

Perlindungan hukum terhadap aparat penegak hukum khususnya POLRI dalam menjalankan tugas penegakan hukum pidana di lapangan dalam perspektif hak asasi manusia

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Abstrak

Indonesian Police (POLRI) is one of some other institutions which is responsible for The Rule of Law. The other institutions which have the same duties as the police are Attorney Office, Court of Justice, and Prison. The four institutions are expected to cooperate to form the so-called "Integrated Criminal Justice Administration".

The Implementation of national police duties, both preventive and repressive, must be done according to the strict law and regulation in order to avoid the human right violation. There are some regulations among others KUHAP (Act. No. 8 in 1981), Police Act (Act. No. 2 in 2002), Human Right Act (Act. No. 39 in 1999) that protect human right.

The rule of law carried out by the police is very risky because the people, both criminals and victims are often in a state of anarchy. The police often become the victim of a crime that results in a problematic situation. In one hand, the police have to protect the people is human right, on the other hand, they don't get enough law protection.

The writer thinks that the police can get the protection from the police Act (UU KEPOLISIAN) that includes general criminal law. This Act (UU No.2 in 2002) must be applied in the basis of "Lex Specialist Derogat Lex Generalis", but it is not fully implemented. The writer suggests to amendment it, both material and formal law.