Efforts to Create Integrated Criminal Justice Systems: Judicial Management Approach

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Abstract. The criminal justice system is a criminal law enforcement system consisting of several judiciary institutions which become the supporting sub-subsystem of the whole system. All this time the government bureaucracy organization plays a role as executor of state power in the field of justice. The system approach to judicial administrative mechanisms here considers the police, prosecutors, courts and correctional institutions and other judicial institutions not only as stand-alone institutions, but each of them as important elements that is closely related to each other. However, the fact shows that Indonesian criminal justice system is not yet integrated. The problem stated in this research is how to create the management of integrated criminal justice system in Indonesia? This research is considered as qualitative research using socio legal research approach aspect. The way data is obtained starts from the process of data collection, data reduction, data presentation to the conclusion by using analysis and data technique validation using triangulation source. The result of this study indicates that the criminal justice system in Indonesia is still not integrated because there is no good coordination among fellow subsystems supporting the criminal justice system, there is still an institutional centric phenomenon or strong sector ego within each subsystem supporting the criminal justice system, the mal-administration in the implementation of the tasks of each subsystem supporting the criminal justice system. Such matters indicate that the Criminal Justice System in Indonesia has not been well managed, thus it has not been able to fulfill the public sense of justice.

Keywords: Reformation, Management, Criminal Justice System

1. Introduction

Syllogism of law enforcement officers work within the formal jurisdiction of the Criminal Justice System in Indonesia involves potential linkages between law enforcement officers. Each of legislation enacts a social dynamic in society. The laws are formed and born following the conditions of law and society, at which time the legal and social dynamics have moved far beyond the conditions at the time. Therefore, in facing such symptoms, Law enforcement officers should always provide constructive solutions for the implementation of the law in the context of social change that one of them is by using the method of legal discovery (Rechtvinding).

The globalization that economists and business experts define as "the activities of multinational enterprises engaged in foreign direct investment and the development of business networks to create value across national borders" has added the rampant of criminal forms variety that increasingly require serious attention from crime prevention and criminal justice experts. In fact, the attention center of criminal justice management has been resolved by the United Nations (hereinafter abbreviated as UN) in the eighth Congress of Prevention of Crime and the Treatment of Offenders held in Havana, Cuba in 1990. In the UN Congress Resolution, it is mentioned in Item 19 concerning the Management of Criminal Justice and Development of the Sentencing Policies. In its consideration it is said, as follows:
(a). Only if the criminal justice system is well managed can rational change be made to improve the situation;

(b). Inadequate management of the criminal justice system can result in certain practices, such as long delays before trial, that may create injustices for persons whose cases are being processed by the system;

(c). Satisfactory relations between different agencies of the criminal justice system can contribute to effective allocation of resources.1

The criminal justice system is a criminal law enforcement system consisting of a number of judicial institutions that are sub-supporting systems of the whole system in the form of bureaucratic government organizations executing the state power in the field of justice. The system approach to judicial administrative mechanisms considers the police, prosecutors, courts and correctional institutions and other judicial institutions not only as stand-alone institutions, but each of them as important elements that is closely related to each other. In fact, the existing Criminal Justice System in Indonesia which consists of judicial institutions has not shown itself as an independent, authoritative state institution and a place to seek and obtain justice (good judiciary), as exemplified in the case of execution of the General Commissioner (Ret.) Susno Duadji, who was sentenced to three years and six months of imprisonment which was denied by the convicted person, therefore it was unsuccessful. The jurisdictions of Court Martial are of military status included in criminal and disciplinary law.

In the case above, with further observation, it can be said that the criminal justice system in Indonesia is still not integrated because there is no good coordination among fellow subsystems supporting the criminal justice system. There is still an institutional centric phenomenon or still strong sector ego within each subsystem supporting the criminal justice system, there is still maladministration in the execution of duties of each subsystem supporting the criminal justice system. Such matters indicate that the Criminal Justice System in Indonesia has not been well managed. Therefore, it has not been able to fulfill the public sense of justice. The problem is: how to create the management of integrated criminal justice system in Indonesia? In the criminal justice system, there are three approaches used to implement and to create integrated criminal justice in Indonesia, namely normative, administrative and social approach. Those approaches are described as follows:

1) The normative approach considers the four law enforcement apparatus (police, prosecutors, judiciary and correction agencies) as executor institutions of the applicable legislation, thus the four apparatus are solely an integral part of the law enforcement system.

2) The administrative approach considers the four law enforcement apparatus as a management organization which have working mechanism, both in horizontal and vertical relationships according to the organizational structure applied within the organization. The system used is the administration system.

