation letter" as described above, with the formulation of the content of the "invitation letter" stating: "... for investigation, additional statements/explanations from you related to the alleged criminal case of "embezzlement" that occurred on June 6, 2022, at Jalan Abdullah Lubis No. 55/99A Kel. Merdeka, Kec. Medan Baru Kota Medan, as referred to in Article 372 of the Criminal Code, therefore, you are requested to meet with AKP XXX (HP 000) and Assistant Investigator AIPTU XXX (HP 000)".

The formulation of the content of the type of "invitation letter" as just mentioned above also appears to contain contradictions or conflicts with other wordings formulated at the same time in the same letter. Here, the authors can provide an example of an "invitation letter" formulation that is a contradiction in terms. On one hand, the letter seems to grant the addressee the freedom not to have to comply with the "invitation" from law enforcement agencies (LEA) within the Indonesian National Police to meet with them; however, on the other hand, in the same letter, there appears to be an "obligation" for the addressee to comply with the "clarification invitation".

There is a possibility that for an addressee who is a law-abiding citizen and respects the laws and regulations as well as the government in power, either due to ignorance or because of faith in religious teachings and beliefs, the editorial formulation of the contents of the "invitation letter" received may not be greatly concerned about the contradictions therein, but because the person concerned (the addressee) of the "invitation letter" is a law-abiding citizen and always obedient to the government of his country, he is "forced" to do what is requested, following the provisions in the letter. As the "addressee" of a legal obligation, he "comes because he is invited for clarification".

It becomes a problem, there is a possibility, that the "invitation letter" as above is received by another type of "addressee" namely a critical "addressee". The critical addressee may think that the editorial formulation of the "letter subject" using the phrase "clarification invitation", is not a legal obligation for him to fulfill or follow. But it is possible that because the letter comes from the LEA party within the Indonesian National Police environment, the addressee feels "cornered," and eventually forced to decide to come to fulfill the "clarification invitation". This is what may have led to the general assumption that every similar letter imposes a legal obligation on the "addressee" to come forcibly, not out of "fear", not out of legal awareness out of willingness, finally willing to spend "money", leaving main obligations or routine obligations such as absent from work, coming to face or meet the "clarification invitation" from the LEA within the Indonesian National Police environment.

The problem that arises as a result of the existence of a type of letter commonly known among LEA within the Indonesian National Police environment as an "invitation letter" or "invitation" as described above, and also felt important to be presented in this research article as a research result is the lack of uniformity of the substance of similar letters. Intended with the problem of the chaos of the substance of similar letters. It can be described as follows.

Found in the research, quite several types of “invitation letters” with editorial formulations issued or published by the Indonesian National Police Sumatra Utara Regional Police General Crime Investigation Directorate Numbered B/12195/XII/RES.1.11/2023/Ditreskrimum which is different from a similar "invitation letter" numbered B/7910/IX/RES.1.11/2023/Reskrim and issued/published by the Indonesian National Police, Metrojaya Region, Metro Resort, Depok, on September 26, 2023.

If the two letters observed in the research for writing this research article are compared with each other, namely Letter Number B/12195/XII/RES.1.11/2023/Ditreskrimum compared to Letter Number B/7910/IX/RES.1.11/2023/Reskrim, it can be found that not only there are differences in the code at the end of the Letter Number, namely Reskrim and Ditreskrim as stated above. If examined more deeply and carefully, it will also be found that there are very significant differences between the structure and editorial formulation of the contents of Letter No. B/7910/IX/RES.1.11/2023/Ditreskrimum issued by the Indonesian National Police Sumatra Utara Regional Police, General Crime Investigation Directorate in North Sumatra compared to the structure and editorial formulation of the contents of Letter Number B/7910/IX/RES.1.11/2023/Reskrim.

The similarity between the structure and editorial formulation of the content of the two letters, which serve as examples of the issues or legal issues in this study, can be stated as follows. Both the structure of Letter No. B/7910/IX/RES.1.11/2023/Ditreskrimum issued by the Indonesian National Police North Sumatra Regional Police and Letter Number B/7910/IX/RES.1.11/2023/Reskrim issued/published by the Indonesian National Police Metrojaya Region, Metro Resort, Depok on December 26, 2023, both consist of 4 clauses.

However, there are still differences that pose issues or weaknesses in the administration of handling criminal cases at the investigative level. The difference that poses issues or weaknesses in the formulation of the problem above lies in the editorial formulation of the content of Letter No. B/7910/IX/RES.1.11/2023/Ditreskrimum issued by the Indonesian National Police North Sumatra Regional Police compared to Letter Number B/7910/IX/RES.1.11/2023/Reskrim issued/published by the Indonesian National Police Metrojaya Region, Metro Resort, Depok on December 26, 2023.

