Police’s Investigation Outside the National Investigation Budget: The Sekayam Police District Policy

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Abstract

The State requires funds in carrying out the duties of the implementation of duties and responsibilities. Funds needed to finance the execution those duties and responsibilities are planned in the draft budget which contains expenditures and receipts in a year accompanied by financial administration. Furthermore, the state activities to be carried out by its apparatus, basically have been planned for a dissertation of the required cost. The state apparatus of investigators in carrying out their duties and responsibilities as well, the cases handled must be budgeted in the current year in terms of both the amount and the cost. The act of the investigator to seek and collect evidence which with that evidence makes light of the criminal offense and to find the suspect in need of fund. The investigation budget in the National Police (Polri) uses an index system. Budget support for criminal investigation and investigation activities, i.e. cases of extreme, difficult, moderate, and easy. Polri's investigation budget is so small that sometimes it is not enough to handle a case, especially in remote areas that are difficult to reach. This study is a normative juridical research, where the data used in this study is secondary data in the form of books, legislation, documents and other writings relating to the problems under investigation. Based on this research revealed that the Policies should be taken by Sekayam Police District, Sanggau, West Kalimantan province to keep handling crimes that exceed the number of cases and exceed the budget funds in the year concerned. The policy is legally to be done, since the number of crimes that occur cannot be predicted in number, and must be completed in accordance with applicable regulations. The efforts by Sekayam Police District to overcome the cost of investigation that exceed the budget allocation of criminal case handling is done by proposing to District Police (Polresta) Sanggau. Policies by the Sekayam Police to deal with criminal offenses that exceed the number of cases and exceed the budgetary funds in the relevant year have implications to administrative accountability.

Keywords: police budget, investigation budget, budget policy.

Introduction

Domestic security is the main requirement to support the realization of a justice, prosperous and civilized civil society based on Pancasila and the Constitution of the Republic of Indonesia 1945. Domestic security is a condition marked by ensuring the security and order of society, orderliness and law enforcement, and the protection, protection and service to the community. The State Police of the Republic of Indonesia
shall be given the responsibility of maintaining internal security with the main duty of maintaining security and public order, upholding the law, and protecting, protecting and serving the community.

The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining security and public order, upholding the law, and providing protection, guidance and service to the community in the framework of maintaining internal security. The main duties of the Police of Indonesia Republic are:

1. maintaining security and public order;
2. enforcing the law; and
3. providing protection, shelter, and service to the community.

In Article 14 paragraph (1) Subparagraph g states that Police Department of Republic of Indonesia tasked to conducts investigation and investigation of all crimes in accordance with criminal procedure law and other laws and regulations.

Article 16 of the Regulation of the Chief of Police Number 14 on 2012 about The Management of Crime Investigation states that:
1. Before conducting an investigation, the investigator shall make an inquiry plan.
2. The inquiry plan as referred to in paragraph (1) shall at least contain:
   a. warrant inquiry;
   b. the number and identity of the investigator / investigator who will carry out the investigation;
   c. object, target and target of investigation result;
   d. activities to be undertaken in the investigation by methods in accordance with the provisions of laws and regulations;
   e. equipment, equipment required in conducting investigation activities;
   f. time required in conducting investigation activities; and
   g. budget investigation need.

The Budget of Inquiry is a financial plan used in the framework of the investigation activities covering the stages of preparing the plan of needs to the stage of reporting financial accountability. Then the Investigation Budget is the financial plan used in the framework of the investigation activities covering the stages of preparing the plan of needs to the stage of reporting financial accountability.

The financing of the disclosure of criminal cases within the Police is currently still implementing the budgeting system, which means that if the budget is not entirely absorbed, then in the new fiscal year, the budgeted budget will shrink from the previous year's budget (Widagso, 2009).

The reality faced by many police offices today, in handling cases reported / complained by the public is more settled than the number of cases contained in the budget in the year concerned. Sekayam Sekolis Police, the number of cases budgeted in 2015 amounted to 4 cases, but in practice cases reported and resolved 16 cases; in 2016 budgeted as many as 6 cases, but in practice cases reported and resolved as many as 18 cases.

