

Initiating a Principle Free from Pressure in the Investigation Process: Tracking the Semiotics of Investigator Communication

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ABSTRACT-- *Indonesia, as one of the countries adopting a civil law system in its legal system, which has the characteristics of written and administrative. As a result, the overall pattern of the investigator's oral communication is assumed to be just right. The Criminal Procedure Code, which adheres to the principle of examining accusatoir, actually creates an instrumental model of communication actions. Meanwhile, Article 117 paragraph (1) of the Criminal Procedure Code requires Investigators to give freedom to Witnesses / Suspects in answering questions in the interests of the Minutes of Examination. The Criminal Procedure Code grants such freedom by giving limitations to Investigators not to carry out instrumental or improvisational actions, except based only on the words spoken as regulated in Article 117 paragraph (2) of the Criminal Procedure Code. We propose a formulation of the main problem, which is "how the Investigator checks through communication instrumentally to maintain a single meaning?". Our purpose of this study is to reveal the status quo in maintaining a single meaning by the Investigator in the examination process through the quasi-communication model. This research uses a mixed-method that not only relies on legal research but also uses several model approaches, in addition to conceptual and critical approaches, from several other social sciences, especially from several branches of Linguistic such as Semiotics, Communication, and Hermeneutic interpretation models.*

Keywords: *investigation, free from pressure, semiotics, communication, criminal procedure code*

I. INTRODUCTION

Since the promulgation of Law No. 8 of 1981 concerning Criminal Procedure Law or known as the Criminal Procedure Code (KUHAP), which was asked as one of the "masterpieces" of the Indonesian nation at that time [1], contains essential points in history the process of examining criminal cases is the shifting of the principle of inquisatoir examination and replaced with the principle of examination of accusatoir.

The principle of inspection of oppression is a legal principle that must be guided by every law enforcer in carrying out / examining every person who is taken as examined as a subject and places his mistake as the object of examination [2]. Therefore, every person examined is no longer an object in the investigation of criminal cases.

The foregoing is a logical consequence of the philosophical foundation contained in Considering Considering and Considering the Criminal Procedure Code, which states "that the state of the Republic of Indonesia is a state based on Pancasila and the 1945

Constitution which upholds human rights and guarantees all citizens at the same time in law and government and must enforce law and government without exception. ", which is a distillation from Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution), which emphasizes" The condition of Indonesia is the law of the country. "

The rule of law as the most important legal principle in the context of state administration, in the context of rechtsstaat adopted by the civil law system, contains 4 (four) main pillars, namely respect for human rights, the administration of the state based on law, separation of powers and administrative justice, as stated by FJ. Stahl [3].

Based on the Consideration Letter a of Criminal Procedure Code mentioned above, it shows that the state has shifted the politics of the Criminal Procedure Code, which initially mainstreamed thought of objectivity through the principle of *inquisatoir* with the principle of *accusatoir*. Then the function of the rules in the Criminal Procedure Code appears through Considering the letter c of the Criminal Procedure Code which confirms "that the development of national law in the field of criminal procedure law is for the public to fulfill their rights and obligations and to improve the fostering of the attitudes of law enforcers following their respective functions and authorities - towards the establishment of law, justice and protection of human dignity, order and legal certainty for the implementation of law enforcement following the 1945 Constitution.

The existence of the Considering Considering the letter c - through the phrase "... increasing the development of the attitude of law enforcers following their functions and authority ..." - seems to be in line with the statement of Padmo Wahyono [4], that a state activity in relation to the legislation is not just considered the atmosphere of mysticism in the formation of statutory regulations only, but it should be considered how the rules are enforced. In fact, further Barda Nawawi [5] asserts that it is not just doing an update on the legal system and legal structure, but also on the ability to interpret knowledge of these rules.

