



Protection of Law and Justice and Human Rights must be Enforced Even in Large-Scale Social Restrictions

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Abstract- The aims of this research is Thoroughly and deeply examine the criminal law enforcement process related to implementing large-scale social restrictions in the Indonesian criminal justice system based on positive legal provisions and hierarchical legislation, examine carefully and in-depth who is meant by law enforcement in the Indonesian criminal justice system based on positive legal provisions and the hierarchy of laws, and examine carefully and in-depth the rights and obligations of the state towards the people in implementing regional quarantine or large-scale social restrictions based on positive legal provisions and the hierarchical legislation. The research method applied on this research is normative legal research. Library studies is used to collect the data in this research. After collecting, the data analyzed by applying descriptive qualitative method. Based on Law Number 8 of 1981 (State Gazette of the Republic of Indonesia of 1981 Number 76. Supplement to the State Gazette of the Republic of Indonesia Number 3209) concerning Criminal Procedure Code.

Keywords: Law and Justice and Human Rights, Enforced, Emergency Social Restrictions.

I. INTRODUCTION

TEMPO.CO. The government has set a policy to enforce restrictions on Java-Bali emergency community activities (PPKM) from July 3-20, 2021. This policy is expected to reduce the rate of transmission of Covid-19 cases, which continues to soar. President Joko Widodo said this policy was stricter than the policies implemented before. "This Emergency PPKM will include restrictions on community activities that are more stringent than what has been in effect so far," he said Thursday, July 1, 2021. Since the Coronavirus pandemic broke out in Indonesia, the government has used terms back and forth. Initially, the government has used large-scale social restrictions since April 17, 2020. Then the government imposed the Java-Bali Community Activity Restrictions, then changed it again to PPKM Mikro in February 2021. The President decided to take a tightening or thickening of PPKM Micro last June. However, Covid-19 cases continue to rise. Finally, the President established an Emergency PPKM 3-20 July 2021. So what are the differences between these policies? 1. Large-Scale Social Restrictions. This policy is the first response strategy implemented at the pandemic's beginning. An area can set PSBB as long as it meets the requirements, namely the number of cases and the number of Covid-19 deaths increases and spreads significantly quickly, and there are links with other regions. In the policy mechanism, the Governor/Regent/Mayor proposes PSBB, the minister determines approval, and the PSBB is applied in certain areas. PSBB includes holidays from schools and

workplaces, restrictions on religious activities, activities in public places or facilities, social and cultural activities, transportation, and other activities, specifically defense, security, essential sectors are allowed to operate. 2. The implementation of restrictions on the activities of the Java-Bali community. After the Covid-19 case was considered quite under control, the government imposed a special PPKM policy only in seven Java-Bali provinces, since January 11, 2021, for 2 (two) weeks and was extended 1 (one) time. The region was chosen because it has high mobility and accounts for the largest positive cases of Covid-19 compared to other regions. In the implementation of the Java-Bali PPKM, working in the office can be implemented by 75 (seventy-five) percent with strict protocols, teaching and learning activities are carried out online, places of worship may be opened with a maximum capacity of 50 (fifty) percent, then essential sectors can operate 100 (one hundred) percent with restrictions on operating hours and visitor capacity. Meanwhile, restaurants can only receive 25 (twenty-five) percent visitors eat/drink on-site; shopping centers are limited to open until 19.00. WIB. 3. Micro PPKM. After the Java-Bali PPKM was deemed no longer effective, the government implemented Micro PPKM in 7 (seven) Java-Bali provinces. The difference is that micro PPKM is community-based to the smallest unit at the RT/RW level. Micro PPKM workers working in offices are limited to 50 (fifty) percent. Shopping centers can operate until 21.00. WIB. Then, eating at a restaurant or dine-in is limited to a maximum of 50 (fifty) percent. The capacity of houses of worship is limited to a maximum of 50 (fifty) percent. 4. Thickening of Micro PPKM. After the Covid-19 case spiked after the 2021 Lebaran holiday, the government decided to apply a thickening of the micro PPKM to be enforced for 14 (fourteen) days starting June 22, 2021. The policy included, among other things, the number of visitors at dining places with a maximum of 25 (twenty-five) percent capacity, the maximum number of workers is 25 (twenty-five) percent in offices located in the red zone, and a ban on the operation of places of worship in the red zone. Likewise, schools in the red zone are prohibited from holding face-to-face learning. This thickened micro PPKM policy involves RT/RW, village heads, lurah, non-commissioned village supervisors, Bhayangkara, Community Security, and Order Trustees. Tightening is done up to RT/RW. For example, in the RT, insulation will be carried out if there are more than 5 (five) houses whose residents are affected by Covid-19. 5. Emergency PPKM 3 - 20 July 2021.