**Research Method**
This research is a normative juridical research, a doctrinal legal research, which is also known as library research. It is called doctrinal research, because this research is conducted or directed only on written regulations or other legal materials (Suratman, 2014).
Results and Discussion
The meaning and purpose of community life is to seek and realize peace or order: that is the life together between fellow community members who are guided and nurtured in a regular and proper ties, so that the social traffic of the people concerned runs orderly and smoothly, the only way to go by society is by the way of upholding law and legal certainty in every aspect of life, in accordance with agreed rules and legal values.

In general, the function of law and law enforcement officers, in general, aims: (Harahap, 2008):
1. To establish a harmonious relationship between the state and society with citizens and citizens.
2. Laws enforced by law enforcement agencies entrusted with this task shall ensure "legal certainty" for the sake of order and justice in public life. Legal uncertainty, will cause chaos in the life of the community, and will mutually do as they please and act vigilante. This situation makes life in an atmosphere of social disorganization or social disorder.
3. Therefore, to foster an improving atmosphere of safe and orderly community life, or to create stability in the security and order of public life, law, and law. 
   a. Must be "right"
   b. Must be established "firmly".

If there is a criminal act of handling starting from the implementation of police functions in the form of investigation and investigation as part of the criminal justice system. "The investigation is a series of investigative measures to search for and find an alleged criminal incident to determine whether or not an investigation is conducted in the manner provided for in this law". The investigation was carried out by the investigator, namely "a national police official of the Republic of Indonesia authorized by this law to conduct an investigation".

Yahya Harahap states that: before investigation, investigations by investigators are conducted, with the intent and purpose of collecting "preliminary evidence" or "sufficient evidence" in order to conduct follow-up investigations. Perhaps the investigation can be likened to the notion of "investigation" as a search for and finding traces of information and evidence of an alleged crime.

Investigation is a series of investigative actions in respect of and in the manner prescribed in this law to seek and collect evidence which with such evidence makes light of the offense and to find the suspect. The main activities in the investigation are aimed at making light of the criminal offenses based on the evidence and in order to find the suspect. Crime is a criminal act of offense or offense that is punishable by imprisonment, imprisonment or fines.

The above process of police investigation and investigation may not work properly, if not supported by adequate and adequate budget allocations. Understanding the budget according to the Indonesian Wikipedia, "Budget is the amount of money spent in a certain period to implement a program".

The budget is a plan that is arranged systematically in the form of numbers and expressed in monetary unit covering all activities of the company for a certain period (period) in the future. Since the plan is set out in terms of monetary units, the budget is often referred to as the financial plan. In the budget, units of activity and units of money occupy an important position in the sense that all activities will be quantified in units of money, so that measurable achievement of efficiency and effectiveness of activities undertaken: (Purwanto, 2009).
As the government agency of the National Police of the Republic of Indonesia in charge of conducting an investigation shall apply the management of investigation. Investigation Management is a series of investigatory activities that include planning, organizing, implementing, supervising and controlling.

Article 3 Regulation of the Head of the National Police of the Republic of Indonesia No. 14 of 2012 on Criminal Investigation Management, regulates the Principles of Investigation Management, namely:

a. legality, namely the process of investigation and investigation conducted in accordance with the provisions of legislation;
b. professional, i.e. investigator / investigator assistant in carrying out duty, function and authority of investigation according to competence;
c. proportional, i.e. any auxiliary investigator / investigator in performing the task in accordance with its functions, roles and responsibilities;
d. procedural process, namely the process of investigation and investigation carried out in accordance with the mechanism and procedures stipulated in the provisions of legislation;
e. transparent, namely the process of investigation and investigation conducted openly which can be known development of handling by the community;
f. accountable, i.e. the process of investigation and investigation carried out can be accounted for; and

g. effective and efficient, i.e. the investigation is done quickly, precisely, cheap and complete.

Budget support for criminal investigation and investigation activities, used for:

1. Investigation of offenses and offenses;
2. Investigation:
   a. The case is very difficult;
   b. difficult case;
   c. Medium case;
   d. Easy case; and
   e. Violation;
3. Administrative support

Financial Accountability is a document of financial statements completed with valid receipt and payment of money in accordance with the provisions of legislation. The document of expenditure on food and custody maintenance is provided for in Article 33 which states:

1. The expenditure of food and custody maintenance, as referred to in Article 30 letter c, is furnished with the following documents:
   a. Receipt of payment receipt;
   b. Invoices / proof of purchase;
   c. Tax invoice, when taxed;
   d. Tax payment slip;
   e. SPK or letter of agreement / contract;
   f. News of the work completion event;
   g. Detailed list of treatment and feeding prisoners (WT-02);
   h. Photocopy of Detention Orders;
   i. Photocopy of Prisoners' Extension Order, if extended;
   j. Payment Request Letter / Order of Payment / Fund Disbursement Letter;
   k. News of the work handover; and
   l. News of payment event.