Both views of the legal experts above, it also seems in line with the opinions of Soerjono Soekanto [6] who asserted that law enforcement is an attempt to embody the values contained in the rules (norms) in the attitude of a steady behavior based on discretion. Decisions based on discretion are - in essence - an externalization of one's mind in making a decision. Although someone - in this case, someone who has a position as an Investigator (vide

Article 1 number 1 of the Criminal Procedure Code), will always start from a normative perspective, it is essential to realize that the work patterns of reason are also formed based on habituation or habituation, other than through education, especially Legal Science. The problem is that the minds of an Investigator are not formed based on Law but through Criminal Investigation Education as determined in the Criminal Procedure Code. Meanwhile, to implement the law, according to Paul Scholten [7], it can only be done by educated law graduates. That is, not just someone obtaining a Bachelor of Law alone, but must be educated.

Based on the above, at least there are several interrelated things, namely, first, law enforcement, and secondly, culture in law enforcement. These two things become very important to be assessed and examined praxis based on 3 (three) reasons, namely (1). Recognition of Human Rights based on Pancasila and the 1945 Constitution of the Republic of Indonesia (1945 Constitution), (2). Shifting the principle of inquisitoir into the principle of accusatoir in the context of the examination, and (3). Article 117 paragraph (1) jo paragraph (2) of the Criminal Procedure Code as a distillation from the philosophical and historical foundation of the Criminal Procedure Code.

An understanding of the principle of law will certainly not be obtained in the Criminal Investigation Education modules. Shifting the principle of inquisitoir into the principle of accusatoir requires an understanding of its philosophical history. Likewise, an understanding of a decision based on discretion is not possible for practitioners of criminal law - because it is the domain of study of State Administrative Law. So, at this point, the positivist paradigm becomes the main handle for criminal law practitioners because it does provide guarantees for legal certainty.

In fact, the working pattern of the mind is not possible to limit itself (the mind) only makes one interpretation only. Human reason will always produce meanings, both spoken and crossed, to a phenomenon of life. The mind-work pattern is certainly not wildly scattered, because, it will always be situated with a network of meanings or structures of meaning that already exist, especially the meaning of the purpose of the existence of a position, namely the Investigator, which has been determined by the authority over himself, namely the institution/organization of the Investigator.

The overall pattern of interpretation carried out by Law Enforcement Officials based on their authority displays binary behavior and communication models. The ability of ratios - including the influence of institutional legal culture, to understand power and authority - based on laws and regulations, possessed by Law Enforcement Officials enhances mental attitudes and behaviors that are manifested in the form of language of refusal to take the right decision. For example: When the Public Prosecutor does not include the value of compensation and/or restitution as a right of the victim from a crime, the Judge in his decision will not consider the rights of the victim. Therefore, the Judge acts and behaves through his authority that is limited by Article 182 paragraph (4) of the Criminal Procedure Code, which is a decision based on the Indictment. The inability or perhaps unwillingness of the Judge to make decisions without relying on Article 182

paragraph (4) of the Criminal Procedure Code, will pose a risk to the Judge himself by getting stigma as an ultra petita decision. Another result is that the Judge has the potential to be examined by the Supreme Court as the institution where the judge works.

Such conditions are an interesting study in the realm of psycholinguistics, according to Field, which explains that psycholinguistics explores the relationship between the human mind and language. But in reality, between the human mind, languages, and behavior, and norms bring up a very close relationship [8].

At the level of practice, in the end, many behaviors deviate from the norms and ethics. Therefore, a behavior or deed is also the result of a collaboration between reason (human mind or ratio) with the entire network of existing meanings. That is, the behavior of miss of conduct in law enforcement is not solely due to malicious intentions, but Law Enforcement Officials may experience throwing in the circumstances that cause the affective attitude to appear, which can be classified as *onrechtmatige overheidsdaad* (Actions Against the Law by the Authorities).