This policy was enforced after the thickening of the Micro PPKM was deemed insufficient to deal with Covid-19 cases, which continued to rise to reach the range of 20 (twenty) thousand cases per day. Finally, the President decided to establish an Emergency PPKM. This policy is implemented in 48 (forty-eight) regencies/cities with a level 4 (four) pandemic situation assessment and 74 (seventy-four) regencies/cities with a level 3 (three) pandemic situation assessment in Java and Bali. This assessment level is assessed based on the transmission rate factor and regional response capacity according to WHO recommendations. Assessment levels 3 (three) and 4 (four) have high transmission but moderate to low response capacity. This area is considered to need special treatment through the Emergency PPKM policy. While the tightening of activities covers 100 (one hundred) percent of Work from Home (WFH) for the non-essential sector, all teaching and learning activities are carried out online. For essential sectors, 50 (fifty) percent of maximum Work from Office (WFO) staff is applied, and critical sectors are allowed 100 (one hundred) percent WFO. Supermarkets, markets, grocery stores, and supermarkets that sell daily necessities are limited to operating hours until 20.00 local time with 50 (fifty) percent visitor capacity. Shopping centers/trade malls are closed; restaurants and restaurants only accept delivery/take away; places of worship and public areas are temporarily closed. Travelers who use long-distance transportation modes (airplane, bus, train) must show a vaccine card (minimum dose-I vaccine). Especially for travel by airplane mode, in addition to the vaccine card, passengers must also pocket the results of the PCR swab test with a deadline of H-2. Passengers of other long-distance transportation modes, such as sea and land, can show an Antigen test document with a deadline of H-1.

Indonesian Criminal Justice System. The process of the criminal justice system in Indonesia involves an Advocate Institution as Legal Advisor and Defender of Suspects and

Defendants as well as Convicted Petitioners for Judicial Review, and POLRI Investigators and Civil Servant Investigators (PPNS), and Public Prosecutors as Defendants and Criminal Prosecutors, and First Court Judges, Judges of the Court of Appeal, Judges of the Court of Cassation, and Judges of the Judicial Review, and Officials of the State Detention Center or Correctional Officers. Investigation Stages. In the process of the investigation stage, it will involve POLRI Investigators and Civil Servant Investigators (PPNS), and Advocates as Legal Advisors and Defenders of Suspects, and Fact Witnesses and Suspect Mitigation Witnesses. Prosecution and Judiciary Stages. In the process of the prosecution stage, the Public Prosecutor as the Defendant and the Criminal Prosecutor of the Defendant who was originally a suspect in the investigation, and the Panel of Judges of the First Court, Court of Appeal, Court of Cassation, Court of Review. Meanwhile, the officers of the State Detention Center or Correctional Institution as recipients of the deposit of the Suspect and the Defendant and the guidance of the Convict. Stages of Sentence and Implementation of Court Decisions. In the process of the stage of the verdict of the Panel of Judges on the Defendant and the Convicted Petitioner for Judicial Review, the Public Prosecutor as the executor of the court's permanent decision, and Advocates as Legal Advisors and Defenders of the Defendant and the Convict. The aims of this research is Thoroughly and deeply examine the criminal law enforcement process related to implementing large-scale social restrictions in the Indonesian criminal justice system based on positive legal provisions and hierarchical legislation, examine carefully and in-depth who is meant by law enforcement in the Indonesian criminal justice system based on positive legal provisions and the hierarchy of laws, and examine carefully and in-depth the rights and obligations of the state towards the people in implementing regional quarantine or large-scale social restrictions based on positive legal provisions and the hierarchical legislation.

