



Juridical Review Of The Authority Of Civil Servant Investigators In Conducting Forced Searches Of Violators Of Local Regulations Based On The Provisions Of Indonesian Laws And Regulations

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ABSTRACT

In this study the author discusses one of the problems regarding the authority of civil servant investigators (PPNS) in carrying out forced searches based on the provisions of laws and regulations in Indonesia. The purpose of this study is to determine and analyze the authority of civil servant investigators (PPNS) in conducting forced searches based on the provisions of laws and regulations in Indonesia and to determine and analyze civil servant investigators (PPNS) can make forced searches of perpetrators suspected of committing criminal violations of local regulations. The research method uses normative legal research, so the research approach taken is a statute approach, conceptual approach, and case approach. The results of this study are the first, the authority of civil servant investigators (PPNS) according to Indonesian legislation is regulated in the provisions of Law No. 8 of 1981 concerning Criminal Procedure Law (KUHP) Government Regulation No. 43 of 2012 concerning Procedures for Implementing Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and forms of Private Security, Regulation of the Chief of the Indonesian National Police Number 14 of 2012 concerning Management of Criminal Investigations, Regulation of the Chief of the Indonesian National Police Number 6 of 2010 concerning Investigation Management by Civil Servant Investigators. Secondly, the provisions of the above laws and regulations that in the event of a criminal offense in the region, civil servant investigators (PPNS) can search the perpetrator of the offense, but still the PPNS authority must be expressly regulated in the provisions of regional regulations because however PPNS in the regions must be subject to Regional Regulations that regulate their authority.

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PRELIMINARY

The existence of local regulations that impose criminal sanctions has encouraged the idea of establishing Civil Servant Investigators (PPNS) within the local government. In fact, several regions have established local regulations on PPNS within the local government. The problem that arises then is how the position of PPNS in the local government structure.

The issue of the position of PPNS in the local government structure is related to the existence of PPNS itself as part of the criminal justice system. In Chapter I General Provisions,

Article 1 point 1 of Law No. 8 of 1981 (Law No. 8 of 1981) on Criminal Procedure Law, regulates that Investigators are state police officers of the Republic of Indonesia or certain civil servants (PNS) who are given special authority by law to conduct investigations. Further provisions regarding this matter are regulated in Article 6 paragraph (1) of Law No. 8 of 1981 concerning Criminal Procedure which distinguishes investigators into two, namely state police officers of the Republic of Indonesia and certain civil servants who are specifically authorized by law.

Article 7 paragraph (2) of Law No. 8 of 1981 concerning Criminal Procedure Law gives authority to PPNS, where PPNS have authority in accordance with the laws that are the basis of their respective laws and in carrying out their duties are under the coordination and supervision of investigators as stipulated in Article 6 paragraph (1) letter an of Law No. 8 of 1981 concerning Criminal Procedure Law. Based on the provisions of Article 6 paragraph (1) letter b of Law No. 8 of 1981 concerning Criminal Procedure Law, it can be concluded that PPNS are civil servants who are given special authority by law. The special authority referred to is the authority to investigate in accordance with the law as the legal basis for carrying out their respective duties. This confirms that the functions, duties, and authority of investigation are actually attached to officials of the Indonesian National Police, while PPNS are civil servants who are given special duties and authority to carry out investigations in accordance with the law which is the legal basis for carrying out their duties.

The appointment of PPNS is functionally aimed specifically at conducting investigations in certain fields in accordance with the laws that are the legal basis for carrying out their duties. Regional regulation is a form of legal product of regional government in the context of organizing regional government affairs based on the principles of autonomy and assistance tasks. A regional regulation can substantially contain provisions, among others: first, concerning matters related to the principle of autonomy; and second, matters related to the duty of assistance.

In the context of enforcing regional regulations, Article 238 of Law No. 23 of 2014 concerning Regional Government stipulates that: first, regional regulations can contain provisions regarding the imposition of coercive costs of law enforcement, in whole or in part to violators in accordance with laws and regulations; second, regional regulations can contain maximum imprisonment of 6 (six) months or a maximum fine of Rp.50,000,000.00 (fifty million rupiahs); third, regional regulations can contain criminal penalties or fines other than as referred to in the second provision, in accordance with those regulated in other laws and regulations, fourth, regional regulations can also contain threats of sanctions that are to restore the original state and administrative sanctions, and fifth, related to various kinds of administrative sanctions.