2. In the case of detainees in the Police Sector whose distance from the Polres of more than 10 KM or whose transportation is difficult, the Spending Treasurer may provide the prisoners with money in the form of money to the Sector Police, with financial liability in the form of receipt of money and documents as referred to in
paragraph (1) letter f, letter g, and letter h made by the relevant Sector Police and sent to the Resort Police Spending Bureau.

Article 43 Regulation of the Head of the National Police of the Republic of Indonesia No. 4 of 2014 on Amendment of Regulation of the Chief of Police of the Republic of Indonesia Number 22 Year 2011 concerning Administration of Financial Accountability within the Police of the Republic of Indonesia is stated that:

1. Support of investigation and investigation as referred to in Article 40 letter c, letter d, and letter e, an activity plan and Details of Budget (RAB) shall be prepared by the investigator / investigator and / or the superior of Investigator:
   a. A warrant for investigation and investigation;
   b. Inquiry and investigation plan;
   c. Receipts;
   d. Bonus / invoice of goods;
   e. Tickets, hotel receipts and local transport;
   f. Tax invoice, when taxed;
   g. Tax payment slip;
   h. Payment Request Letter / Order of Payment / Fund Disbursement Letter; and
   i. Report on investigation and investigation results.

The use of criminal investigation and investigation funds is tailored to real needs by case and not tied to the easy, medium, difficult and very difficult classification index. The use of criminal investigation and investigation funds is to:

1. Informant services
2. Documentation
3. Pulse Hand Phone
4. Rent a vehicle
5. On-duty investigation
6. Travel Agency arrest suspect
7. Stationery administration investigation
8. Duplicate / Copy of the Copy of the Inspection event
9. Cost of Binding Files Events Checking.

In the event that the documents referred to in paragraphs (1) and (2) b, c, and d are difficult to obtain, the evidence of financial accountability may be replaced by a list of real expenditures by the respective personnel known to KDP/Kasatker. Real expenditures are set forth in the administrative blanks accompanied by a statement that the expenditure costs of the activities carried out by the investigator. This provision is in accordance with the principle of the implementation of judicial power in Indonesia, namely the Judiciary is done with simple, fast, and low cost.

Discretion defines as freedom of action or taking decisions of authorized and authorized administrative authorities of state authorities. He further explained that discretion is required as a complement of the principle of legality, namely the legal principle which states that every act or act of state administration must be based on the provisions of the Act. However it is not possible for the Act to regulate all sorts of cases of positions in the practice of everyday life. Therefore there is a need for freedom or discretion from the state administration which consists of free discretion and bound discretion (Atmosudirjo, 1994).

The National Police of the Republic of Indonesia pursuant to Article 18 of the Police Act shall be granted the right to take discretion, namely:

1. For the public interest of the State Police officer of the Republic of Indonesia in performing its duties and authority may act in its own judgment.
2. The implementation of the provisions referred to in paragraph (1) can only be done in a very necessary circumstances with due observance of laws and regulations, as well as the Code of Ethics of the Police of the Republic of Indonesia.

The problem of the lack of operational fund budget of the detectives in the field that has become public secret in the police environment can be overcome to further suppress the crime rate in a police jurisdiction. It should be about financing the operational fund of crime crackdown, the central government is imitating developed countries. The detective comes to the state coffers, owes, and receives cash. After the case is complete, the relevant detective submits the financial statements that his boss has approved to the state treasury. Financing the disclosure of criminal cases in the Police is currently still embracing the budgeting system. If the budget is not entirely absorbed, in the new fiscal year, the budgeted budget is reduced. This is wrong: (Widagso, 2009).

The Sekayam District Police require investigators and those who have been appointed before conducting investigations and investigations to create activity plans, objects, objectives and targets of the results, equipment, necessary equipment, and time, accompanied by budgetary needs. The allocation of the budget plan for the investigation fee should be guided by the Regulation of the Chief of Police of the Republic of Indonesia Number 4 of 2014 on Amendment to Perkap Number 22 Year 2011 Administration of Financial Accountability in the Police Environment of the Republic of Indonesia.