II. METHOD

The research method applied on this research is normative legal research. Normative legal research is research based on the library research, focusing on reading and analysing the secondary materials (Ibrahim, 2006). This research used primary and secondary data. Peter Mahmud Marzuki in (Suratman, 2014) stated that secondary data means all publications related to the law except for official document. Library studies is used to collect the data in this research. After collecting, the data analyzed by applying descriptive qualitative method.

III. RESULT AND DISCUSSION

3.1. Health Quarantine

Collection of Regulations and Guidelines for Handling Corona Virus Disease 2019 (Covid-19): 1. Law of the Republic of Indonesia Number 6 of 2018, concerning Health Quarantine; 2. Government Regulation of the Republic of Indonesia Number 21 Year 2020, concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019(Covid-19); 3. Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2020, concerning Policy on State Finances and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or In Facing Threats That Endanger the National Economy and/or System Stability Finance; 4. Decree of the President of the Republic of Indonesia Number 7 of 2020, concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19); 5. Decree of the President of the Republic of Indonesia Number 9 of 2020, regarding the Amendment to the Decree of the President of the Republic of Indonesia Number 7 of 2020, concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19); 6. Decree of the President of the Republic of Indonesia Number 11 of 2020, concerning the Determination of a Corona Virus Disease Public Health Emergency; 7. Instruction of the President of the Republic of Indonesia Number 4 of 2020, concerning Refocussing of Activities, Budget Relocation, and Procurement of Goods and Services in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19); 8. Regulation of the Minister of Trade of the Republic of Indonesia Number 23 of 2020, concerning the Temporary Prohibition of Exports of Antiseptic, Mask Raw Materials, Personal Protective