Based on these provisions, local regulations may contain a maximum imprisonment of six months and a maximum fine of Rp.50,000,000.00 (fifty million rupiah). In practice, there are many local regulations that contain criminal penalties as mentioned above, such as local regulations on public order, local regulations on prostitution prohibition, local regulations on gambling prohibition, local regulations on decency, local regulations on liquor prohibition and so on. These aspects, in general, have actually been regulated in the third book of the Criminal Code on Offenses, but in general the provisions contained therein are quite outdated with current developments. In addition, regional autonomy as stipulated in Law No. 23/2014 on Regional Government, requires that the provisions contained therein are quite out of date with current developments. 23/2014 on Regional Government, obliges both provinces and regencies and cities to organize public order and tranquility.

The organization of public order and tranquility is actually a government affair. The matter is then decentralized to the autonomous region. As a decentralized affair, it allows the region to independently regulate the technical implementation of the affairs. The legal form of implementation of decentralized affairs is further regulated in regional regulations.

In order to uphold public order and public peace, it is not uncommon for local regulations to impose sanctions, both administrative and criminal sanctions. The imposition of criminal sanctions on local regulations requires professional personnel as law enforcers and tactically becomes part of the local government structure.

In the context of enforcing violations of regional regulations, before sanctions are imposed on those suspected of committing violations, whether from elements of citizens, apparatus, or legal entities, there are initial actions, namely investigations, and investigations. Based on the provisions of Article 255 paragraph (2) letter c of Law No. 23 of 2014 concerning Regional Government, the task of investigation as referred to above is under the authority of the Civil Service Police Unit (Satpol PP) and in certain cases if there are Civil Service Police (Pol PP) who meet the requirements can be appointed as PPNS, while based on the provisions of Article 257 of Law No. 23 of 2014 the task of investigation is under the authority of the investigating officer. 23 of 2014, the task of investigation is under the authority of the investigating officer in accordance with the provisions of laws and regulations and PPNS consisting of PPNS Pol PP and PPNS of regional apparatus as stipulated in Article 9 paragraph (2) of Government Regulation Number 16 of 2018 (PP No. 16 of 2018) concerning the Civil Service Police Unit. The task of investigation requires certain skills and expertise and therefore the appointment of PPNS requires certain conditions as stipulated in the provisions of laws and regulations. The organization of education and training, and the appointment of PPNS for regional regulation enforcement as stipulated in appendix letter e of Law No. 23 of 2014 concerning Regional Government are currently government affairs in the field of public peace and order and community protection which are the authority of the Central Government.

The granting of authority to the regions in terms of fostering PPNS as stipulated in the attachment letter e of Law No. 23 of 2014 concerning Regional Government, is intended to increase the capacity (capacity building) of local governments in governance, especially the enforcement of regional regulations that contain criminal sanctions. In local government, what is meant by PPNS is civil servants who are given the task of investigating violations of the provisions of local regulations consisting of PPNS Pol PP and PPNS of regional apparatus.

The existence of the Civil Service Police Unit as a law enforcement apparatus, especially in enforcing local regulations and various other local government policies, repositions its functions not only as a guardian of security, order, and public peace but includes carrying out the functions and duties of investigating violations of local regulations for those who meet the requirements as PPNS in accordance with statutory provisions. The investigator is a state function that can be given to police and/or civil servants who meet the requirements for it. The appointment of investigators is included in the affairs of the central government in the field of justice and on that basis investigators are included as central officials in the regions. However, civil servants in the regions who meet the requirements do not rule out the possibility of being appointed by the Central Government as PPNS.

The appointment of civil servants in the regions as PPNS causes civil servants in two positions, namely: First, civil servants are positioned as regional employees and are institutionally responsible to the Regional Government in organizing government affairs which are their duties and authorities; and Second, as PPNS are positioned as central officials in the regions and therefore the implementation of tasks is institutionally responsible and coordinates with the police and prosecutors as central government officials.