The use of operational funds from the level of investigation to the level of investigation in a criminal case will be adjusted to real needs per case and not tied to the easy, medium, difficult and very difficult classification index in the Sekayam district police jurisdiction.

According to Criminologist Kisnu Widagso stated under "the problem of limited operational funding budget for law enforcers in this case is the investigators either in the field (lidik) or in the examination stage (sidik) is a public secret in the Police management environment and according to him the problem must be addressed immediately comprehensively because it is very influential on the crime rate and crime of a police jurisdiction ". According to him, it should be about financing operational costs of investigation costs in the context of law enforcement both repressively and preventively, especially in order to crack down on crime, the central government should imitate developed countries, that in a developed country, the Police especially the investigators in the case of the request for the funds concerned come to the finance department and then process the application directly before fresh funds are given to the investigator, then after the case is complete, the relevant investigator submits the financial statements approved by his supervisor to be accountable back to the state treasury.

In the Sekayam District Police, the number of cases budgeted in 2015 amounted to 4 cases, but in practice cases reported and resolved 16 cases; in 2016 budgeted as many as 6 cases, but in practice cases reported and resolved as many as 18 cases.

The factors that caused the allocation of inadequate investigation costs in Sanggau Sekayam Police Sector are:

a. The amount of budget available and distributed from the central level is still less than optimal
b. Management of allocation of maintenance and channeling of budget allocations for ineffective investigative costs
c. The number of cases conducted by the investigation process periodically increases, thus affecting the cost of the investigation that has been allocated
d. There are activities in the execution of the investigation process beyond the prediction of the investigators who take the operational funds of the fingerprint.

Kanit Reskrim Seksam Police said that: "Complete in detail related to the reporting of financial accountability of the case file exceeding the budget allocation, to be reported to the constituent elements of finance at the Polres level in this case is the Head of Planning Section." Head of Ren Sanggau Police: on the need of periodic and periodic handling of cases with a more systematic and appropriate design, in order to cover the shortage of case investigation costs that exceed the budget allocation at the district level. "Kanit Reskrim Seksam Police said:" Implementing the use of operational allocation funds for criminal investigation fees flexibly and professionally by adjusting the real needs per case handled by individual investigators at the polsek level."

Since the criminal acts committed within the community within the next year are not predictable, and the handling of crimes that have occurred cannot be postponed, and the expenditures are accompanied by very complete documents, the policies taken by the Sekayam District Police against criminal offenses in excess of cases budgeted for the current year may be justified and from the point of use of the budget accountable. The policy adopted by Sekayam Sekolis Police is a discretion as the freedom to act or make decisions of authorized and authorized administrative authorities in accordance with Article 18 of the Police Law of the Republic of Indonesia. The financing of criminal cases that exceeds the stipulated budget is accompanied by real expenditure in accordance with the principle of light cost trial. The handling accompanied by complete documents is not contradictory to the accountable principle, i.e. the investigation and investigation process conducted can be accounted for. Especially in line with the opinion of M. Yahya Harahap which states: The law enforced by law enforcement agencies that are assigned to it, must ensure "legal certainty" for the sake of order and justice in community life. Legal uncertainty, will cause chaos in the life of the community, and will mutually do as they please and act vigilante. This situation makes life in an atmosphere of social disorganization or social disorder.

Amid the limited operational cost of the investigation, the police force in the jurisdiction of Sekayam Sektoram Police continues to intensively increase the prevention of criminal acts in its efforts to reduce crime rates.

Conclusions
In 2015, the amount of crime is budgeted as much as 4 cases, but in practice cases reported and resolved 16 cases; in 2016 budgeted 6 cases, but in practice cases reported and resolved as many as 18 cases, so it can be seen cases of crime that occurred exceeds the number of cases budgeted still handled by Sekayam Sekolis Police, Sanggau District Police, West Kalimantan Provincial Police, the state Indonesia. Based on this, the policy taken by the Sekayam Sekolis Police Force, Sanggau District Police, West Kalimantan Provincial Police, the state of Indonesia to continue to deal with criminal offenses that occur beyond the budgeted amount of cases is appropriate. Such handling can be justified on the basis of discretion, accountability, in accordance with the principle of fair trial costs, and reflects the principle of legal certainty.

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