Equipment, and Masks; 9. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 11 of 2020, concerning the Temporary Prohibition of Foreigners from Entering the Territory of the Republic of Indonesia; 10. Regulation of the Minister of Finance of the Republic of Indonesia Number 23/PMK.03/2020, concerning Incentives for Taxpayers Affected by the Corona Virus Outbreak; 11. Financial Services Authority Regulation Number 11/POJK.03/2020, concerning National Economic Stimulus as a Counter Cyclical Policy for the Impact of the Spread of Covid-19; 12. Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020, concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19); 13. Decree of the Chairperson of the Task Force for the Acceleration of Handling Covid-19 Number 16 of 2020, concerning Job Descriptions, Organizational Structure, Secretariat, and Implementing Work Procedures for the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19); 14. Decree of the Minister of Health of the Republic of Indonesia Number 612/MENKES/SK/V/2010, concerning Guidelines for the Implementation of Health Quarantine in Handling Public Health Emergencies That Troubled the World; 15. Decree of the Minister of Health of the Republic of Indonesia Number: HK. 01.07/MENKES/169/ 2020, regarding the Designation of Certain Emerging Infection Hospitals; 16. Decree of the Minister of Health of the Republic of Indonesia Number: HK. 01.07/MENKES/182/2020, regarding the Corona Virus Disease (Covid-19) Examination Laboratory Network; 17. Decree of the Head of the National Disaster Management Agency Number 9A of 2020, concerning the Determination of the Status of Certain Disaster Emergency Situations due to Corona Virus Disease Outbreaks in Indonesia; 18. Decree of the Head of the National Disaster Management Agency Number 13A of 2020, concerning the Extension of the Status of Certain Disaster Emergency Situations due to Corona Virus Disease in Indonesia; 19. KAPOLRI's Notice Number: MAK/2/III/2020, concerning Compliance with Government Policies in Handling the Spread of the Corona Virus (Covid-19); 20. Secret Telegram Letter of the KAPOLRI Number: STR/80/II/PAM.3./2020, concerning JUKRAH Responding to the Circulation of the Covid-19 Virus; 21. Secret Telegram Letter of the KAPOLRI Number: STR/121/III/PAM.3./2020, concerning the Directive for Massive Consecrated Work Activities Related to the Covid-19 Virus Outbreak; 22. Secret Telegram Letter of the KAPOLRI Number: STR/122/III/PAM.3./2020, concerning the KAPOLRI's Wisdom Regarding the Development of the Situation Due to the Covid-19 Virus Outbreak; 23. Secret Telegram Letter of the KAPOLRI Number: STR/159/IV/OPS.4./2020, concerning the Use of PDL-II Two Tone Sleeveless Clothes; 24. KAPOLRI's Telegram Letter Number: ST/766/III/OPS.4.5./2020, concerning the Call to Not Panic Buying; 25. KAPOLRI's Telegram Letter Number: ST/868/III/KEP./2020, regarding the Anticipation of the Covid-19 Virus; 26. KAPOLRI's Telegram Letter Number: ST/872/III/KEP./2020, concerning Restrictions on Activities Involving Many People; 27. KAPOLRI's Telegram Letter Number: ST/884/III/KES.2/2020, concerning Preventive Actions on Police Functions in the Storage and Sales Areas of staple food; 28. KAPOLRI's Telegram Letter Number: ST/889/III/BIN.1.1/2020, concerning Directions to Maintain Cleanliness of Places of Worship within the POLRI; 29. KAPOLRI's Telegram Letter Number: ST/895/III/KEP./2020, regarding Directions to LANTAS Staff to Anticipate the Spread of Covid-19; 30. KAPOLRI's Telegram Letter Number: ST/900/III/HUM.1.1./2020, concerning Preventive Activities for Negative Impacts Related to the Covid-19 Virus; 31. KAPOLRI's Telegram Letter Number: ST/909/III/YAN.1.2./2020, concerning Anticipatory Steps for the Spread of the Covid-19 Virus in LANTAS Services (SIM/STNK); 32. KAPOLRI's Telegram Letter Number: ST/940/III/BIN.11./2020, regarding the Postponement of Worship in Places of Worship in the POLRI; 33. KAPOLRI's Telegram Letter Number: ST/941/III/KEP./2020, concerning Work From Home for POLRI PNS; 34. KAPOLRI's Telegram Letter Number: ST/942/III/OPS.1.2./2020, concerning Directions to Establish a Covid-19 BIDDOKES TEAM FOR POLDA Ranks; 35. KAPOLRI's Telegram Letter Number: ST/965/III/KEP./2020, concerning Directions to Postpone Reception/Party Activities Organized by Members and POLRI PNS to Avoid Mass Gatherings; 35.