Law enforcement on violations of local regulations that contain criminal sanctions, the case handling procedures used still use the rules in the criminal justice system regulated in the Criminal Procedure Code. The position of PPNS as central officials in the regions can be seen in Article 1 number 1 jo Article 6 letter b of Law No. 8 of 1981 which defines investigators as state police officers of the Republic of Indonesia or certain civil servants who are specifically authorized by law to conduct investigations. Investigation is a series of

investigator actions in the case and according to the method regulated in this law to seek and collect evidence with which the evidence makes light of criminal acts that occur in order to find the suspects.

Based on these provisions, personally to be called an investigator is either a police officer or a Civil Servant officer who has met the requirements in accordance with the applicable laws and regulations. The requirements to become an investigator stipulated in the legislation indicate that to become an investigator, a police officer or Civil Servant must meet certain qualifications. The authority to appoint PPNS is exercised by the Minister of Law and Human Rights upon the proposal of the head of a ministry or non-ministerial government institution. The authority of the Minister of Law and Human Rights appointed by legislation as the government agency authorized to appoint PPNS officials shows that the position of PPNS is a central government official, moreover that the functions, duties and authorities of PPNS include government affairs in the field of justice. Therefore, the appointment of PPNS officials who are placed in the regions and given the task of investigating violations of regional regulations is a central official in the region (deconcentration official).

The authority of PPNS is in principle regulated in Article 6 Paragraph 1 letter b of Law Number 8 of 1981 concerning Criminal Procedure Law, namely certain civil servant officials who are given special authority by their respective laws and in carrying out their duties are under the coordination and supervision of investigators. The forms of activities in the investigation process by PPNS based on Regulation of the Chief of the National Police of The Republic of Indonesia Number 6 of 2010 concerning Investigation Management by Civil Servant Investigators, namely notification of the commencement of an investigation; summoning; arrest; detention; search; confiscation; examination; legal assistance; completion of case files; case submission; termination of investigation; investigation administration; and submission of investigations. Meanwhile, in the provisions of Article 4 of the Decree of the Minister of Home Affairs Number 6 of 2003 concerning Guidelines for the Development of Civil Servant Investigators within the Regional Government, namely if the Law which is the legal basis does not explicitly regulate the authority it grants, then the Regional PPNS in carrying out its duties has the authority to receive reports or complaints from a person regarding a criminal offense for violating Regional Regulations; take the first action and examination at the scene; order a person to stop and check the suspect's identification; confiscate objects or letters; take fingerprints and photograph a person; summon people to be heard and examined as suspects or witnesses; bring in experts needed in relation to the examination of the case; stop the investigation after receiving instructions from the investigator that there is not enough evidence or the event is not a criminal offense and then through the investigator notify the public prosecutor, suspect or his family; take other actions according to the law that can be accounted for. Regional PPNS are not authorized to make arrests or detention.

With the above provisions, it is interesting to examine the authority of PPNS in making forced efforts where in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2010 concerning Investigation Management by Civil Servant Investigators with the Decree of the Minister of Home Affairs Number 6 of 2003 concerning Guidelines for the Development of Civil Servant Investigators within the Regional Government to find out and analyze the above provisions in terms of forced efforts. So that with the above problems the author takes the title "Juridical Review of the Authority of Civil Servant Investigators (Ppns) in Making Forced Efforts Based on the Provisions of Legislation in Indonesia".

RESULT AND DISCUSSION

The Authority of Civil Servant Investigators (PPNS) According to Indonesian Legislation

Discussing the duties and authority of investigators as law enforcement official who occupy the first rank in the criminal justice system, also cannot be separated from the attitude and behavior of law enforcement official who always invite public attention to follow their movements in the course of law enforcement, Satjipto Rahardjo in relation to the activities of police investigators as law enforces suggest the following:

“...among law enforcement jobs, police work is the most interesting, because it involves a lot of human involvement as decision-makers. The police can essentially be seen as a living law. Because it is in the hands of the police that the law is realized at least in the field of criminal law. If the law aims to create order in society by fighting crime, then in the end, it is the police who will determine the order, who should be subdued, who should be protected, and so on...”¹

What is described above shows that this is how the public views law enforcement officials (investigators). This is because there is a strong tendency among the public to interpret the law as an officer or law enforcer.

