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CRIMINAL JUSTICE SYSTEM IN THE PERSPECTIVE OF INTEGRATION

Sony Cipto Leksono[1]; Hadi Purnomo[2]; Hernawati RAS[3]
Master Of Law Science Langlangbuana University Bandung[1,2]
Email : sony.cipto@gmail.com

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ABSTRACT

The implementation of the criminal justice system in law enforcement using criminal law, does not run optimally even the criminal justice system in Indonesia is known by the principle of "functional differentiation" its impact on the implementation of law enforcement so that it will experience difficulties in achieving its function, as an effort to eradicate crime. This research aims to find a system concept in the right approach in the implementation of an integral criminal justice system so as to realize the maximum performance of the criminal justice system (SPP) in criminal law enforcement, namely by taking a system approach and structural, substantial and cultural reorientation of the criminal justice system. The main object of research and study of criminal law enforcement policies, while the approach used is a normative and sociological juridical analysis approach complemented by historical/contextual and global/comparative approaches, by prioritizing secondary data and qualitative analysis. The results of the research can be seen from the sub-systems in the criminal justice system (sub-systems of investigation, prosecution, decision making and criminal execution) in terms of application and institutions have not shown the existence of an integrated criminal justice system (SPPT) when viewed partially, the supporting components appear to be separated from each other.
with others, and tends to be a "collection of stories". The notion of an integrated criminal justice system is inseparable from the notion that includes substantial meaning but also extends to the philosophical aspects of the meaning of justice and benefit in an integrated manner.
Because legal culture is an integral part.

INTRODUCTION

The criminal justice system is a criminal law enforcement process, therefore the criminal justice system is closely related to the criminal legislation itself, both substantive criminal law and criminal procedural law. This is conveyed because the criminal legislation it self is basically abstract law enforcement to be realized in criminal law enforcement in concreto. able to distinguish the meaning between Criminal Justice Process (CJP) and Criminal Justice System (CJS). Criminal Justice Process (CJP) is every stage of the decision that exposes the suspect to a process that leads to the determination of punishment. Meanwhile, the Criminal Justice System (CJS) is the interconnection between the decisions of each agency involved in the criminal justice process. Characteristics of the Criminal Justice System (CJS) approach.

According to Romli Atmasasmita, the focus is on coordination and synchronization of the components of the criminal justice system (police, prosecution, courts and correctional)

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monitoring and controlling the use of power by the components of the criminal justice system. The efficiency of the crime prevention system is more important than case resolution, the use of law as an instrument to strengthen the administration of justice. This must be seen in a social context. According to Muladi, if only based on the interests of legal certainty, it will bring disaster in the form of injustice. Muladi also asserted that what is meant by an integrated criminal justice system is synchronization or simultaneity and harmony, which can be distinguished in the following matters:

A. Structural synchronization
B. Substantial synchronization
C. Cultural synchronization

The concept of synchronization is the meaning of the Integrated Criminal Justice System, which is expected to be intertwined in the framework of law enforcement in Indonesia, in its implementation it often receives intervention and influence from extra-judicial forces and there are differences in perceptions between one sub-system and another in resolving cases, for example, on the one hand the Police and Prosecutors have worked hard to find evidence so that the suspect can be arrested and submitted to the court as a defendant. However, after entering the court, the judge examines and finally decides to acquit the defendant (see the Illegal Logging case, Adelin Lis was acquitted by the court) compared to the case of the 63-year-old grandmother Asyani,6 where the execution of the sentence was more formalistic.