If the editorial formulation of the content structure in Letter Number B/7910/IX/RES.1.11/2023/Ditreskrimum contains clause number (3), with the formulation: “This clarification invitation letter is for notification purposes in the context of serving the public and cannot be used for judicial purposes”[29]. Thus, in the structure and formulation of the content of Letter Number B/7910/IX/RES.1.11/2023/Reskrim issued/published by the Indonesian National Police Metrojaya Region, Metro Resort, Depok on December 26, 2023, there is also the formulation of clause number (3).

However, the formulation or editorial content of Letter Number B/7910/IX/RES.1.11/2023/Reskrim is very different from the content formulation of Letter Number B/7910/IX/RES.1.11/2023/Ditreskrimum. The content formulation of Letter Number B/7910/IX/RES.1.11/2023/Reskrim is as follows:

> For clarification and investigation of the case in question, your presence is requested to provide testimony through interrogation, on Day: Thursday, Date October 5, 2023, Time 14.00 WIB, Place: Room Idik II Satreskrim Polres Metro Depok, Jl. Margonda Raya No. 14 Depok City. Examiner: IBDA (HSL) Mobile No. 00000000. If you have any documents or evidence related to the case, please bring them.

The formulation or content of the “invitation letters” should be the same in law enforcement by LEA within the Indonesian National Police environment, especially investigators, or investigators in taking steps, or administration of criminal justice, which naturally reinforces the assumption that there are problems or

[29] It should be noted here the meaning of the concept of “justice” as previously provided by legal experts in Indonesia. Sudikno Mertokusumo, for example, suggested that the concept of “justice” essentially refers to the implementation of law, specifically in the context of demands for rights or the occurrence of disputes or violations, in this context, the alleged criminal cases in this writing. The function of justice is carried out by an independent body, free from the influence of anyone or anything, by issuing binding decisions aimed at preventing "*eigenrichting*" or resolving disputes, violations, or cases according to one's own will or arbitrarily. The understanding of the concept of "justice" as presented here by the author can be further studied in Sudikno Mertokusumo, *Teori Hukum (Edisi Revisi)*, vols., Cetakan 6. (Cahaya Adma Pustaka, 2014).

weaknesses in CJS, especially the administration of justice, in this case the handling of alleged criminal acts at the investigation stage, including investigations conducted by LEA within the Indonesian National Police environment.

The inconsistency or lack of uniformity in the actions that should be taken by investigators or investigators within the Indonesian National Police environment in handling allegations of criminal acts as seen from the description of research findings on the structure and editorial formulation of the content of several "invitation letters" as mentioned above, clarifies that meaning is ambiguous, and even conflict in the norms that should be guidelines according to written law, which is expected to be used by law enforcement agencies, especially investigators and investigators in carrying out the administration of justice, especially in handling allegations of criminal acts at the investigation level, including investigations within the Indonesian National Police environment.

Such realities constitute weaknesses or issues in the arrangement of administrative procedures at the investigative stage of alleged criminal cases so far. It is true that, in addition to problematic letters as mentioned above, research has also found models of letters that are generally considered valid, meaning they are not problematic, as these letters are issued according to guidelines, both regarding the structure and editorial content formulation of the letters. For example, the following is presented. A Summons Letter Number S. Pgl/932/IV/2023/Ditreskrimum, for instance, is a model of a letter that is commonly accepted among practitioners. The structure of Summons Letter No. S. Pgl/932/IV/2023/Ditreskrimum begins with the Letterhead stating the Indonesian National Police. Then it is customized with the Unit issuing or publishing the letter, for example, North Sumatra Region, General Crime Investigation Directorate, followed by the Address. For example, Jalan Sisingamangaraja Km 10.5 No. 60, Medan 20148. Next, in the structure of the letter, a line is drawn under the address of the Police Institution issuing or publishing the letter.

The next structure, below the line, as mentioned above, contains writing in the form of the phrase Pro Justitia followed by a colon, and under the writing or phrase Pro Justitia, there is a line underneath. Furthermore, still concerning the structure of the letter, in the middle part (center) below the phrase Pro Justitia, the Police Emblem is placed and below it, the subject of the letter is stated, for example, Summons Letter (all written in capital letters). Under the structure of the subject of the letter, another line is visible, along the letter number; for example, a line along the writing Number S. Pgl/932/IV/2023/Ditreskrimum.