The police, and likewise PPNS as criminal law enforcers are the first apparatus in the law enforcement process, it occupies a position as a guardian, namely through existing powers (police direction) it is the beginning of the criminal process. Because of their expertise, the police feel they know better in carrying out their duties. As a result, it can happen that the police then increase the emphasis on policies that pay less attention to formal legal threats.

The institution of investigation is one of the subsystems of the criminal justice system. The other subsystems consist of the prosecution, courts, and correctional institutions. Therefore, if in the investigation institution, there are Police Investigators and Civil Servant Investigators (PPNS), it can be said that PPNS is part of the criminal justice system.

As a criminal justice system, it has the following characteristics:

1. Goal oriented;
2. The whole is seen as better than the sum of its parts;
3. The system interacts with larger systems, such as economic, social, cultural, political and defense systems and society in a broad sense as a super system;
4. Operationalization of its parts creates a certain value system;
5. Parts of the system fit together.

The existence of a control mechanism in the framework of integrated control.

As a system, criminal justice has a set of structures or subsystems that should work coherently, coordinatively, and integratively in order to achieve maximum efficiency and effectiveness. The combination of efficiency and effectiveness is very important because the efficiency of each subsystem does not necessarily result in effectiveness. Absolute fragmentation in one subsystem will reduce the flexibility of the system and in turn, will even make the system as a whole dysfunctional.

PPNS as a criminal investigation apparatus within the scope of its duties to carry out investigations under coordination by the Police investigator is part of the criminal justice system because in carrying out its duties and functions it cooperates and interacts with other law enforcement subsystems within the framework of the criminal justice system as described above.

Although PPNS has its own duties and authority in accordance with the scope of its field of work and specialization, it does not mean that PPNS is an independent subsystem in the criminal justice system. In accordance with its existence, it can be said that PPNS is part of the police subsystem as one of the criminal justice subsystems.

¹ Satjipto Rahardjo, *Masalah Penegakan Hukum Suatu Tinjauan Sosiologis*. (Bandung : Sinar Baru, Tanpa Tahun), hal. 95.

PPNS as part of the criminal justice system has a good working relationship with the police, public prosecutor, and court. The provisions of the Criminal Procedure Code that regulate this working relationship are as follows.

1. Working relationship of Civil Servant Investigator with Indonesian National Police
 - a. Coordination and supervision of PPNS rests with the National Police (Article 7 paragraph 2);
 - b. Police guidance and assistance to PPNS (Article 107 paragraph 1);
 - c. Termination of investigation is notified to the National Police (Article 109 paragraph 3);
 - d. Submission of files to the public prosecutor through the National Police (Article 110).
2. Working relationship of Civil Servant Investigator with Public Prosecutor
 - a. Obligation of PPNS to notify the public prosecutor of the commencement of investigation (Article 109 paragraph 1);
 - b. Termination of investigation shall be notified to the public prosecutor (Article 109 paragraph 2);
 - c. Submission of case files resulting from the investigation to the public prosecutor (Article 110 paragraph 1);
 - d. Additional investigation based on the instructions of the public prosecutor in the event that the case file is returned as incomplete.
3. Working relationship of Civil Servant Investigator with District Court
 - a. PPNS conducts house searches with the permission of the head of the district court (Article 33);
 - b. PPNS conducting confiscation must be authorized by the head of the district court (Article 38);
 - c. PPNS conducting an examination must obtain special permission from the chairman of the district court (Article 47);
 - d. In the examination of a minor crime, the PPNS immediately presents the defendant, evidence, witnesses, experts, and or interpreters to the district court (Article 205).

From the overall working relationship above, although PPNS has a working relationship with other law enforcement officials, the most important in an effort to realize the implementation of integrated criminal justice is the working relationship between PPNS and the Police. This is because PPNS as investigators must always coordinate and be under the supervision of The Indonesian National Police.