Substantive is the creation of justice and happiness in society, this is the basis of the enforcement apparatus. Reflection, or fundamental and objective reform must be carried out to find the best way. How the law will be carried out in the future, starting with the administration of law that cannot realize justice as experienced and experienced so far. The various conflicts that have erupted due to unfair law enforcement are one of them. This fact shows the hypothesis that the absence of an integrated criminal justice system results in weak law enforcement. As expressed by Samsul Wahidin, law enforcement is currently at its lowest point. Various kinds of legal events are actually enforced not based on justice, expediency and legal certainty. Law enforcement is in fact based on pragmatic practical interests. An example is the application of parole for convicts in the Bank Indonesia Liquidity Assistance (BLBI) case David Nusa Wijaya, which is characterized by conditions of internal intervention and no coordination with the prosecutor's office, showing the fragility of the sub-criminal justice system from the influence of extra-judicial intervention and power. The involvement of various law enforcement officials with different functions but with the same goal requires a systemic perception, meaning that law enforcement officials are a subsystem of criminal justice, starting from the investigation subsystem, namely the police, the prosecutorial subsystem, namely the prosecutor's office. The court subsystem and the correctional subsystem, even the advocate subsystem that runs the process must be seen as an integrated system, namely an integrated criminal justice system. Gayus H. Tambunan seemed to blame the judge's decision that was painstakingly brought to trial. It seems to be throwing the problem and responsibility and cornering law enforcers.

These matters have a negative impact on the practice of organizing the criminal justice system, often causing various problems that result in suboptimal performance of the criminal justice system. In the enforcement of criminal law to realize an integrated criminal justice system, thorough synchronization is required. From the point of view of judicial management, an integrative way can be realized if there is an integral and systemic policy. In addition, Barda Nawawi Arief in his book entitled "Problems of Law Enforcement and Criminal Law Policy in Crime Control" states that to carry out law enforcement with certainty and justice, it is necessary not only to reform legislation or legal substance (legalsubstance). legal reform) but also legal structure reform, and legal culture reform, even in this situation the most important thing is the reform of legal culture, legal ethics or morals and legal education. which is retrospective and orderly to build the integration of the Criminal Justice System in particular.

DISCUSSION

Position, Function, Duty and Authority of Subsystems in the Criminal Justice System

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Criminal justice procedure as part of the administration of government is essentially bound by the provision that the implementation of the judicial process by the components of the criminal justice system must be interpreted in terms of the authority possessed by each component in carrying out the administration of criminal justice and must receive serious attention not only because of the legality of the actions of law enforcement officials, but more importantly is that every action of law enforcement officials without the basis of authority will result in violations of human rights, in carrying out their duties and functions. they must have a strong legal basis because they are closely related to human rights. Therefore, the principle of legality in criminal procedure law (KUHAP) is expressly regulated as seen in article 3: "The court shall be conducted in the manner provided for in this law. "Regarding the form and components of the criminal justice system in Indonesia based on the codification of formal criminal law, namely the Criminal Procedure Code or KUHAP (Law No. 8 of 1981), it has always been a subsystem with each institution and the scope of the criminal justice process as follows;

1. Police;

It is an integral part of the function and position of the Indonesian National Police (Polri) as a state apparatus under the President. The investigation function carries out some of the duties of the National Police, especially in the field of law enforcement. Article 13 of Law No. 2 of 2002 on the Indonesian National Police emphasizes that the main tasks of the National Police are: a. maintaining public order and security; b. enforcing the law; and c. providing protection, protection, and services to the community. Maintaining public order and security. Article 1 point (1) jo. Article 6 paragraph (1) and Article 1 paragraph (2) of KUHAP formulates the definition of an investigator, which states that an investigator is an official of the Indonesian National Police or a certain civil servant official who is given special authority by law to conduct investigations. . Meanwhile, investigation is a series of actions carried out by investigating officials in the manner stipulated in the law to seek and collect evidence, and with that evidence make or become clear actions;

In detail, according to Article 16 paragraph (1), in carrying out the duties as referred to in Article 13 and Article 14 in the field of criminal justice, the Indonesian National Police are authorized to: a. arrest, detain, search, and confiscate; b. prohibit any person from leaving or entering the scene for the purpose of investigation; c. bring and present people to investigators in the context of investigation; d. order suspected people to stop and ask and check their identity; e. examine and confiscate documents; f. summon people to be heard and examined as suspects or witnesses; g. bring in experts needed in connection with case examination; h. terminate the investigation; i. submit case files to public prosecutors; j. make direct requests to authorized immigration officials at immigration checkpoints in urgent circumstances. bring in experts needed in connection with the examination of the case; H. terminate the investigation; I. submit the case file to the public prosecutor; J. make a direct request to the authorized immigration official at the immigration checkpoint in urgent or sudden circumstances to prevent or obstruct a person suspected of committing a criminal offense; k. provide instructions and assistance in the investigation to civil servant investigators and receive the results of the investigation of civil servant investigators to be submitted to the public prosecutor; and I. take other actions according to the law that are responsible.

