



# *A Model of Prosperity's Intelligent Authority as Law Enforcement Intelligence Based on Justice Principles*

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**Abstract-** This study aims to develop a model of the prosecutor's intelligence power based on Pancasila, the justice principle, and human rights-based law enforcement intelligence. Three methodologies are used in this study: comparative (comparative), sociological (empirical/non-doctrinal), and legal (normative/doctrinal). Interviews with intelligence personnel in the Attorney General's Office, BIN, Central Java High Court, and Central Java Kominda were used to gather data. Qualitative analysis, along with inductive reasoning, is used in data analysis. The study's findings demonstrate that the prosecutor's intelligence authority is modeled after Pancasila and the principles of justice, focusing on human rights-based law enforcement intelligence. The prosecutor's office, as law enforcement intelligence, can become an optimal information provider to strengthen the implementation of the main tasks and functions of the prosecutor's institution in law enforcement based on human rights based on Pancasila and the principle of justice by (2) granting authority in the form of wiretapping, interrogation, deterrence, and arrest.

**Keywords-** Judiciary Intelligence; Law Enforcement; Human Rights.

## I. INTRODUCTION

As stated in the Preamble of the 1945 Constitution, the goals of the establishment of the Indonesian State Government are to safeguard the entire Indonesian nation and all of its bloodshed, advance public welfare, educate the populace, and take part in enforcing a global order based on social justice, freedom, and perpetual peace. State, society, and government. One of these objectives can be achieved if the nation's national security system is successful. The state's dynamic conditions that ensure the welfare, safety, and peace of its people, society, and country, as well as the defense of the nation's sovereignty and territorial integrity and the realization of national development against all threats, are indicative of national security. The reason, internal security, security and public order, and human security dimensions are the four interconnected components of national security as seen from an academic perspective.

Article 1, paragraph (3) of the 1945 Constitution emphasizes that Indonesia is a constitutional state. According to this standard, legislation plays a significant role in every facet of life in the Unitary State of the Republic of Indonesia. Law is a strategic and dominant role in the national and state societies. A key component of guaranteeing the just application of human rights is law enforcement grounded in Pancasila. Ideal, instrumental, and practical human rights values can be found in Pancasila, a source of human rights values. These principles serve as a guide for maintaining human rights in society on a daily basis. All people have inherent rights that no one else can take away from them, and all must keep them.[1]

Adhering to the law to ensure equitable human rights requires a robust legal framework. Effendy's findings demonstrated that in order to fully implement the principles of the rule of law, legal norms and statutory regulations are necessary, in addition to professional, honest, and disciplined law enforcement and carrying apparatus, which are bolstered by legal infrastructure and facilities as well as society's normative behavior. As a result, every state that upholds the rule of law, including Indonesia, should ideally have the kinds of competent law enforcement organizations, agencies, and tools mentioned above. The Attorney General's Office of the Republic of Indonesia is one of them, along with the Supreme Court, the Constitutional Court, the Indonesian National Police, and other law enforcement organizations that enforce the law everywhere.[2]

The judiciary's intelligence is one of the law enforcement structures that will be covered in this study. The Attorney General's Office is empowered to: (1) conduct investigations, practices, and fundraising on behalf of law

enforcement; (2) establish development-implementation-supporting conditions; (3) conduct law enforcement intelligence cooperation with intelligence agencies and other state intelligence administrators, both domestically and internationally; (4) prevent corruption, collusion, and nepotism; and (5) conduct multimedia supervision. Law Number 17 of 2011 about State Intelligence, which serves as the foundation for applying State Intelligence in Indonesia to realize national security, specifically regulates the nature of State Intelligence as the first line in the national security system.[3]

Looking at a repressive way of functioning, where the law enforcement process only begins when and after a criminal incident occurs, is one of the reasons law enforcement authorities fail to enforce the law effectively. The operations of intelligence officers are always focused on what happens before, during, and after legal actions or criminal situations occur. Thus far, the material approach to intelligence has allowed for studying intelligence in three different contexts: knowledge, organization, and activity. On the other hand, the function approach defines intelligence as fundraising, security, and investigative efforts. Intelligence must be understood objectively to provide early warning to anticipate various possible forms and characteristics of TDOC that are real and potential to the safety and existence of the nation and state and the opportunities that exist for national interests and security. This can be done more simply by understanding intelligence as detecting, identifying, assessing, analyzing, interpreting, and presenting intelligence.

