

The Impact of Error in Persona: Liability of Police Investigators in Cases of Wrongful Arrests

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Introduction

Errors in arrest, known as "errors in persona," are one of the fundamental problems in the criminal justice system that demands serious attention. This phenomenon not only reflects the failure of law enforcement officials to carry out their duties, but also raises various adverse implications, both for individuals who are victims of wrongful arrest and for public trust in the integrity of the legal system. In a country of law that prioritizes the principles of justice and legal certainty, errors in arrest are serious challenges that can injure these basic principles.

Police investigators, as one of the main actors in the law enforcement process, play a very vital role in ensuring that any action taken is in accordance with applicable legal procedures. They are responsible for making arrests, detentions, and investigations based on sufficient evidence and with regard to human rights. However, in reality, in practice mistakes often occur that lead to the arrest of innocent people. These mistakes can occur due to a variety of factors, including a lack of adequate evidence, pressure to resolve cases quickly, errors in suspect identification, or even practices that violate the ethics of investigator professionalism.

Errors in person not only have an impact on the victims who are directly affected, such as psychological trauma, social stigma, and material loss, but also have broader legal consequences. This mistake can damage the credibility of law enforcement officials, create public distrust, and ultimately erode the legitimacy of the legal institution itself. In a broader context, error in persona also interferes with the principle of justice that should be the main foundation in the criminal justice system.

This study aims to analyze the impact of error in persona with a special focus on the accountability of police investigators in cases of wrongful arrest. This research will examine how the accountability mechanism of investigators is regulated in the Indonesian legal system, as well as how the rules are applied in various concrete cases. In addition, this research will also explore the legal aspects that govern protection for victims of wrongful arrest, including recovery and compensation mechanisms, as well as an evaluation of the effectiveness of existing regulations.

One of the important issues that will be discussed is the extent to which investigators can be held legally accountable, both criminally, civilly, and administratively, when an arrest is made. In this case, the study will highlight whether the current regulations are adequate to hold investigators accountable, or whether there are still legal loopholes that allow investigators to escape responsibility for the mistakes that occurred.

Furthermore, this study will also discuss the social and psychological implications of error in persona, especially how the public views cases of wrongful arrest and its impact on public trust in law enforcement officials. Thus, this research is expected to make a significant contribution to the development of better legal policies, as well as provide constructive recommendations to prevent the recurrence of arrest errors in the future.

Ultimately, this research not only aims to identify and analyze existing problems, but also to offer solutions that can be applied in practice to strengthen the accountability of law enforcement officials, protect individual rights, and improve the law enforcement system in Indonesia to be more fair, transparent, and trustworthy. Thus, this research is expected to make a meaningful contribution to legal reform efforts in Indonesia.

METHOD

This study uses a normative juridical method with descriptive-analytical analysis to examine the problem of error in persona and the accountability of police investigators in cases of wrongful arrest. This approach was chosen to analyze laws and regulations, legal doctrines, and legal principles relevant to the Indonesian criminal justice system. In addition, this study also uses a case study method to examine several cases of wrongful arrest that occurred in Indonesia to understand how errors in persona occur and how investigator accountability is applied in this context. Data for this study was obtained through document analysis of secondary legal materials, including books, scientific journals, articles, and other scientific works related to the topic studied.

To complement the data obtained, in-depth interviews with resource persons who have related knowledge and experience, such as legal practitioners and academics, were also conducted to gain practical perspectives on the challenges and solutions in the application of legal rules related to investigator accountability. The collected data is analyzed descriptively-analytically to describe in detail the accountability mechanism of investigators and evaluate the strengths and weaknesses of the existing system. Based on the results of the analysis, this study draws conclusions about the impact of errors in persona and investigator accountability, as well as providing recommendations to improve the legal system, increase investigator accountability, and prevent the recurrence of wrongful arrest cases in the future. This comprehensive methodological approach is expected to make a significant contribution to the development of legal science and efforts to improve justice in the criminal justice system in Indonesia.

Discussion

Errors in arrest or "error in persona" are phenomena that can disrupt the principles of justice and legal certainty in the criminal justice system. Wrongful arrest cases not only negatively impact the individual who is the victim, but can also damage the credibility and integrity of law enforcement agencies, especially the police. In the legal context in Indonesia, the accountability of police investigators for wrongful arrests

is a complex issue and requires in-depth study, both from the perspective of criminal law, civil law, and state administrative law.

1. Factors Causing Errors in Persona

Errors in arrests can be caused by a variety of factors, including errors in suspect identification, lack of adequate evidence, pressure to resolve cases quickly, and unethical practices. In many cases, investigators may be hasty in making decisions without conducting adequate verification of the identity and role of the suspect in the crime. This can be due to internal pressures within the police institution, such as high case resolution targets, or external pressure from the public and media that demand quick results in certain cases. Mistakes like this not only show a weakness in the professionalism of investigators, but also reflect a lack of effective training and supervision.