In essence, we can see that the law enforcement function carried out by Polri is under the executive power, because the Polri institution is under the President. The Kapolri as the Chief of the Indonesian National Police is directly under the President and all of his duties are responsible to the President. Investigations and investigations carried out by the police are part of the implementation of the criminal law enforcement process. As an integral part of the overall sub-system of the criminal justice system. Its central position in the investigation function is as a law enforcer. Conceptually, as the bearer of the law enforcement function, this institution must be independent and independent. In carrying out its functions and duties, it must be non-partisan and impartial/independent. Article 8 of Law No. 2 of 2002 on the Indonesian National Police (Police Law) does not provide such guarantees, considering that the Indonesian National Police is an instrument of government.

2. Attorney

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The 1945 Constitution implicitly regulates the existence of the Attorney General's Office of the Republic of Indonesia in the constitutional system, as a body related to judicial power (vide Article 24 paragraph (3) of the 1945 Constitution which has been amended, and Law No. 16 of 2004 concerning the Republic of the Attorney General's Office of the Republic of Indonesia number 3 in conjunction with Article 41 of Law No. 4 of 2004 concerning Judicial Power, further concerning its position, it is stated that the Attorney General's Office is "a state institution or law enforcement agency that exercises state power in the field of law". It can be seen that; there is a change in the formulation which actually only amends Article 2 paragraph (1) of Law Number 16 Year 2004 without any problems and even strengthens it. Article 2 paragraph (2) states that state power is referred to in the position of the prosecutor's office. Therefore, the prosecutor's office in carrying out its functions, duties and authority is independent of the influence of government power and other powers. The release of power is certainly aimed at creating professionalism and impartiality to one party. Objectivity is the key word for the AGO's position as a law enforcer. The Attorney General's Office has the authority starting from the provisions of Article 284 of the Criminal Procedure Code. The authority of the AGO to investigate a criminal offense is temporary and for certain criminal offenses.

The Attorney General's Office has authority stemming from the provisions of Article 284 of the Criminal Procedure Code. Authority The Attorney General's Office to investigate a criminal offense is temporary and for certain criminal offenses. The legal politics of KUHAP in the field of investigation places Polri investigators as the main investigators authorized to investigate all types of criminal acts. Even so, the legal politics of the legislator still gives the prosecutor's office the authority to investigate, specifically for certain crimes (special crimes). This can be seen from the legal politics contained in Law No. 5 of 1991 concerning Prosecutors and Law No. 16 of 2004 concerning Prosecutors. It is expressly stated in Article 30 paragraph (1) letter d. Meanwhile, according to Article 13 of the Criminal Procedure Code, prosecution is carried out by public prosecutors, namely public prosecutors who are authorized by law to carry out prosecutions and implement judges' decisions. For all types of criminal offenses, the public prosecutor is the public prosecutor at the Attorney General's Office of the Republic of Indonesia, except for corruption offenses, there are public prosecutors from the Corruption Eradication Commission. According to R.M.Surachman, who refers to the tradition and doctrine of prosecution known as the principle of dominus litis or control of the case process, in several countries such as Japan, the Netherlands, France, the prosecution authority is the monopoly of the court. prosecutor. This means that in the criminal process the prosecutor has the authority to determine whether a case can be prosecuted to court or not. 16 The prosecutor is the one who determines whether or not a person can be declared a defendant and brought to court based on evidence that is valid according to the law, and as the executor of the ambtenaar and court decisions and verdicts in criminal cases.

Regarding the substance, briefly review the terms of the dismissal appointment The duties and powers of the Attorney General and other urgent matters are different from those of the Minister, it is sufficient to be appointed and dismissed by the President, not looking professionally and not excessive, the leader must have a professional background or have been or run out of a profession.