Furthermore, there is another structure below the letter number, in this case, continuing the example of the letter above, namely Number S. Pgl/932/IV/2023/Ditreskrimum. It should be noted here that generally almost all points of the letter content are written in capital letters. Beginning with CONSIDERATION, BASIS written from the left margin of the letter, then SUMMONS with a line underneath the word SUMMONS. The word SUMMONS is written in the middle part (center) of the letter followed by the identity details of the summoned party.

Then followed by FOR, then DONE. Under the DONE structure, slightly towards the right margin of the letter, the date of the issuance of the letter and the investigator with the signature are presented. This is followed by information about the receipt of the Summons Letter followed by the signatures of both parties, both the summoned party and the party delivering the letter. Below this information is the word ATTENTION, the content of which is the sentence: "Anyone who unlawfully fails to appear after being summoned according to the law may be prosecuted under Article 216 of the Criminal Code." Next is the structure NOTES.

The editorial formulation in the structure of NOTES generally contains a notification: For confirmation, contact Assistant Investigator BRIPTU XXX at Mobile Number 000000000. Additionally, editorial formulations such as: "Regarding because the examination is not yet complete, please come back on yyy" are also presented. Followed by a table, with five columns. The first column is for the number, the second column is to be filled with the date, followed by the day, and time. The signature column is divided into two sub-columns, to be filled by the summoned party and the summoning party, usually designated as Investigator/Assistant Investigator.

The structure and content of the "summons letters" as exemplified above are significantly different when compared to the structure of "summons letters" previously described by the author above. It is commonly

understood among legal practitioners handling the investigation of alleged criminal cases that this should be the norm or “best practice” that can be accepted or considered as standardized and valid letter structures and contents as described or depicted above. However, in practice, and subsequently leading to issues highlighted in this research and article writing, "innovations" in summons letters as previously described have emerged.

These “innovations” seem to not adhere to guidelines or regulations in conducting investigative administrative procedures, including investigations. It is assumed that both the structure and content of standardized and valid letters as well as the letters resulting from "innovations" are derivative actions from the Criminal Procedure Code (CPC) and Regulation No. 6 of 2019 concerning Criminal Investigation. Therefore, the authors believe that the lack of synchronization in terms of the structure and content of the letters as described above can also be categorized as weaknesses found in the regulation of investigations based on the NPR compared to the regulation of investigations based on Regulation No. 6 of 2019 concerning Criminal Investigation. The ambiguity of regulations or written guidelines containing strict prohibitions against “innovations” can allow discretion for law enforcement officials within the Indonesian National Police.

5. Synopsis of the Main Research Outcomes

The principles governing the implementation of investigations in the NPR must be understood as fully regulating all actions carried out to conduct investigative administration, including investigations such as the regulation of the issuance of “summons letters” issued or published by authorized officials within the Indonesian National Police. Deviations occur because the NPR as the parent legal system is less precise and clear in outlining technical instructions or law enforcement models by the Indonesian National Police.

Regulation No. 6 of 2019 concerning Criminal Investigation also faces the same problem as the NPR as mentioned above. Therefore, in solving the problems of criminal investigations according to Just Justice, the principles of criminal procedural law as regulated in the NPR must be adhered to.

6. Conclusions

Harmonization of Regulation No. 6 of 2019 concerning Criminal Investigation with the NPR occurs when the substance of the rules in this Regulation is adjusted with the principles of investigation regulation to guide or navigate the implementation of investigations, including investigations. This is a legal principle as a system as understood in the theory of Just Justice. In aspects such as supervision, systemic harmonization according to the theory of Just Justice internally, within the investigation including the investigation of criminal acts, functions to prevent, as well as enforcement if deviations occur in the implementation of investigations, including investigations of criminal acts. Therefore, in line with the principles of law to achieve justice, utility, and legal certainty, and ultimately to humanize the law; both for law enforcement officers and for all members of society as a whole.

7. Limitations, Implications, and Further Directions of Research

The authors suggest that Regulation No. 6 of 2019 concerning the Regulation of Criminal Investigations should be reformed based on the NPR so as not to contradict the NPR as the parent of the Criminal Procedure Law. Furthermore, it is also suggested that Regulation No. 6 of 2019 concerning the Regulation of Criminal Investigations, which is internal in nature, should not be applied externally. If it is to be applied externally, it is recommended to be changed into Police Regulations (PR) and its substance must not contradict the NPR. To realize an integrated criminal justice system, the substance of Regulation No. 6 of 2019 concerning Investigations must be based on the NPR and the provisions regarding the Formation of Legislation.

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