One example of an *onrechtmatige overheidsdaad* in criminal justice proceedings relating to ethical orders by the Criminal Procedure Code through Article 52 of the Criminal Procedure Code jo Article 117 paragraph (1) of the Criminal Procedure Code is the use of force. Agus Rahardjo stated that the police behavior that was often criticized was related to the use of violence in carrying out their duties [9]. Likewise, the view of Indriyanto Seno Adji, who argued that the use of force by the police in criminal law enforcement was still prominent (often the case), even such behavior was entrenched, especially in investigations to obtain the defendant's recognition [10].

A survey conducted by the Jakarta Legal Aid Institute in 2005 and 2008 showed that the police were still dominant in violence, namely in 2005 as many as 74.4% of 639 respondents said they had experienced violence from Polri Investigators and four respondents (0, 6%) experienced violence from Civil Servant Investigators, while in 2008 as many as 83.65% of 367 respondents who stated that when they were at the police level, both during arrest and examination, experienced violence [elsam.or.id].

Interestingly, in the DKI Jakarta area, in a 2005 Jakarta Legal Aid Institute study, it was found that 81.1% of the suspects experienced torture when examined at the police level. Adding to the number in 2008, it was found that 83.65% of those interrogated in the police claimed torture. This figure is surprising because it appears in five regions in DKI Jakarta that has been considered as parameters of the legal situation in Indonesia. Even more surprising, 77% of torture was carried out to obtain confessions and obtain information. Torture occurred evenly in five regions in DKI Jakarta, with similar motivations and patterns, namely physical torture 57.8%, psychologically 71.4%, and sexually 30%. Even 67.6% experienced multiple forms of torture, which could reach 15 types of torture committed against a person. Also, research reveals that acts of torture are often accompanied by violations of the rights of other suspects. In addition to being tortured, suspects and defendants who are victims of torture also experience violations of rights committed by the authorities, including being illegally arrested and detained, not accompanied by

legal counsel, prohibited from visiting, not being given food and drink, and others [11].

The results of a survey conducted in five cities in Indonesia that were used as a sample survey, namely Jakarta, Surabaya, Makassar, Banda Aceh, and Lhokseumawe, showed a high number of torture experienced by victims groups during criminal proceedings. The high intensity of torture is reflected in the torture index and the very high prevalence of torture. All study sites found the highest prevalence of torture occurred at the level of arrest, Minutes of Investigation, and Detention with various percentages above 53% to 97.9%. A reasonably low prevalence occurs evenly at the level of punishment, with the highest rate in Lhokseumawe, reaching 44% [11].

Based on secondary data contained in the Decision of the Supreme Court of the Republic of Indonesia Number 1531 K / Pid.Sus / 2010, which invalidated the *judex facti* decision with legal considerations of the fabrication of witness testimony from the Police and extortion behavior, so the judge sentenced the Defendant freely. The verdict implies that, in a *contratio*, the acquisition of evidence that violates Article 52 of the Criminal Procedure Code does not have legal force as required by Article 183 of the Criminal Procedure Code.

Likewise, in the Narcotics case that occurred in Surabaya, where the suspect/defendant had been subjected to forced detention since August 7, 2011, and remained in custody during the appeal examination process on May 22, 2012. However, the *judex juris* acquitted the suspect/defendant, due to engineering evidence by the Investigator [kambrium.blogspot.co.id]. Whereas in the case of engineering evidence in the Central Jakarta District Police, ethically tried the Investigator, the case continued and was still being examined by the Central Jakarta District Court [m.tempo.co].

In the Decision of the Supreme Court of the Republic of Indonesia Number 1614 K / Pid.Sus / 2012 dated October 22, 2012, it was very apparent that the abuse of authority on the part of the East Java Regional Police Directorate of Police, in which the Panel of Judges *Judex Juris* in the case stated that the East Java Regional Police Directorate General has conduct entrapment engineering with a series of actions that violate the Criminal Procedure Code. Even the Investigator had carried out beatings and mistreatment during the examination of the Minutes of the Investigation.