Judging from the name of the position, there is no mistake if it means Attorney General. Indeed, if you look at the State Civil Apparatus Law, Law No. 43 of 1999 states that the Attorney General is a career position. (ASN), but in other laws it is stated that the attorney general is a state official in article 19 of law number 16 of 2004, the appointment and dismissal is the prerogative of the president, or also involves other high state institutions, namely the DPR in this case to maintain the dignity of the position of duties, authorities and functions), does it have to involve the DPR in its appointment or dismissal? Although it does not rule out the possibility that the involvement of the DPR could also have an impact on the independence of the Attorney General. It is proposed that there be an additional article (in addition to the amendment) that regulates the mechanism of appointment and dismissal of the Attorney General comprehensively. 17 Law No. 16/2004 on the Attorney General's Office. Based on Article 2 paragraph (1) is an executive or government agency that carries out judicial functions in the field of determining criminal cases. The basic principles of law enforcement are independence and independence. The position of the AGO as a government apparatus as referred to in Article 19 does not stand alone, is subordinated, and even co-opted by

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government power. As a result, the implementation of law enforcement by the Attorney General's Office will not stand alone.

3. Court;

Constitutionally, the structure and organization of the Indonesian judicial system can be seen as follows in the provisions of Article 24 of the Amendment to the Constitution of the Republic of Indonesia Year 1945 and organic laws governing judicial power. Article 24(2) states that "judicial power shall be exercised by the Supreme Court and the judicial bodies subordinate thereto within the general courts, religious courts, military courts, state administrative courts, and by the Constitutional Court". According to Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the Supreme Court is the apex of the judiciary. Further affirmation is contained in Article 20 paragraph (1) of Law No. 48/2009 on Judicial Power (UUKK) that the Supreme Court is the highest state court of the four judicial circles. The Supreme Court as the apex of the judiciary has the consequence of a one-stop system in the administration of the judicial system in Indonesia. Thus, the development of the judiciary as well as the organizational structure, personnel administration and finances of the lower courts are in the Supreme Court. (Article 13 paragraph (1) of KK Law).

4. Correctional Institution;

LP is a technical agency of the Directorate General of Corrections that is responsible for the implementation of prisoner development, regulated in Law No. 12 of 1995 concerning Corrections. The Directorate General of Corrections is part of the Ministry of Law and Legislation. Thus, the Correctional Institution is part of the Government agency (executive) that carries out a series of law enforcement functions as the execution of criminal offenses (criminal executor). The Correctional Institution carries out criminal offenses imposed by judges in the form of criminal decisions, especially imprisonment. The implementation of imprisonment with correctional system is related to the purpose of punishment. Thus, Correctional Institution determines the policy of criminal implementation, in accordance with the system that has been established. Correctional Institution has the authority to determine the law related to "punishment" policy. Correctional Institutions can "reduce" the period of punishment or the time limit for the implementation of punishment set by the Judge as the upper limit. In this case, it can be interpreted that the judge's decision that has permanent force can be "changed" by the Correctional Institution. The "change" policy can be through the instrument of "remission" or "parole".

Factors Affecting the Implementation of the Criminal Justice System in Criminal Law Enforcement

Discussing law enforcement without mentioning the human aspect of its implementation is a sterile discussion. If talking about law enforcement only sticks to the requirements as stated in the legal provisions (laws and regulations), you will only get an empty stereotypical picture. Discussing law enforcement becomes content when it is associated with concrete implementation by humans. The law enforcement factor is the parties who form or apply the law, 3. The means or facilities that support law enforcement, 4. The community factor is the environment where the law applies, 5. The cultural factor is as a work, copyright and taste based on human karsa in social life.

1. Legislative Factors/Legal Substance

The criminal justice system as expressly stated in the Criminal Procedure Law (KUHAP) Number 8 of 1981 is considered incapable of being expected to oversee the enforcement of material criminal law as contained in the KUHAP or special criminal law whose procedural law does not deviate from the KUHAP, the weaknesses that are fundamentally seen from the KUHAP are the neglect of the rights of suspects / defendants / convicts and victims of criminal acts to obtain legal protection. Quoting from Romli Atmasasmita, related to the problem of public order with the part of criminal law that questions the state's right to punish (part of criminal law in a subjective sense), which is based on the reality in society where an enacted legislation is actually unable to maintain or maintain public order. In fact, it is not uncommon for the existence of the legislation to