3) The social approach considers the four law enforcement apparatus as integral parts of a social system so that the whole society is responsible for the success or failure of the four law enforcement apparatus in performing their duties. The system used is a social system

The criminal justice system is the network of courts and tribunals which deal with criminal law and its enforcement. The criminal justice system is a physical system because the cooperation between the parts in an integrated manner to achieve the common goal is considered physical. In addition, it is also abstract (abstract system) because the integrated cooperation can be seen as a consistency of thought and values among sub-systems in order to achieve a common goal. The integration includes the integrity of substance, structure and culture.
The idea of the social obligation norm of property is experiencing a renaissance in American legal though. Legal reform is urgently needed because the failure of the legal system in carrying out its duties and functions is not solely due to the failure of legal institutions in society. The failure of an institution in society does not appear by itself because the institutions in society are systematically and synergistically interconnected with each other in such a way that failure in a field is also a failure of other institutions functions in society. In addition, the legal reform that is to be carried out and is being undertaken must include the reform of all elements of the legal system, namely: legal substance (legislation), legal structures (law enforcement apparatus, law enforcement and lawmakers) and legal culture (spirit of state organizers, legal awareness and legal compliance and so on). Thus the legal reform includes the stage or level of formulation/legislation (the stage of legislative drafting), the stage or level of application or enforcement (the stage of legislative regulations enforcement or implementation) and the execution or judiciary stage or level in justice stage.

2. Methodology

This research used socio legal approach with normatively qualitatively tradition. Its operationalization was carried out according to the positivism paradigm. The research was contracted with two strategies namely library research and case study. The secondary data base were obtained through library research and legal document which included a. Primary legal material like KUHP (Constitution of criminal law) And KUHAP (Constitution of procedural law) b. Secondary law materials, consisting of books on court, Legal Research methodology and journals. The primary data base were obtained through field research conducted by observations and interviews in PT Yogyakarta, PN Yogyakarta and the supreme court. The analysis is also carried out quantitatively by tabulating incoming data obtained from interviews with respondents and data obtained from the relevant agencies to facilitate a qualitative analysis with the support of related literature. Qualitatively, because the data relevant to the research material is inventoried and then critically reviewed with positive law norms to further be solved in order to gain a conclusion of a sought in concreto positive law. By using qualitative method, it is does not merely aim to express the truth but also in order to understand the truth itself.

3. Findings

The principle of justice ordered if there is inequality of opportunity, the party that has a smaller chance of improved chances and excessive levels of savings must be balances reduce the burden of those who bear the hardship, at least meet. Legal quality that is conducive to its planning and implementation, namely stability, planned calculations (predictability), fairness, education and legal professional development (especially in court). From various studies on the development and the law, it can be inferred that a development program should be made. Each criminal justice institution is an organization and the whole criminal justice system as a system itself is an organization, a very large organization composed of large organizations. Organization is a system in which an organizational system is an open system, so that the organizational environment will affect the overall performance of the organization and management strategies, either input, the process of transformation and output. There are two types of management environments, which are the external and the internal environment.

The internal and the external environment directly or indirectly influence the managerial activity, therefore the responsiveness and adjustment of management policies to the environment is important and determine the survival of the concerned organization. Therefore, the ability of organization’s adaptability to its environment becomes an indicator of the effectiveness of the concerned organization. According to Ulber Silalahi, the organizational or management environment can be defined as an entire element both within and outside the boundaries of the organization, either directly or indirectly affecting to the managerial activity to achieve organizational goals. The internal environment is the entire component which exists within an organization that determines the viability of managerial activity, while the external environment is the whole component out of an organization.
that has the potential to significantly affect management activities to achieve organizational goals. The external environment can be an opportunity or can be a threat, while the internal environment can be either strengths or weaknesses. An organization is a consciously coordinated social unit, consisting of two or more persons, functioning in a continuous basis for a common goal or set of goals. Meanwhile, the people who oversee other people’s activities and are responsible for achieving goals within the organization are referred to as managers (sometimes referred to as administrators).

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Legal reform is urgently needed because the failure of the legal system in carrying out its duties and functions is not solely due to the failure of legal institutions in society. The failure of an institution in society does not appear by itself because the institutions in society are systematically and synergistically interconnected with each other in such a way that failure in a field is also a failure of other institutions functions in society. In addition, the legal reform that is to be carried out and is being undertaken must include the reform of all elements of the legal system, namely: legal substance (legislation), legal structures (law enforcement apparatus, law enforcement and lawmakers) and legal culture (spirit of state organizers, legal awareness and legal compliance and so on). Thus the legal reform includes the stage or level of formulation/legislation (the stage of legislative drafting), the stage or level of application or enforcement (the stage of legislative regulations enforcement or implementation) and the execution or judiciary stage or level in justice stage.

4. Conclusion

The conclusion of this research is that the parate according to the system, CCP/KUHAP 1981 has designed a court mechanism, where the judge has a central and decisive position, because the judge determines whether or not the defendant is guilty. Evidence collection activities are carried out by the investigator, the use of evidences is the responsibility of the public prosecutor because it is he who is obliged to make the indictment and to prove it by the evidences gathered by the investigator. Such situation is a logical consequence of the judicial system adopted by our country which inherits the Continental European legal system which places the judge's position as central figure in the criminal justice process.The weakness of such system in general is the possibility of marginalization of other functions in the criminal justice process such as the function of the public prosecutor and the function of legal counsel in the process of settling the case. Thus it can be said that the role of judge can also be said to be "monopolistic" over all aspects of the case examination in court. However, the judge’s role as the lawmaker is not so prominent, as occurred in countries with common law system. Countries that follow the latter system more entrust their legal establishment through judicial decisions than legislation.

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