However, physical violence is not the focus of this research. The focus of this research is violence through the language of speech that appears in the process of answering answers to the examination for the sake of the Minutes of Examination, which is also a linguistic phenomenon, namely communication. Because, the basis of research that makes physical violence against the examinee (witnesses or suspects) is very much — although it still happens, and easily identified. The Supreme Court has made many decisions that annul a case that identified physical violence in the examination process in Investigation.

The examination process as outlined in the Minutes of Examination is manifested in the form of questions and answers, so that language skills in the form of communication become the main instrument for Investigators to obtain information as the basis for a series

of investigative actions, particularly concerning the act of finding and collecting evidence which is the primary basis for Investigators to interpreting to find and establish suspects.

The researcher proposes a formulation of the main problem, which is, how the Investigator conducts checks through communication instrumentally to maintain a single meaning?

II. RESEARCH METHOD

This study uses the normative juridical method as a logical consequence of the *sui generis* nature of Legal Studies. However, researchers are not only based on normative juridical methods. Therefore, normative juridical methods are based solely on secondary data that are perspective and contain two main weaknesses, namely the inability to achieve linguistic phenomena and the reductionist process of transcendental elements in humans. However, Johnny Ibrahim [12] has provided a way to overcome those two weaknesses, namely by utilizing the advantages of normative juridical methods through the use of various models of approaches, including philosophical approaches, conceptual approaches, psycholinguistic approaches, sociolinguistic approaches, communication approaches, critical approach, and linguistic approach. The interface between these approaches to secondary data and primary data will be analyzed through the semiotic interpretation model and hermeneutic interpretation. The primary data collection techniques are through written interview techniques by six Advocates as respondents and two people who have been examined as Witnesses and Suspects, and Google Form online questionnaire filled out by nineteen Advocates as respondents, observations, observations with intersubjectivity standing points, and note-taking.

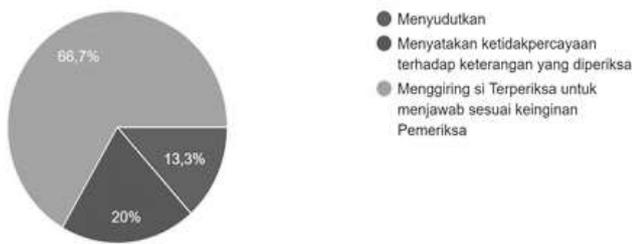
Difficulties faced by the researcher in the primary data collection process above are related to the closure of the authorities - in this case, the Investigator, so, the Researcher shifted the target respondents to several Advocates and Investigators - both as Witnesses and Suspects who feel disadvantaged over the examination process, in a special form of text that does not include names. Thus, the primary data obtained are not general or national. However, researchers only revealed several linguistic phenomena that occur in the examination process as a form of language use in communication.

III. FINDINGS AND DISCUSSION

A. *Communication Model in Investigation*

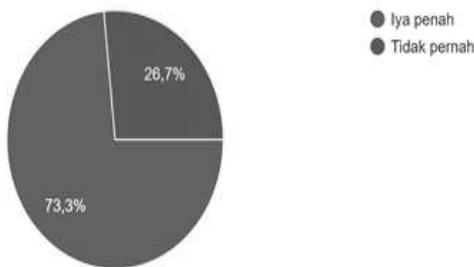
In this research, the researcher conducted an online questionnaire through Google Form on several Advocates, by asking - one of them, the question "how is the Examiner asking questions?", Which was answered by respondents by having three answer options, namely (1) Corner; (2) Expressing distrust of the information being examined; and (3) lead the Examined to answer according to the Examiner's wishes. The results are contained in the diagram as follows:

DIAGRAM I



Based on Diagram I, it shows the linguistic phenomenon in the instrumental communication model that places the Investigator as a superior binary opposition. In the instrumental communication accompanied by the emergence of negative emotion, to control a single meaning. As the Researcher asks questions to respondents through the Google Form application, which is "Have you ever gotten the Examiner's way of asking questions accompanied by changes in intonation, which makes your Client scared / stressed?", Then some results answer as contained in the diagram below:

DIAGRAM II



The inability to build an intersubjective communication model often continues outside the official inspection process without the lawyers knowing it. This was described in the questionnaire through the Google Form application filled out by respondents, whereas many as 86.7% said they had known of communication without the presence of a Legal Counsel.