Coordination activities are a form of the working relationship between Police Investigators and PPNS in the context of carrying out tasks and authorities concerning the field of investigation on the basis of functional relationships. However, its implementation should pay attention to the hierarchy of each agency. The form of coordination activities can be:

1. Organize and further express it in joint decisions/instructions;
2. Holding periodic meetings or at any time deemed necessary to be held;
3. Appoint one or more liaison officers (LO) who functionally serve and handle PPNS investigator issues as well as liaising with the National Police, with the aim of organizing training or orientation with an emphasis on investigation.

Civil Servant Investigators (PPNS) Can Make Forced Efforts to Search Actors Suspected of Committing Criminal Violations of Regional Regulations.

Referring to Article 1 paragraph (5) of Government Regulation No. 43 of 2012 concerning Procedures for the Implementation of Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and forms of Private Security, what is meant by Civil Servant Investigators are certain Civil Servant officials who, based on

statutory regulations, are appointed as investigators and have the authority to investigate criminal acts within the scope of the laws that are the basis of their respective laws.²

According to Law No. 8 of 1981 concerning Criminal Procedure Law (KUHP) in Article 1 paragraph (1) states that investigators are officials of the Indonesian National Police or officials of the Indonesian National Police or certain civil servants who are given special authority by law to conduct investigations. And it is further emphasized in Article 6 paragraph (1) letter b which reads that investigators are certain Civil Servant officials who are given special authority by law. As well as in Law No. 2 of 2002 concerning the Indonesian National Police in Article 1 paragraph (11) states that Civil Servant Investigators (PPNS) are certain Civil Servant officials who, based on statutory regulations, are appointed as investigators and have the authority to investigate criminal acts within the scope of the law which is the basis of their respective laws.³

In Article 1 paragraph (5) No. 43 of 2012 concerning Procedures for the Implementation of Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and Forms of Private Security, this regulation states that Civil Servant Investigators (PPNS) are certain Civil Servant officials who, based on statutory regulations, are appointed as investigators and have the authority to investigate criminal acts within the scope of the laws that are the basis of their respective laws.⁴

The authority of the investigating officer is stipulated in Article 7 of the Criminal Procedure Code (Law No. 8 of 1981 concerning Criminal Procedure Law). These authorities include receiving a report or complaint from a person about a criminal offense, taking the first action at the scene, ordering a suspect to stop and checking the suspect's identification, making arrests, detention, searches, and seizures, examining and seizing letters, taking fingerprints and photographing a person, summoning people to be heard and examined as suspects or witnesses, bringing in experts needed in connection with the examination of the case, stopping the investigation and taking other actions according to the law that are responsible. From the wording of Article 7 paragraph (1), it turns out that the authority regulated in the article is the authority of the investigator as referred to in Article 6 paragraph (1) letter a of the Criminal Procedure Code, namely the police, while the authority of the investigator as referred to in Article 6 paragraph (1) letter b Civil Servant Investigators (PPNS) according to the provisions of Article 7 paragraph (2) is regulated by law which is the basis of their respective laws, which in carrying out their duties are under the coordination of Indonesian Police investigators.⁵

In the Criminal Procedure Code (KUHP), the definition of search is divided into two, namely house search and goods search. But what is a house search? Article 1 paragraph (17) of the Criminal Procedure Code explains that:

"...house search is an action of investigators to enter a dwelling house and other closed places to conduct examination and/or confiscation and/or arrest in the cases and according to the procedures stipulated in this law..."

Meanwhile, based on Article 1 paragraph (18) of the Criminal Procedure Code states that:

"...body search is an action of the investigator to conduct an examination of the body and or clothing of the suspect to look for objects that are strongly suspected to be on his body or carried with him, to be confiscated..."

² See article I paragraph (5) of Government Regulation No. 43/2012 on the Procedures for the Implementation of Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and Forms of Self-Directed Security.

³ See Law No. 2 of 2002 concerning the Indonesian National Police.

⁴ See Government Regulation. No. 43 Year 2012.

⁵ Harun M. Husein, *Penyidikan dan Penuntutan*, 91-92.

Based on the matters contained above, house and body searches have the same general meaning, namely a series of actions that can only be carried out by investigators or assistant investigators in order to search or find objects or goods suspected of someone committing a crime to be confiscated. In his book, M. Yahya Harahap entitled "Discussion of Problems and Application of the Criminal Code: Investigation and Prosecution" states that searches are a violation of human rights, in terms of interfering with a person's personal affairs and residence. Therefore, for the sake of law enforcement and through the law, the search is allowed.