The Prosecutor's Office must implement law enforcement in human rights, economics, ideology, socioculture, defense, and politics. In addition to correcting the status quo (*das sein*), law enforcement must also consider what should have been done or said first (*das sollen*). The tasks and responsibilities performed by the prosecutor's intelligence include one attempt to establish preventive law enforcement policies and a law enforcement system. However, several issues keep the prosecutor's intellect from operating at its best. The State Intelligence Agency (BIN) faces legal and social challenges in fulfilling its responsibilities under Law Number 17 of 2011, including prosecution, oversight, wiretapping, coordination, tracking the movement of money, information gathering, and collaboration with affiliated parties or institutions. These challenges tend to undermine the role of intelligence as the country's first line of defense and security.[4]

According to Pradeka's research, there is still a lack of intelligence personnel, both in terms of quantity and quality, as a result of the fact that a large number of them have not received intelligence education, and there are insufficient facilities and infrastructure to support the execution of the tasks and functions of the Attorney's Intelligence. The intelligence attorney's capacity to fulfill their responsibilities as law enforcement intelligence officers needs to be improved by these challenges. Researching the attorney's intelligence authority model as human rights-based law enforcement intelligence grounded on Pancasila and the justice principle is made more appealing by this condition.[5]

## II. LITERATURE REVIEW

### A. *Intelligence Theory*

As the first line of defense in the national security system, intelligence is constantly in contact with real and imagined dangers, which frequently jeopardize national security and interests. This is the essence of intelligence in the national security system. Examining the definitions of national security and security threats can help paint a more complete picture of the nature of intelligence. Thus, a link between security intelligence and national security can be identified. Intelligence is the most current and reliable information in the national security system because of its strong relationship to national security. As the first line of defense in the national security system, intelligence must adjust to changes in the post-Cold War world, a multipolar or non-polar globe, and the era of democratization in all spheres of life. This entails distinguishing and specialized functions in response to these circumstances and adjusting work practices and culture.

### B. *public service review*

Any endeavor or action by the government to offer services to the community is considered a public service. Serving the neighborhood with exceptional quality services is the goal of public service. Excellent public services exhibit qualities such as transparency (openness), accountability (ability to be held accountable), conditionality (effectiveness and efficiency), participation (roles), equality of community rights (non-discrimination), and balance. Extensive efforts and techniques are required to attain high-quality service. We can now access things more efficiently, thanks to technological advancements. Industry 4.0, made possible by technological advances, is a

concept that can be applied to providing services to the community. It refers to interoperability, or the ability of machines, devices, sensors, and people to connect and communicate through the Internet of things (IoT) or the Internet of the masses (IoP). IoT will significantly automate this process. Furthermore, information transparency refers to an information system's capacity to enhance digital factory models with sensor data, producing a virtual replica of the real world. According to this approach, raw sensor data must be gathered to obtain high-value context information.

### III. METHOD

Three methodologies are used in this study: comparative (comparative), sociological (empirical/non-doctrinal), and legal (normative/doctrinal). Normative or doctrinal legal research methods are used in legal research to determine the degree of positivity or negativity of the law concerning particular concerns. A qualitative sociological (non-doctrinal) juridical approach, as this study essentially examines all national laws and regulations, stipulating that norms created, written, and disseminated by recognized state organizations are the same as legal norms. The comparative method involves comparing the legal systems of different nations to identify the parallels and variations between the phenomenon or issue under study. This study's method of data analysis is qualitative analysis with inductive logical reasoning, which entails analyzing the symptoms examined and offering an interpretation of the facts discovered. According to Burhan Ashofa, "the inductive approach is to seek, explain, and understand the general principles that apply in a society's life by starting from reality to theory and not vice versa" in this regard.

### IV. RESULT AND DISCUSSION

The Preamble of the 1945 Constitution outlines the goals that led to the creation of the Indonesian State Government, including the preservation of the nation as a whole and the nation's bloodshed, the advancement of public welfare, national education, and participation in the upholding of a global order centered on freedom, perpetual peace, and social justice in society, the nation, and the state. One of these objectives can be achieved if the nation's national security system is successful. National security can be understood as a reflection of the ever-evolving state of the nation, whether brought about by internal issues or external forces such as globalization. Nonetheless, the state is still able to exist, ensuring public safety, fostering prosperity and peace among its people, preserving state sovereignty, upholding national development across all TDOCs, and protecting territorial integrity. Academically speaking, four interconnected aspects comprise national security defense, internal security, public order and security, and human security.[6]