In other communication models, especially when there is a speech act behavior, a change in facial expression, heightened voice intonation, and the emergence of negative emotions - namely anger, from the Investigator. As stated by Advocate H in filling in a written interview [Interview dated 15 April 2019] Investigators in carrying out their authority often interpret their influence as a power, so that controlling the meaning of a criminal event that occurs. This can be seen in the written chronology dated April 9, 2019, made by JEK — who was examined as a Witness, and JJ — who was questioned as a suspect, in a case based on the Police Report No. : LP / 476/280-SPKT / K / VI / 2018 / BKS Restro dated 7 June 2018 and Police Report No. : LP / 1044/648-SPKT / K / XI / 2018 / BKS Restro on 28 November 2018, were on suspicion of a criminal offense alleged to JJ to reach a point of light, then JJ calls for a confrontation with the Reporting Party. However, Investigators always promise and stall for time, until finally the JJ decree is issued as a suspect.

Searching the primary data above, obtained justification from research conducted by Robby Satria [13] who, in his study, explained that the suppression of witnesses through communication that is threatening, is one aspect that can be investigated through forensic linguistics. Likewise, research conducted by Ika Arifianti [14] through the pragmatic concept explains the existence of a demanding function and an urgent function in the formation of questions contained in the Minutes of Examination. In connection with an urgent function, it is manifested in the form of an act of speech that leads, as stated by an Advocate named HTP in an interview filling in the questionnaire stating that in making the Minutes of Examination often trap in asking questions [Interview dated 21 May 2019]. In another communication model, for example, put forward by an Advocate named ERH [Interview dated 15 April 2019] describes the examination process that the Investigator asked questions that appeared to be independent or impartial and often behaved like a Judge convicting a suspect. In fact, according to ERH, the Investigator was not accepting all the information provided by the suspect.

The communication event - even internationally - is an event that is a dilemma between avoiding the prohibition of making snare questions by acting objectively and passion for achieving work performance. However, the dilemma phenomenon continues without criticism. Thus, forming a 'myth' that this is the way the examination takes place. Such a communication model, of course, becomes something that is not normatively affordable but occurs in practice.

According to Bennett L. Gershman [15], in practice, it is actually also less clear whether the use of threats and bullying is something that can be legitimized or not, because, in reality, several forms of threats and bullying are actually still possible to be "allowed" or even "encouraged" its use by the court. Gershman gave a conclusion in the form of a mapping of the ways of threats and bullying used in criminal proceedings. *First*, at least there is a threat and bullying model that is still "allowed" to be used, although ethically, it is still questionable whether or not its use is allowed. For this model, several conditions must be met, among others, there is still a "legal basis" for actions such as threats and bullying, the existence of good faith and confidence in the public prosecutor that the suspect or the defendant is willing to admit his mistakes that he made voluntarily, and then, have the aim to reveal further the facts and evidence that is true and relevant to the completion of a criminal case. *Second*, threats and bullying models that are both legal and ethical are absolutely prohibited. Included in this threat and bullying, among other things, are forms of action from the public prosecutor who clearly have no legal basis at all, even contrary to the law, then actions that are personally motivated, including actions intended to silence political opponents or certain parties who make a criticism.