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cause public unrest, for example the provisions contained in the Criminal Code itself such as articles 154-156, provisions known as Haatzaai Artikelen. Omar Senoadji (1985:28) said that the contents of the provisions of these articles have an unpleasant resonance. Furthermore, Romli Atmasasmita argues that with the promulgation of the Criminal Procedure Code through Law No. 8 of 1981, although it is a national product, several provisions in the articles of the Criminal Procedure Code have psychologically caused social chaos. For example, the implementation of the provisions of Articles 95 and 96 of the Criminal Procedure Code in the Sengkon and Karta cases did not provide justice for the parties who were harmed by the wrongful actions of police officers. Even the provisions of Article 31 of the Criminal Procedure Code which regulates requests for suspension of detention with a guarantee of money or person based on certain conditions, seen from the principle of equality before the law, it is feared that it will have an impact on discriminatory treatment of judicial seekers. Furthermore, it will lead to social cynicism that the law is only for those who can afford it "freedom for the rich not for the poor". An understanding of the true Integrated Criminal Justice System or SPPT, is not only an understanding of the concept of "integration" itself but an integrated criminal justice system that also includes the substantial meaning of the symbolic urgency of integrated procedures but also touches on the philosophical aspects of the meaning of justice and expediency in an integrated manner. So that with criminal law enforcement.

2. Legal apparatus/legal structure

Noting the fourth amendment to the 1945 Constitution Article 24 paragraph 3 which states "other agencies whose functions are related to judicial power are regulated by law, while what is meant by law is law number 48 of 2009 concerning judicial power". in the explanation of Article 38 paragraph 2 what is meant by "other agencies" includes the police,prosecutors, advocates, and correctional institutions.1945), namely (1) judicial power is an independent power to administer justice; (2) judicial power is exercised by the Supreme Court and the judicial bodies under it in the general judicial environment, the state administrative judicial environment, and by the Constitutional Court Perspective of the Criminal Justice System (CJS), in enforcing criminal law, namely investigation power (by the investigating agency), prosecution power (by the prosecuting agency), trial power (by the court body) and execution power / criminal decisions (by institutions / agencies),. implementation) are as follows: a. POLICE; as previously stated regarding the functions, duties and authorities of the police in Law Number 2 of 2002 concerning the Indonesian National Police emphasizes that the main duties of the Police are:

A. maintain public order and security;
B. enforce the law; and
C. provide protection, protection, and services to the community. maintain public order and security.

Related to the functions and duties of the police are listed in CHAPTER I General Provisions Article 1 point (1) jo. CHAPTER IV Part One Investigators and Investigators Article 6 paragraph (1) and Article 1 number (2) of KUHAP.

B. Lawyers; the main existence of the prosecutor's office that must be fought for and achieved are
The position of prosecutor, the desired position can be ascertained that the prosecutor's office is not an institution Journal of Sovereign Law Vol. 1. 1 March 2018 ISSN: 2614-560X Implementation of the Criminal Justice System in an Integration Perspective (Achmad Budi Waskito) 297 government, but as a government institution, because or as a law enforcement agency is expected to be more independent in carrying out its duties and authorities. Here the AGO purely exercises state power and not government power. Law no. 16 of 2004 concerning the Attorney General of the Republic of Indonesia as
The replacement of Law No. 5 of 1991 is good enough to accommodate some of the duties and authorities of the prosecutor's office that have not been regulated by the previous law. It seems that this is the case, but in reality many urgent matters that are expected to be regulated are not realized in Law No. 16 of 2004, and are instead interpreted as institutions of government or government agencies or exercise executive power. Such an opinion was expressed by Baqir Manan; 2010 that

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the prosecutor's office is a government institution so that its head is concurrently the head of a government institution, and it is interpreted that what is meant by a government agency is executive power as well as the opinion of experts and practitioners (Marwan Efendi 2005) which states, among others, if the position of the prosecutor's office as a government institution is associated with the prosecutor's authority to exercise state power in the field of prosecution independently, there is a contradiction in the arrangement of these dual obligations. Thus, it is impossible for the AGO to carry out its functions and duties without the influence of government power and perhaps also the influence of other powers because the position of the AGO is under executive power.