Each nation needs intelligence organizers. Preventing strategic suddenness is the first step. Any intelligence organization must constantly look for threats, advantages, occasions, and advancements that can jeopardize the country's and state's continued existence. Secondly, to aid in the policy-making process. Reports containing background, context, information, cautions, and risk assessments of the anticipated outcomes must be exact and reliable to assist users in making policy decisions. Third, to keep data confidential. In the form of knowledge, organization, and activities related to the formulation of policies, national strategies, and decision-making based on analysis of information and facts collected through working methods for detection and early warning in the context of prevention, prevention, and control of each TDOC, the function of administering law enforcement intelligence is Investigation, Security, and Raising.[7]

According to Michael Warner's "Intelligence as Risk Shifting," good intelligence can help policymakers make decisions more quickly and accurately, thwarting the actions of their enemies, and lowering the level of uncertainty so that policies do not go astray. As a coordinator of law enforcement intelligence, the prosecutor's office is empowered to create conditions that facilitate the implementation of development initiatives so that they are successful and meet expectations. This is known as creating environments that support development initiatives. Additionally, law enforcement intelligence can collaborate, coordinate, exchange data, and work with the TNI, Police, or other state intelligence administrations both domestically and abroad. Other powers include operations or projects that stop KKN practices. The distribution model for law enforcement intelligence in government administration is demonstrated by preventing legal risks during the decision-making process, reduction of the possibility of misusing and distributing loan/aid monies, reduction of the possibility of investing, taking part, cooperating, or allocating money to the incorrect project, avoidance of electoral fraud, execution of the purchase of goods and services.[8]

Controlling information is a critical capability for any government, dictatorial or democratic. Such agencies are always suspected of having the potential to be a threat to the government and other actors in a democracy because the information they gather cannot be collected in any other way, the dissemination of that information is strictly restricted, and operating undercover is a crucial characteristic of intelligence services. While intelligence services can identify and prevent dangerous situations, they can also be abused to instigate pressure that is hard to withstand covertly. As a result, efficient intelligence control and supervision are crucial.[9]

A state's informant is intelligence. By upholding national integrity and effectively executing good governance, this institution is leading the way in performing the role of national defense. Being an information-gathering agency for the state, the information must be processed using *Velox et Exactus*, or fast and accurate intelligence techniques. A great deal of misinterpretation of intelligence practices is occurring in our nation. An intelligence-gathering procedure only requires copious evidence to prove that a subject or group is engaged in illegal activity. However, prevention is exactly what intelligence practice is all about. Thus, intelligence operations ought to be conducted without sufficient witnesses and proof. Intelligence information infers possible dangers based on the nature of the value of the information obtained.[10]

The justification provided above demonstrates the need to identify an authority model that can support the judiciary's intelligence gathering for law enforcement in accordance with human rights, Pancasila, and justice principles. Models with a planned and directed intelligence rotation wheel that can be shown as having been developed with intelligence operations or law enforcement intelligence activities include planning and directing stages which user determines what is required since cognitive needs are the basis for planning. As stated in the primary components of the description, the demands of the user come first and dictate the course of action. The target's state is the primary focus of the narrative since it helps the task executor decide how best to proceed.[11]

Phase of data collecting or information on the target to be addressed is gathered from various sources in information material and information material. The collected data has not been processed, thus it is still in its raw form. Information can come from people, organizations, things, actions, or other sources. Data or information material can be gathered through operations or activities. Interviews, interrogations, undercover operations, observation, wiretapping, and surveillance can all be used to gather this information.

Stage of processing, the transformation of unprocessed data into intelligence-valued information mostly depends on this step. The data must be factual, objective, and intelligible without being influenced by external factors. Information from current intelligence sources can be integrated with existing expertise.

Step of analysis and evaluation which involves a more thorough analysis of the processed data about the phenomena to draw conclusions. The evaluation establishes the degree of integrity and information source of intelligence products. And stage of submission which involves providing users with intelligence analysis results so they can utilize them to formulate plans, policies, or judgments.[7]

The core responsibilities, authorities, and activities of the judiciary, particularly prevention, must be distinct from implementing the law enforcement intelligence role. One of the theories of intelligence that this activity adheres to is based on the Word of Allah SWT in the Qur'an, specifically in the verses "pay attention to what is in the heavens and on the earth" of the Letter of Yunus, "it has been shown damage on land and sea which caused by human actions/actions" of the Letter of Ar-Rum, and "surround them and spy on every lookout point" of the Letter of At-taubah. Intelligence was one of the tools used by Rasulullah Muhammad Shallallahu Alaihi Wassalam to protect himself from threats both inside and outside of him and to win the war of that era.