The same thing was revealed in research conducted by Gjalt-Jorn Y. Peters, Robert AC Ruiters, and Gerjo Kok [16] explained that one of the main reasons for the use of "threatening communication" forms was to confront the parties that were threatened with the consequences that he would get when he behaves certain. This is done as part of an effort to arouse specific emotions from the party that is threatened, and it is hoped that after feelings emerge, the

next goal can be achieved, namely, first, by communicating the threat, it is expected that the attention or focus of the individual being threatened will be directed to the threatener. Then, within the threatened individual, there will be an impetus for self-reflection. Then, he will behave according to what the threatening subject wants, and second, and still this first series of points, on individuals who are threatened with increased awareness or belief to change their attitudes. This kind of awareness arises because in the mind of the threatened individual, after the goal of the first point has been reached, the calculations or considerations of risks he might receive on the will of the threatening subject. If he obeys what he will get, and vice versa, if he does not follow, he will suffer what kind of fate.

Instrumental Communication Measures In Investigations

Every society has adopted a moral code and has formulated rules of conduct. The rules chosen by the community depend on the goals of the community and its leaders [17]. Thus, everyone is obliged to act in such a way in society, so that order in the community is maintained as well as possible. Therefore, the law includes various regulations that determine and regulate the relationship of one person with another, namely the rules of social life called the rule of law. Consciously or not, human beings are influenced by the rules of living together that curb lust and regulate relations between humans [18].

The effects of these regulations, which are not realized, are also imperatively binding on the authorities charged with carrying out law enforcement. Historically, we can take a meaning against the current mainstream, in which the application of the principle of legality is the principle of protection which historically is a reaction to the arbitrariness of the rulers in the ancient regime and the answer to the functional needs of legal certainty which is a necessity in a country Liberal Law at that time [19].

The philosophical and historical basis is described in Consideration of letter c from the Criminal Procedure Code, which confirms the purpose of the Criminal Procedure Code that is (1). So that people live up to their rights and obligations; and (2). To improve the fostering of the attitudes of law enforcers. If related to the general function of the Principle of Legality, the Criminal Procedure Code provides restrictions and guidelines for each Law Enforcement Officer - concerning criminal law enforcement, to act on humanistic law (vide Considering of letter a from Criminal Procedure Code).

Abstraction above then experienced distillation into two legal texts, namely Article 52 of the Criminal Procedure Code and Article 117 of the

Criminal Procedure Code. In Article 52 of the Criminal Procedure Code, there is a guarantee for everyone to provide information freely. Whereas Article 117 of the Criminal Procedure Code contains an order to the Investigator - in particular, not to put pressure in the form of "anything" and prohibit improvisation on the process of changing the language of speech from written text to the Minutes of Examination. That is, each inspection process, as required in Article 75 of the Criminal Procedure Code, which is constructed through a form of two-way communication, has the final product that is the written text.

Such a situation has received a warning from E. Sumaryono [20], where if oral expressions are written, various complications or complications will arise. So, from thoughts to verbal expressions and from oral expressions to written expressions are quite striking differences. Likewise, with mental experience, a psychic experience or concept or picture is rich in style and color and has diverse nuances. However, this wealth and diversity cannot be fully covered by a word or expression that carries a definitive and distinctive meaning. The transition from mental experience into spoken and written words has an underlying tendency to narrow. That is because of the intersection between the flow of logical positivism - which focuses on meaningful language with law.

The affirmation from E. Sumaryono is about to convey to us where there has been a decline in the quality of the revealed meaning starting from thoughts and experiences into words and ending into writing. The matter expressed by E. Sumaryono implies that writing is a reflection of thoughts and experiences at the lowest level in providing explanation and understanding so that it requires further interpretation. Thus, grammatical interpretation is an interpretation that cannot stand alone because it will lose its real meaning.

The Researcher's view above is in line with research conducted by Sri Waljinah [21], which explains that the communication model that occurs in the realm of investigation is an attempt to control the Examiner's self-awareness of his situation which is under the Dominator's dominance through the instrumental communication model. The instrumental communication model is an interrogation model taught by the International Criminal Investigative Training Assistance Program (ICITAP). Thus, such a teaching model is a history of influence (*Wirkungsgeschichte*) with the genitivus subjectivity model. That is, the Investigator will consciously apply such a

communication model through presuppositions as a correct procedure.