KAPOLRI's Telegram Letter Number: ST/968/III/RES.10.1./2020, regarding the Postponement of the Implementation of the PPNSs Investigator BINKATPUAN;36. KAPOLRI's Telegram Letter Number: ST/972/III/KEP./2020, regarding Vicon PJU BIDDOKES and KARUMKIT Bhayangkara in the Context of Empowering RUMKIT Bhayangkara as a Covid-19 PDP Treatment Place; 37. KAPOLRI's Telegram Letter Number: ST/983/III/OPS.4.5./2020, concerning Directions to BINMAS, SAMAPTA, PAMOBVIT, and POLAIRUD ranks to make an appeal to the public regarding the spread of the Covid-19 virus; 38. KAPOLRI Telegram Letter Number: ST/1001/III/KEP./ 2020, regarding JUKRAH LANTAS Staff Providing Means to Anticipate the Spread of the Covid-19 Virus; 39. KAPOLRI's Telegram Letter Number: ST/1002/III/KEP/2020, concerning Directions to LANTAS Staff to Implement Health Protocols in Public YAN Areas; 40. KAPOLRI's Telegram Letter Number: ST/1003/III/IPP.2./2020, regarding JUKRAH To Monitoring INTELKAM Staff Related to the Spread of the Covid-19 Virus; 41. KAPOLRI's Telegram Letter Number: ST/1004/III/IPP.2./2020, concerning the Instructions of INTELKAM on Monitoring the Economic Impact of the Covid-19 Virus Pandemic; 42. The KAPOLRI's Telegram Letter Number: ST/1007/III/HUK.5./2020, concerning the Guidelines for Handling General Crimes During the Period of Prevention of the Spread of the Covid-19 Virus; 43. KAPOLRI's Telegram Letter Number: ST/1008/III/KES.7./2020, concerning Directions to Staff to Conduct Massive Movement of Spraying Disinfectant Liquid; 44. KAPOLRI's Telegram Letter Number: ST/1009/III/OPS.2./2020, regarding the Implementation of the Safe Nusa Covid-19 Contingency OPSUS; 45. KAPOLRI's Telegram Letter Number: ST/1031/III/OPS.4.3./2020, concerning Directions to DIRBINMAS for Socialization to the Community Regarding the Spread of the Covid-19 Virus; 46. KAPOLRI's Telegram Letter Number: ST/1041/III/KEP./ 2020, concerning the Directions of LANTAS Staff in Standards for Handling LAKA Victims as Anticipation of the Transmission of the Covid-19 Virus; 47. KAPOLRI's Telegram Letter Number: ST/1042/III/KEP/2020, concerning Smart Policing; 48. KAPOLRI's Telegram Letter Number: ST/1083/IV/KEP/2020, concerning the Appeal for Members and Civil Servants of the POLRI and Their Families Not to Travel; 49. KAPOLRI's Telegram Letter Number: ST/1097/IV/HUK.7.1./2020, concerning the Assistance of State Apparatuses Involved in Handling Covid-19; 50. KAPOLRI's Telegram Letter Number: ST/1098/IV/HUK.7.1./2020, concerning the JUKRAH for Handling Crimes During the PSBB Period; 51. KAPOLRI's Telegram Letter Number: ST/1099/IV/HUK.7.1./2020, concerning the Availability of Basic Materials; 52. KAPOLRI's Telegram Letter Number: ST/1100/IV/HUK.7.1./2020, concerning the JUKRAH for Handling Cyber Crimes; 53. KAPOLRI's Telegram Letter Number: ST/1101/IV/HUK.7.1./2020, regarding the JUKRAH for Handling Crime Violations Related to PPE and other ALKES; 54. KAPOLRI's Telegram Letter Number: ST/1102/IV/HUK.7.1./2020, concerning the Handling of Crimes; 55. KAPOLRI Letter Number: B/2251/IV/KEP./2020/ PUSDOKKES. April 1, 2020. Regarding the Self-Isolation Protocol; 56. Circular Letter of the Head of the National Disaster Management Agency Number: SE-1/BNPB/03/2020, concerning the Establishment of the Task Force for the Acceleration of Handling Corona Virus Disease 2019(Covid-19) at Provincial and Regency/City Levels; 57. Circular Letter of the Minister of Health of the Republic of Indonesia Number: HK.02.02/III/375/2020, concerning the Use of Disinfection Booths in the Context of Preventing the Transmission of Covid-19; 58. Circular Letter of the Minister of State Apparatus Empowerment of the Republic of Indonesia Number 19 of 2020, concerning Adjustment of the Work System of State Civil Apparatus in Efforts to Prevent the Spread of Covid-19 in Government Agencies; 59. Circular Letter of the Minister of State Apparatus Empowerment of the Republic of Indonesia Number 36 of 2020, concerning Restrictions on Activities for Traveling Out of the Region and/or Homecoming Activities for State Civil Apparatus in Efforts to Prevent the Spread of Covid-19; 60. Circular Letter of the Minister of Education and Culture of the Republic of Indonesia Number 3 of 2020, concerning Prevention of Corona Virus Disease (Covid-19) in Education Units; 61. Circular Letter of the Corruption Eradication Commission Number 8 of 2020, concerning the Use of the Procurement Implementation Budget.