Based on the explanation above, the Criminal Procedure Code clearly regulates the mechanism or requirements for law enforcement officials to conduct searches. Article 33 of the Criminal Procedure Code states that:

- 1) With the permission of the chairman of the local district court, investigators in conducting investigations may conduct necessary searches;
- 2) In the event that it is necessary upon a written order from the investigator, the police officers of the Republic of Indonesia may enter the house;
- 3) Every time entering the house must be witnessed by two witnesses in the event that the suspect or occupant agrees to it;
- 4) Every time entering the house must be witnessed by the village head or neighborhood head with two witnesses, in the event that the suspect or occupant refuses or is absent;
- 5) Within two days after entering and or searching the house, a report must be made and a copy submitted to the owner or occupant of the house concerned.

From what is written in Article 33 of the Criminal Procedure Code, it is clear how the Criminal Procedure Code seems to guarantee that the human rights of the person being searched are not violated, so that the investigator in his duty to enforce the law is obliged to comply with the five conditions of the search. However, if we look at Article 34 paragraph (1), then the above can be overridden if in a very necessary and urgent situation where the investigator must act immediately and it is not possible to obtain a permit in advance, then the investigator can conduct a search of the premises:

- 1) In the yard of the house where the suspect lives, resides or exists and what is on it;
- 2) At any other place where the suspect resides, takes up residence or is present;
- 3) At the place where the crime was committed or where the file is located;
- 4) At lodgings and other public places.

However, after conducting the search, the investigator must within two days make a report of the search and submit it to the owner or occupant of the house as referred to in Article 33 paragraph (5). In addition, based on Article 34 paragraph (2) "investigators are not allowed to examine or confiscate letters, books and other writings which are not objects related to the criminal offense concerned or which are suspected to have been used to commit the criminal offense and for this purpose must immediately report to the chairman of the local district court to obtain his approval."

However, in the case of searches, the need for permission by the head of the local court is a real form of protection so that the police do not take arbitrary actions. Furthermore, in addition to referring to the Criminal Procedure Code, searches are also regulated in the Regulation of the Chief of the Indonesian National Police Number 14 of 2012 concerning Management of Criminal Investigations which in Article 59 paragraph (1) states:

1. Search of the body/clothing as referred to in Article 55 paragraph (1), the investigator/assistant investigator must:
 - a. Notify the interests of the search clearly and politely;
 - b. Requests the person's consent to be searched and apologizes for the invasion of privacy;
 - c. Present the task warrant and search warrant;
 - d. Conduct a careful and thorough search to find something that needs to be done;

- e. Obtain evidence related to criminal offenses;
 - f. Pay attention to and respect the rights of the person being searched;
 - g. Carrying out searches of women by female officers;
 - h. Carry out the search within a reasonable time;
 - i. Expressed their gratitude for the execution of the search; and
 - j. After conducting a search, the investigator immediately draws up a search report.
2. Searches of houses/other places as referred to in Article 55 paragraph (1), investigators/assistant investigators must:
- a. Completing search administration;
 - b. Notify the head of the neighborhood of the purpose of the search;
 - c. Notify the occupants of the purpose of the search;
 - d. Present task warrant and search warrant;
 - e. Conduct searches to obtain goods or persons in a thorough, courteous, ethical, and sympathetic manner and must be accompanied by residents/witnesses;
 - f. Conduct searches in accordance with search techniques and tactics;
 - g. In the event that the officer obtains the object/goods or person sought, the action to secure the evidence must be witnessed by the party being searched or witnesses from local residents/neighborhood leaders;
 - h. After carrying out the search, the investigator/assistant investigator expresses his/her gratitude and apologies; and
 - i. Within a maximum period of 2 (two) days after entering and/or searching, an official report must be made and its derivatives submitted to the owner or occupant of the house/other place concerned.

Based on the National Police Chief Regulation above, it is necessary to know several things, namely that searches should not be carried out arbitrarily by law enforcement officials but must go through clear procedures because basically, the state cannot interfere with our privacy. So there must be no mechanisms. In addition, the police, in this case acting for law enforcement, are regulated by law, and therefore the law must be respected and implemented.