Such communication models, according to Habermas, are instrumental actions in the functional framework of the subject facing its dynamic objects. An instrumental action is an event or condition that in principle can be manipulated [22]. Such instrumental actions are undoubtedly actions based on instrumental rationality - according to Horkheimer's Critical Theory, in which there is a monologically determined position of critical philosophers as subjects, that is, healthy, rational, and active parties of analysis. On the other hand, the community is the object of analysis; irrational prisoners are passive and need to be made aware. [23]

On the other hand, according to Paul Ricoeur [24], language, when communicated in oral form, will create direct communication, which will be attached directly from the speaker's side from intonation to gesture. This view, if viewed through a psycholinguistic approach, raises two directions of study, first, towards the Investigator as the first speaker, and second, towards the Examined as the second speaker. However, as the communication model established by ICITAP, Inspected as the second speaker is in a marginalized binary opposition because it experiences a throw in instrumental communication.

Investigators also, with the semiotic approach, enter the network of meanings created by the legal culture of the institution that is deliberately formed and consensual as common sense. As a sign that is semiotics meaningful, for example, the existence of the Regulation of the Head of the Indonesian National Police Number 18 of 2012 concerning the Preparation of Main Indicators within the Republic of Indonesia's National Police Environment (PERKAP No. 18/2012). PERKAP No. 18/2012, also, as a sign if examined based on a semantic approach, raises the meaning of the existence of the obligation to set targets or achievements concerning the use of Performance-Based Budgeting. But semiotics, PERKAP No. 18/2012, when connected with other signs, for example, the principle of habituation which becomes habituated into an institutional legal culture, case settlement targets, the influence of rank-arms, and influences from outside and within the Investigator himself.

All of that, in the end, contributed to the formation of a standard language that was only understood by the Investigator community or known as *langue*. As stated by Whorf, language is a guide to social reality and conditions individual minds about

a social problem and process. Individuals do not live in an objective world, not only in the world of social activities as they are commonly understood, but are largely determined by the symbols of specific languages which become the medium of social communication. [25] But in the context of parole (speech-language) that forms the creation of communication, the language itself contains interests. [26]

IV. CONCLUSION

Based on the primary data that the researcher has revealed in this study, it appears that a linguistic phenomenon occurs in the form of communication with monological logic as an instrumental action from the Investigator to the Witness and/or the Suspect to control the meaning in his efforts to compile an Official Investigation Report. Efforts to control this single meaning are constructed both semantically - through PERKAP No. 18/2012, as well as semiotics and psycholinguistics - through habituation in the institutional legal culture. So, what happens is objectification and reification of the Investigator against Witnesses and/or Victims.

Unrestricted Witnesses and/or Suspects as parties to the instrumental communication, normatively, contradict Article 52 in conjunction with Article 117 of the Criminal Procedure Code which forms the attitude of the Investigator to provide an opportunity for the Witness and/or the Suspect to provide information without any pressure in any form including controlling a single meaning. Thus, communication as a linguistic phenomenon in the investigation process, which includes intonation to gesture, is a form of violation of Article 52 in conjunction with Article 117 of the Criminal Procedure Code.

In fact, through Article 117 of the Criminal Procedure Code, the Investigator is bound to ethics of communication not to interpret more so long as what is said by Witnesses and/or Suspects in pouring it in the form of Minutes of Examination.

Although, every Witness and/or Suspect has the right to get legal assistance from an Advocate, but in obtaining a conclusion that in language there is an interest, then such freedom will still be created when the state dominates to make provisions in Article 115 of the Criminal Procedure Code which limits the space for movement Advocate in maximizing its function to provide legal protection to its clients.

Thus, the existence of the principle of freedom from pressure will emerge in communication during the examination stage for the purpose of an investigation, if the state changes Article 115 of the Criminal Procedure Code by giving full rights to lawyers to carry out their functions to the full.

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