3.2. Health Quarantine Investigation

Based on the Law of the Republic of Indonesia Number 6 of 2018. (State Gazette of the Republic of Indonesia of 2018 Number 128. Supplement to the State Gazette of the Republic of Indonesia Number 6236) concerning Health Quarantine. Article 84: In addition to investigators from the Indonesian National Police, certain civil servants within the ministry that administers government affairs in the health sector are given special authority as investigators as referred to in the Law that regulates criminal procedural law to carry out criminal investigations in the field of health. Health Quarantine. Investigation, Criminal Prosecution, Criminal Justice, Enforcement of Human Rights. Based on Law Number 8 of 1981 (State Gazette of the Republic of Indonesia of 1981 Number 76. Supplement to the State Gazette of the Republic of Indonesia Number 3209) concerning Criminal Procedure Code. Article 160 paragraph (1) letter a: Witnesses are summoned into the courtroom one by one according to the order deemed best by the presiding judge at trial after hearing the opinion of the public prosecutor, defendant or legal advisor. Letter b: The first thing to hear the testimony is the victim who is the witness. Letter c: In the event that there are witnesses, both favorable and unfavorable to the accused, listed in the letter of delegating the case and/or requested by the defendant or legal adviser or public prosecutor during the trial or before the verdict is handed down, the judge at the trial shall be obliged to hear the testimony of the said witness. Article 184 paragraph (1) letter a: Valid evidence is: witness statements. Article 185 paragraph (1): witness testimony as evidence is what the witness states in court. Article 183: A judge may not impose a sentence on a person unless, with at least two valid pieces of evidence, he is convinced that a criminal act has actually occurred and that the defendant is guilty of committing it. Article 184 paragraph (1): Legal evidence is: Letter a: witness testimony. Letter b: expert statement. Article 186: Expert testimony is what an expert states in a court session. Article 184 paragraph (1): Legal evidence is: Letter e: statement of the defendant. Article 189 paragraph (1): the defendant's statement is what the defendant stated at the trial about the actions he had committed or which he himself knew or experienced. Juncto Law of the Republic of Indonesia Number 39 of 1999 (State Gazette of the Republic of Indonesia of 1999 Number 165. Supplement to the State Gazette of the Republic of Indonesia Number 3886) concerning Human Rights. Article 18 paragraph (1): Everyone who is arrested, detained and prosecuted because he is suspected of committing a criminal act has the right to be considered innocent, until his guilt is legally proven in a court session and given all legal guarantees that are treated for his defense, in accordance with the provisions of the regulations. Paragraph (2): Everyone may not be prosecuted or sentenced to a criminal offense, except based on a statutory regulation that existed before the crime was committed. Paragraph (3): Whenever there is a change in the laws and regulations, the most favorable provisions shall apply to the suspect. Paragraph (4): Everyone being examined has the right to obtain legal assistance from the time of the investigation until a court decision has permanent legal force. Paragraph (5): No one can be prosecuted a second time in the same case for a case that has obtained a court decision that has permanent legal force. Juncto Law of the Republic of Indonesia Number 48 of 2009 (State Gazette of the Republic of Indonesia of 2009 Number 157. Supplement to the State Gazette of the Republic of Indonesia Number 5076) concerning Judicial Power. Article 6 paragraph (1): No one can be brought before a court, unless the law provides otherwise. Paragraph (2): No one can be sentenced to a crime, except if the court, because of the valid evidence according to the law, is convinced that a person who is deemed to be responsible has been guilty of the act he is accused of. Article 7: No one may be subject to arrest, detention, search and confiscation, except on a written order from a legitimate authority in the case and according to the method regulated by law. Article 8 paragraph (1): Everyone who is suspected, arrested, detained, prosecuted, or brought before a court must be presumed innocent before a court decision declares his guilt and has obtained permanent legal force. Paragraph (2): In considering the severity of the crime, the judge must also pay attention to the good and evil characteristics of the accused. Article 9 paragraph (1):

Everyone who is arrested, detained, prosecuted, or tried without any reason based on the law or because of a mistake regarding the person or the law he applies, has the right to demand compensation.