The Prosecutor's Office exercised the executive power of the state in the field of prosecution. After 1959, to be precise in 1961, the Prosecutor's Office was "independent" in the sense that it stood as a separate institution or body separate from the Ministry of Justice, but the Prosecutor's Office no longer stood alone or stood alone because its status no longer existed. Attorney General at the Supreme Court, but has the status of Minister or cabinet member. (presidential aide), and does not retire at the age of 65 so that it is feared that at any time the president can be replaced. Referring to this historical reality, the current prosecutor's office is not independent because as a government apparatus (government institution) it is under the executive power as subordinate to the President (Article 2 paragraph (1) of Law No. 16 of 2004). This non-independent position has an impact on the implementation of functions that are not independent because government officials must be required to have high loyalty in carrying out government functions, whereas Article 2 paragraph (2) of Law No. 16 of 2004 guarantees that in carrying out the prosecution function, independence is guaranteed. Availabledilemmatic and contradictory conditions in the position and function of the Attorney General's Office.

This condition becomes a question if the position of the prosecutor's office as a government institution is considered weak or directly becomes strong if it is positioned as a state institution then in what form it becomes part of the judicial power or in another form. ? To regulate this option, there are many references which can be used as a basis, for example references from the 1945 Constitution, laws or following the position of other law enforcement agencies. Observing the Fourth Amendment of the 1945 Constitution limitedly confirms the judicial power (Article 24 of the Fourth Amendment of the 1945 Constitution) that the Attorney General's Office cannot be part of the judicial power or from the power of the Supreme Court is also a provision for the police and correctional institutions. In this regard, it has been proposed that the Attorney General's Office become part of the Supreme Court, as stated by legal experts (Andi Hamzah 2000, 5-6), among others, arguing that "the Attorney General's Office Law which places the Attorney General's Office as an instrument of the government should be replaced by a new law.

The Supreme Court as the holder of independent judicial power not to be intervened by executive power". More precisely, it does not place it as an instrument of the government, but cannot be part of the Supreme Court or the judicial power. If the prosecutor's office is placed under the Supreme Court, it will return to the way it was before the issuance of Law No. 15/1961. Precisely through Law Number 15 of 1961 Presidential Decree Number 204 of 1960 dated August 15, 1960 (retroactive to July 22, 1960), the prosecutor's office is independent from the judiciary.

3. Legal Culture Factor

This study found that the legal culture of corruption law enforcement implementation in Indonesia shows a very bad image. Institutional arrogance emerges that is agency centric, inconsistent and contradictory in law enforcement, tends to think fragmentary, which prioritizes the interests of power over the interests of society, is sectoral and does not think systemically.

On the other hand, there is a tendency for phenomena to occur in law enforcement so far, that the weak legal awareness of the community is influenced by the weak condition of legal awareness or integrity of law enforcement officials. A concrete example is the bribery of judges at the Medan State Administrative Court in the corruption case of Gatot Pujo Nugroho, Governor of North Sumatra (read more Samsul Wahidin; 2017, Politics of Law Enforcement in Indonesia, p. 103). As stated by Barda Nawawi Ariief in his book Kapita Selekta Hukum Pidana that the culture/orientation/approach of law enforcement in Indonesia is as follows science (scientific cultural approach) weakens / fades / is ignored / shifts due to optimizing other approaches /

orientations or partial approaches. Indicators of decline/shift in the quality of the scientific approach that contains an objective systemic moral/conscience approach that is integral to other orientation approaches.

This partial approach can be seen in various phenomena, among others; There are the reality that is often feared by the wider community is the existence of an envelope culture of material culture or a culture of despicable dirty games (commonly called the judicial mafia) in the practice of law enforcement.

1. Normative Approach (Legislation)

Problems related to legal substance, namely laws and regulations governing the functions, position and authority of criminal law enforcement agencies. According to Geoffrey Hazard,31 there are three approaches to implementing the criminal justice system: 1) normative approach 2) administrative approach 3) social approach; These three approaches are closely related to the criminal justice system.