Based on the provisions of Article 9 of the Regulation of the Chief of the Indonesian National Police Number 6 of 2010 concerning Investigation Management by Civil Servant Investigators, the forms of activities in the investigation process by PPNS are as follows: notification of the commencement of the investigation, summoning, arrest, detention, search, seizure, examination, legal assistance, completion of case files, case submission, termination of the investigation, administration of investigation, and submission of investigation. The sequence of activities is adjusted to the situation of the case being investigated. The investigation process is carried out with the provision that it may not be delegated to other officers who are not investigators and other PPNS who are not listed in the investigation warrant. PPNS and Police Investigators monitor the subsequent legal process until the verdict is determined.

From the provisions of the above laws and regulations in the event of a criminal offense in the region, civil servant investigators (PPNS) can search for the perpetrators of the offense, but still, the PPNS authority must be expressly regulated in the provisions of regional regulations because however, PPNS in the regions must be subject to regional regulations.

CLOSING

The authority of civil servant investigators (PPNS) according to Indonesian legislation is regulated in the provisions of Law No. 8 of 1981 concerning Criminal Procedure (KUHP) Government Regulation No. 43 of 2012 concerning Procedures for Implementing Coordination, Supervision, and Technical Guidance of Special Police, Civil Servant Investigators, and forms of Private Security, Regulation of the Chief of the Indonesian National Police Number 14 of 2012 concerning Management of Criminal Investigations,

Regulation of the Chief of the Indonesian National Police Number 6 of 2010 concerning Management of Investigations by Civil Servant Investigators.

The provisions of the above laws and regulations state that in the event of a criminal offense in the region, civil servant investigators (PPNS) can search for the perpetrator of the offense, but still, the authority of PPNS must be expressly regulated in the provisions of regional regulations because however, PPNS in the regions must be subject to Regional Regulations that regulate their authority.

SUGGESTION

1. In the authority regarding Civil Servant Investigators, it should be clearly regulated to what extent PPNS can conduct forced searches.
2. In terms of the authority to make forced efforts, PPNS must still coordinate with the police in handling criminal offense cases.

BIBLIOGRAPHY

Books:

Bruggink, J. J. H, *Rechtsteefecties*, alih bahasa Arief Sidharta, (Bandung: Cipta Aditya Bakti, 1996).P

Eddy O.S Hiariej, *Teori dan Hukum Pembuktian*, Erlangga. Jakarta, 2012.

Dyah Octhorina, dan A'an Efendi, *Penelitian Hukum (Legal Research)*, Sinar Grafika : Jakarta, 2013. Hlm.

H. Hamrat Hamid, dan Harun M. Husein, *Pembahasan Permasalahan KUHAP Bidang Penyidikan*, Jakarta : Sinar Grafika, 1992.

Hartono, *Penyidikan dan Penegakan Hukum Pidana*, Sinar Grafika, Jakarta, 2010.

M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP*, Jakarta, Sinar Grafika : Cetakan ke14, 2012.

Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana : Jakarta, 2007.

Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, PT Raja Grafindo Persada, Jakarta, 2012.

Satjipto Rahardjo, *Masalah Penegakan Hukum Suatu Tinjauan Sosiologis*. (Bandung : Sinar Baru, Tanpa Tahun), hal. 95.

Regulations

Undang-Undang Dasar Negara Republik Indonesia 1945

Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana

PP. No. 58 Tahun 2010 tentang Perubahan atas PP. No.27 Tahun 1983 Tentang Pelaksanaan Kitab Undang-Undang Hukum Acara Pidana

Peraturan Pemerintah No. 43 Tahun 2012 tentang Tata Cara Pelaksanaan Koordinasi, Pengawasan, dan Pembinaan Teknis Terhadap Kepolisian Khusus, Penyidik Pegawai Negeri Sipil, dan bentuk-bentuk Pengamanan Swakarsa.

Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 14 Tahun 2012 Tentang Manajemen Penyidikan Tindak Pidana.

Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 6 Tahun 2010 Tentang Manajemen Penyidikan Oleh Penyidik Pegawai Negeri Sipil.