Investigators and Investigators Are Law Enforcers. Based on the Constitution of the Republic of Indonesia. Article 24 paragraph (1): Judicial power is an independent power to administer justice in order to uphold law and justice. Paragraph (3): Other bodies whose functions are related to judicial power are regulated by law. Juncto Law of the Republic of Indonesia Number 48 of 2009 (State Gazette of the Republic of Indonesia of 2009 Number 157. Supplement to the State Gazette of the Republic of Indonesia Number 5076) concerning Judicial Power. Article 38 paragraph (1): In addition to the Supreme Court and its subordinate judicial bodies and the Constitutional Court, there are other bodies whose functions are related to judicial power. Paragraph (2): Functions related to judicial power as referred to in paragraph (1) include: a. inquiries and investigations; b. prosecution; c. implementation of the decision; d. providing legal services; and e. settlement of disputes out of court. Paragraph (3): Provisions regarding other bodies whose functions are related to judicial power are regulated in law. Juncto Elucidation of Article 38 Paragraph (1): What is meant by "other bodies" are, among others, the police, prosecutors, advocates, and correctional institutions. Paragraph (2): Self-explanatory. Paragraph (3): Self-explanatory. Juncto Law of the Republic of Indonesia Number 2 of 2002 (State Gazette of the Republic of Indonesia of 2002 Number 2. Supplement to the State Gazette of the Republic of Indonesia Number 4168) concerning the State Police. Article 5: The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community in the context of maintaining domestic security. Juncto Law Number 8 of 1981 (State Gazette of the Republic of Indonesia of 1981 Number 76. Supplement to the State Gazette of the Republic of Indonesia Number 3209) concerning Criminal Procedure Code. Article 4: Investigator is every state police official of the Republic of Indonesia. Article 6 paragraph (1): Investigators are: letter a: state police officers of the Republic of Indonesia. Letter b: certain civil servant officials who are given special authority by law.

The Public Prosecutor is a Law Enforcer. Based on the Constitution of the Republic of Indonesia. Article 24 paragraph (1): Judicial power is an independent power to administer justice in order to uphold law and justice. Paragraph (3): Other bodies whose functions are related to judicial power are regulated by law. Juncto Law of the Republic of Indonesia Number 48 of 2009 (State Gazette of the Republic of Indonesia of 2009 Number 157. Supplement to the State Gazette of the Republic of Indonesia Number 5076) concerning Judicial Power. Article 38 paragraph (1): In addition to the Supreme Court and its subordinate judicial bodies and the Constitutional Court, there are other bodies whose functions are related to judicial power. Paragraph (2): Functions related to judicial power as referred to in paragraph (1) include: a: investigation and investigation; b: prosecution; c: implementation of the decision; d: providing legal services; and e: dispute resolution out of court. Paragraph (3): Provisions regarding other bodies whose functions are related to judicial power are regulated in law. Juncto Elucidation of Article 38 Paragraph (1): What is meant by "other bodies" include the police, prosecutors, advocates, and correctional institutions. Paragraph (2): Self-explanatory. Paragraph (3): Self-explanatory. Juncto Law of the Republic of Indonesia Number 16 of 2004 (State Gazette of the Republic of Indonesia of 2004 Number 67. Supplement to the State Gazette of the Republic of Indonesia 4401) concerning the Attorney General's Office. Article 30 paragraph (1): In the field of crime, the prosecutor's office has the following duties and authorities: a: to prosecute; b: carry out judges' decisions and court decisions that have permanent legal force; c: supervising the implementation of conditional criminal decisions, supervisory criminal decisions, and parole decisions; d: carry out investigations into certain criminal acts based on the law; e: complete certain case files and for that reason they can carry out additional examinations before being transferred to the court which in its implementation is coordinated with investigators. Juncto Law Number 8 of 1981 (State Gazette of the Republic of Indonesia of 1981 Number 76.

Supplement to the State Gazette of the Republic of Indonesia Number 3209) concerning Criminal Procedure Code. Article 14: The public prosecutor has the authority to: a: receive and examine the dossier of an investigation case from an investigator or assistant investigator; b: conduct pre-prosecution if there are deficiencies in the investigation by taking into account the provisions of Article 110 paragraph (3) and (4), by giving instructions in the context of completing the investigation from the investigator; c: granting an extension of detention, carrying out further detention or detention and or changing the status of the detainee after the case has been delegated by the investigator; d: make an indictment; e: delegate the case to the court; f: deliver notification to the defendant about the stipulation of the day and time the case will be heard accompanied by a summons, both to the defendant and to witnesses, to come at the hearing that has been determined; g: make prosecutions; h: closing the case for the sake of law; i: take other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of this law; j: carry out the judge's determination.