2. Investigator Accountability Mechanism

In the Indonesian legal system, the accountability of police investigators for wrongful arrests is regulated by several legal instruments, including the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), as well as various internal police regulations. In general, investigators can be held criminally liable if the mistakes made meet the elements of a criminal act, such as abuse of authority or human rights violations. In addition, investigators can also be sued civilly by victims of wrongful arrest on the basis of unlawful acts (*onrechtmatige daad*) that cause losses. In the context of administrative law, investigators may be subject to administrative sanctions, such as reprimands, demotion, or dismissal, if proven to have violated professional procedures or ethics.

However, in practice, the prosecution of investigators who make arrest errors often encounters various obstacles. One of the main obstacles is the lack of courage for victims to demand their rights, either due to ignorance of legal procedures, fear of reprisals, or distrust of the justice system. In addition, the internal oversight system in the police is often less transparent and effective, so these mistakes are not always revealed and acted upon decisively. This causes the accountability mechanism of investigators in cases of wrongful arrest does not always run optimally, and often victims do not get adequate recovery.

3. Social and Psychological Impact

Wrongful arrest has a very detrimental impact on victims, not only from a legal point of view, but also from a social and psychological point of view. Victims often experience deep trauma, both as a result of the treatment received during the arrest and detention process, and as a result of the social stigma inherent after the event. Society tends to give a negative label to individuals who have been arrested, even if they are ultimately found not guilty. This stigma can have a long-term impact, affecting the victim's social life, work, and personal relationships.

From a broader perspective, wrongful arrest cases also have an impact on public trust in law enforcement officials and the criminal justice system as a whole. When people see that mistakes like this can happen and that there is no adequate accountability, their trust in law enforcement institutions tends to decline.

This can trigger apathy or even resistance to the law, which ultimately disrupts social stability and public order.

4. Evaluation and Improvement Recommendations

To overcome the problem of error in persona and increase the accountability of police investigators, a number of corrective steps are needed. First, it is necessary to revise the regulations that govern arrest procedures and the accountability of investigators, by clarifying the mechanism of sanctions and recovery for victims of wrongful arrest. Stricter and more detailed regulations will provide a stronger legal basis for prosecuting wrongdoers, while also providing better protection for victims.

Second, increasing training and education for investigators is very important to prevent false arrests. This training should cover technical aspects, such as identification and evidence collection techniques, as well as aspects of professional ethics and human rights. Investigators must be equipped with adequate knowledge and skills to carry out their duties with high professionalism, as well as awareness of the importance of respecting the rights of suspects at every stage of the investigation process.

Third, it is necessary to strengthen the internal supervision system in the police, by ensuring that every mistake made by investigators is followed up transparently and accountably. This oversight should involve an independent reporting and assessment mechanism, which can provide appropriate sanctions or remedial recommendations in the absence of a conflict of interest.

Finally, there needs to be a public education campaign to increase public awareness of their rights in the face of the arrest and investigation process. The community needs to be empowered to be able to claim their rights in the event of a mistake, and to be protected from any form of intimidation or retaliation.

With the implementation of these measures, it is hoped that cases of wrongful arrest can be minimized, and the criminal justice system in Indonesia can run more fairly, transparently, and accountably, so that public trust in legal institutions can be restored and strengthened.

Conclusion

This study highlights the importance of police investigator accountability in cases of error in persona or wrongful arrest, which is a serious problem in the criminal justice system in Indonesia. Mistakes in arrests not only harm victims directly, both psychologically and socially, but also erode public trust in the integrity and credibility of law enforcement officials.

Various factors can lead to errors in persona, including errors in suspect identification, pressure to resolve cases promptly, and lack of professionalism in the execution of duties by investigators. Although laws and regulations in Indonesia already regulate the accountability mechanism for investigators, whether criminal, civil, or administrative, the implementation of these rules in practice still faces various challenges, such as the lack of courage for victims to demand their rights and lack of transparency in the internal police supervision system.

The negative impact of wrongful arrest cases is not only felt by victims individually, but also has a wide impact on society and the criminal justice system as a whole. Therefore, remedial measures are needed which include revision of regulations, increased training and education for investigators, strengthening the internal supervision system, and increasing public awareness of their rights.

With the implementation of these measures, it is hoped that arrests can be minimized, investigators can be more accountable in carrying out their duties, and public trust in the legal system can be restored. This research, thus, makes an important contribution to efforts to improve and reform the criminal justice system in Indonesia, towards better justice and stronger protection of individual rights.

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