Because the previously supported conditions have been developed, the law enforcement intelligence prevention model will make implementing the prosecutor's intelligence task more optimal and efficient. By extending Richard Posner's theory of efficiency and removing inefficient and ineffective authority from the field of law enforcement and placing it in the context of intelligence related to this authority, the prosecutor's use of intelligence as a driving force for the implementation of law enforcement intelligence becomes more effective and efficient. Due to limitations in its implementation tools, the prosecutor's office's ability to organize law enforcement intelligence could be better. To be at its best, the prosecutor's office must have the authority to conduct wiretapping and inspections, which the State Intelligence Agency obtains through Articles 31 to 33 of Law Number 17 of 2011 Concerning State Intelligence.[12]

## V. CONCLUSION

The prosecutor's intelligence authority as law enforcement intelligence grounded in human rights, Pancasila, and justice principles is modeled after this. Work methods are used to gather ideological, political, economic, sociocultural, defense, and security data and information to provide law enforcement intelligence authorities with valuable intelligence to support them in preventing, deterring, and overcoming each TDOC. For the judiciary's intelligence to serve as the best source of information for bolstering the prosecution's institution's primary responsibilities in law enforcement based on human rights, Pancasila, and the principle of justice, we are granting authority in the form of wiretapping, interrogation, preventing deterrence, and arrest.

## VI. REFERENCES

- [1] S. A. Mukaromah, A. Gusmawan, and J. Munandar, "The Lunge of Global Ideologies: The Challenges of Pancasila Ideology Education in the Middle of Global Existence in the Era of Globalization," *J. Panjar Pengabd. Bid. Pembelajaran*, vol. 4, no. 1, pp. 1–30, 2022, doi: 10.15294/panjar.v4i1.55017.
- [2] F. F. Manget, "Intelligence and the Rise of Judicial Intervention," *Handb. Intell. Stud.*, vol. 15, no. 2, pp. 347–360, 2020, doi: 10.4324/9780203089323-38.
- [3] F. S. Nugroho, A. Mashdurohatun, B. T. Bawono, and J. Wiwoho, "The Concept of Law Enforcement of the Crime of Theft through a Restorative Justice Approach," *Sch. Int. J. Law, Crime Justice*, vol. 6, no. 08, pp. 408–423, 2023, doi: 10.36348/sijlcj.2023.v06i08.005.
- [4] H. Ul Haq, "Optimising the utilisation of information and technology under intellectual property regimes - An Indonesian perspective," *IIC Int. Rev. Intellect. Prop. Compet. Law*, vol. 39, no. 3, pp. 259–282, 2008.
- [5] H. Yuningsih, I. N. Nurjaya, P. Djatmika, and M. Ruba'I, "Philosophical foundation of chemical castration for offenders of sexual violence against children," *Sriwij. Law Rev.*, vol. 4, no. 1, pp. 62–78, 2020, doi: 10.28946/slrev.Vol4.Iss2.221.pp62-78.
- [6] A. Završnik, "Blurring The Line Between Law Enforcement And Intelligence: Sharpening The Gaze Of Surveillance?," *J. Contemp. Eur. Res.*, vol. 9, no. 1, pp. 181–202, 2013, doi: 10.30950/jcer.v9i1.452.
- [7] B. . Yacobucci, "CRS Report for Congress Received through the CRS Web Exceptions," *World Trade*, no. September 2002, pp. 1–6, 2004.
- [8] M. Anggusti, "Environmental Policy In The Wake Of Indonesia's Fourth Industrial Revolution," *Environ. Policy Law*, vol. 49, no. 2–3, pp. 125–129, 2019, doi: 10.3233/EPL-190145.
- [9] N. Suryawati, "Criticize the Constitutional Rights of Citizens on Era and Post Pandemic Covid 19 in State of the Republic of Indonesia," vol. 499, no. Icolgas, pp. 554–564, 2020, doi: 10.2991/assehr.k.201209.337.
- [10] T. Eddy and S. Purnomo, "Implementation of Pancasila Philosophy on Construction Services in Realizing a Fair and Prosperous Society," *Russ. Law J.*, vol. XI, no. 5, pp. 1506–1516, 2023, doi: 10.52783/rlj.v11i5.2870.
- [11] J. Thontowi and E. Wati, "the Prophetic Law, Pancasila, and Indonesia'S Significant Role Toward International Law in Asia-Africa, Asean, and Global Context," *Int. J. Educ. Rev.*, vol. 3, no. 1, pp. 312–322, 2023, [Online]. Available: <https://radjapublika.com/index.php/IJERLAS>
- [12] J. Kenedi, "Justificaition of Pancasila Law State as an Effort to Realize Indonesian Progressive Law," *Balt. J. Law Polit.*, vol. 15, no. 2, pp. 172–191, 2022, doi: 10.2478/bjlp-2022-001011.

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