IV. CONCLUSION

Based on Law Number 8 of 1981 (State Gazette of the Republic of Indonesia of 1981 Number 76. Supplement to the State Gazette of the Republic of Indonesia Number 3209) concerning Criminal Procedure Code. Article 21 paragraph (1): An order for detention or further detention is carried out against a suspect or defendant who is strongly suspected of committing an act based on sufficient evidence, in the event of a situation that raises concerns that the suspect or defendant will flee, destroy or destroy evidence and/or repeat criminal act. Paragraph (2): Further detention or detention is carried out by an investigator or public prosecutor against a suspect or defendant by issuing a warrant for detention or a judge's determination that includes the identity of the suspect or defendant and states the reasons for detention and a brief description of the crime case suspected or charged and the place where he was detained. . Paragraph (4): Such detention can only be imposed on a suspect or defendant who commits a criminal act and or attempts or provides assistance in the said crime in the event that: a: the crime is punishable by imprisonment of five years or more; b: the crime as referred to in Article 282 paragraph (3), Article 296, Article 335 paragraph (1), Article 351 paragraph (1), Article 353 paragraph (1), Article 372, Article 378, Article 379a, Article 453, Article 454, Article 455, Article 459, Article 480, and Article 506 of the Criminal Code, Article 25 and Article 26 of the Rechtenordonnantie (violation of the Customs and Excise ordinance, last amended by Staatsblad of 1931 Number 471), Article 1, Article 2 and Article 4 of the Immigration Crime Act (Law Number 8 Drt. of 1955, State Gazette of 1955 Number 8), Article 36 paragraph (7), Article 41, Article 42, Article 43, Article 47 and Article 48 of the Law - Law Number 9 of 1976 concerning Narcotics (State Gazette of 1976 Number 37, Supplement to the State Gazette Number 3086). Juncto Article 24 paragraph (1): The detention order given by the investigator as referred to in Article 20, is only valid for a maximum of two (20) days. Paragraph (2): The period as referred to in paragraph (1) if necessary for the purpose of an unfinished examination, may be extended by the competent public prosecutor for a maximum of four (40) days. Paragraph (3): The provisions as referred to in paragraph (1) and paragraph (2) do not rule out the possibility of releasing a suspect from detention before the end of the detention period, if the purpose of the examination has been fulfilled. Paragraph (4): after the period of sixty (60) days, the investigator must have released the suspect from detention for the sake of law. Article 25 paragraph (1): The order for detention given by the public prosecutor as referred to in Article 20, is only valid for a maximum of twenty (20) days. Paragraph (2): the period as referred to in paragraph (1) if necessary for the purpose of an unfinished examination, may be extended by the head of the competent district court for a maximum of thirty (30) days. Paragraph (3): The provisions as referred to in paragraph (1) and paragraph (2) do not rule out the possibility of releasing the suspect from detention before the end of the detention period, if the purpose of the examination has been fulfilled. Paragraph (4): After the fifty (50) days, the public prosecutor must have released the suspect from detention for the sake of law. Article

26 paragraph (1): The judge of the district court who hears the case as referred to in Article 84, for the purpose of examination, is authorized to issue a detention order for a maximum of thirty days. Paragraph (2): The period as referred to in paragraph (1) if necessary for the purpose of an unfinished examination, may be extended by the head of the district court concerned for a maximum of six (60) days. Paragraph (3): The provisions as referred to in paragraph (1) and paragraph (2) do not rule out the possibility of releasing the accused from detention before the end of the detention period, if the purpose of the examination has been fulfilled. Paragraph (4): After ninety (90) days even though the case has not been decided, the accused must have been released from detention by law.

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Wetboek van Strafrecht voor Nederlandsch Indie. *Juncto* Wetboek van Strafrecht. *Juncto* Kitab