2. Administrative Approach (Legal Institutions)

In implementing the criminal justice system, according to Goffrey Hazard, it is related to an administrative approach that views the four law enforcement agencies (police, prosecutors, courts, correctional institutions as managing organizations that have work mechanisms, both horizontal and vertical relationships in accordance with the existing organizational structure). applicable in an organization. 32 Starting from this description and from H.P Panggabean's book ("key paper") which discusses the supervisory function as part of efforts to empower "court management", Barda Nawawi Arief argues that it is appropriate to develop a more rational thought/concept for the supervisory function. broadly speaking, not only the supervisory function in judicial management, but the supervisory function in judicial management/law enforcement in a broad sense.

3. Social approach

In reality, it is difficult to achieve harmony in living the views, attitudes and philosophies that overall underlie the operation of the criminal justice system, this can be seen from the point of view of the implementation of the Criminal Justice System from the three forms of social approach, when viewed from the perspective of the criminal justice system.

The third (social approach) in the practice of law enforcement in our country there is no harmony, the social approach views the four law enforcement officers as an integral part of a social system, so that society as a whole is also responsible for the success or failure of the four law enforcement officers in carrying out their duties. The application of law or law enforcement in society, which should consider the social aspects of society, turns out to be only in the juridical dimension, which should not be separated from the philosophical and sociological dimensions. Because the appreciation and participation and behavior of the community will be good, if the criminal law is aspirational and the enforcement is responsive.

CONCLUSION

In the implementation of the criminal justice system, so far it has not shown its performance optimally because structurally the concept of function and supervision in the administration of the justice system/law enforcement is not yet integrated in a broad sense, weak in law enforcement because it is under the executive power (government) so that in certain matters the implementation of criminal law enforcement is influenced by executive power and does not rule out the possibility of criminal law enforcement.

There is still no certainty about the different functions of the executive, judiciary and legislature. The criminal justice system has not yet materialized systemic, tend to be partial and have different perceptions related to the principle of functional differentiation, fragmentary,

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resulting in rivalry between sub-systems which results in sub-optimal performance of the criminal justice system. System independence factor Criminal justice in detail is related to institutional factors that do not stand alone, legal substance factors that have not touched philosophical aspects regarding the meaning of justice and benefits in an integrated manner, as well as in terms of structuring legal structures that have not been placed proportionally, causing confusion of authority so that temporary overlaps are caused. he legal structure of the implementing criminal justice sub-system which tends to be agency centric, commercial and serve pragmatic interests beyond the purpose of law enforcement.

Legal culture factors reflect the tendency of phenomena that have occurred in law enforcement so far, that the weak legal awareness of the community is influenced by the weak condition of legal awareness or integrity of law enforcement officials. In enforcing the law in society, there is a denial of the role and function of the law itself.

ADVICE

Substantively arranging and putting in order the criminal justice subsystems and institutions that are aligned under the judicial power, namely law enforcement in a broad sense, both in terms of organization, budgeting, career system, personnel administration. As well as placing the Judicial Power in the Field of Criminal Law (SPP) as the highest / top supervisor and controller ("the top leader" or "peak law enforcement") of the entire criminal law enforcement process. For example, contemplation is needed regarding the status and position of the prosecutor's office and the organization of the prosecutor's office. Regarding the status of the prosecutor's office, the prosecutor's office is more honorable with all the consequences of being a state official like a judge. If so, a prosecutorial organization can be established like the Supreme Court, High Court, and District Court with more flexible implementation. Especially for the subsystem of investigative authority, it is necessary to establish a separate institution in one institution, such as the prosecutor's office, the court so that there is no longer institutional pluralism in investigative authority. The need for policy measures taken in realizing the implementation of an integrated criminal justice system. Factors regarding the differences in the functions of the executive, judiciary and legislature need to be studied in depth and carefully by experts in law, political science and government science, and solving this problem is not enough by simply placing the position of executive, judicial and legislative powers within the framework of the trias politica, because this very strategic issue will determine the fate of Indonesia as a state of law in the future. Improving the legal culture, among others, through education and socialization of various laws and regulations as well as exemplary behavior of state administrators in obeying the law.

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