

# Understanding the Duties and Responsibilities of the Police in Criminal Cases in the Jurisdiction of a Country: A Study of Legal Literacy

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## ABSTRACT

This study discussed the duties and roles of the legal apparatus, especially the Police, in handling criminal cases and courts against perpetrators of criminal acts. We manage this study with a phenomenological approach that we design in a qualitative study and rely on secondary data, namely data in the form of scientific evidence that has been published in several literature sources, books, and scientific papers of academic work that were released between 2010 and 2022. As for the mechanism of our study, we carried out extensive data coding techniques, thorough evaluations, and data interpretation to obtain findings that would answer the problems and hypotheses of this study with the principles of high validity and reliability. From the results of the study and discussion of the findings, we can conclude, among other things, that the duties of the Police are based on Article 13 of Law no. 2 of 2002 that the Police are law enforcement, citizen protection, and community service. Meanwhile, the understanding of jurisdiction is an authority possessed by the Police in forcing citizens to obey the criminal Law to uphold justice for the power and authority of state law towards citizens and other aspects. Thus, these findings are intended to be an additional important input for understanding legal and Police studies in future studies.

## ABSTRAK

Penelitian ini membahas tentang tugas dan peran aparat hukum khususnya Polri dalam menangani perkara pidana dan pengadilan terhadap pelaku tindak pidana. Penelitian ini kami kelola dengan pendekatan fenomenologis yang kami rancang dalam penelitian kualitatif dan mengandalkan data sekunder yaitu data berupa bukti-bukti ilmiah yang telah dipublikasikan di beberapa sumber literatur, buku, dan karya ilmiah karya akademik yang dirilis antara 2010 dan 2022. Adapun mekanisme penelitian kami, kami melakukan teknik pengkodean data yang ekstensif, evaluasi menyeluruh, dan interpretasi data untuk mendapatkan temuan yang akan menjawab masalah dan hipotesis penelitian ini dengan prinsip validitas dan reliabilitas tinggi. Dari hasil kajian dan pembahasan temuan, dapat kita simpulkan antara lain bahwa tugas Polri berdasarkan Pasal 13 UU No. 2 Tahun 2002 bahwa Polri adalah penegak hukum, perlindungan warga negara, dan pengabdian kepada masyarakat. Sedangkan pengertian yurisdiksi adalah kewenangan yang dimiliki Polri dalam memaksa warga negara untuk tunduk pada hukum pidana untuk menegakkan keadilan atas kekuasaan dan kewenangan hukum negara terhadap warga negara dan aspek lainnya. Dengan demikian, temuan ini dimaksudkan untuk menjadi masukan penting tambahan untuk memahami studi hukum dan Kepolisian di studi masa depan.

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## I. INTRODUCTION

Everyone knows that many individuals violate the Law, so it can be said that society is where the first wheel of the criminal justice system begins (Pranis et al., 2013). A system known as the Criminal Justice System has been implemented to oversee the criminal justice system. For this reason, the Police are authorized to conduct investigations in the criminal justice system based on the provisions of the Law, which include Law 13 of 1961 concerning the Basic Provisions of the State Police (see Chapter 13), Law no. 8 of 1981 regulates the Criminal Procedure Code, and the Basic Provisions of the 1982 State Defense and Security Act (Gauthier, 2017). These three laws authorize police law enforcers to carry out investigations, and the investigations are handed over to Police Investigators. When viewed from the criminal justice system, police investigators turn out to be a subsystem that includes: Prosecutors, Courts, and Corrections are part of the police subsystem. Each of the four subsystems has an interrelated role. However, the police investigator subsystem is the most vulnerable among the four subsystems. For this reason, we feel it is essential to carry out this study to try to summarize several scientific evidence that will complete the discussion and deepen the understanding of the parties regarding the substance of legal issues and the role of the police apparatus in carrying out their duties and functions (Neubauer & Fradella, 2018).

The initial stage of the criminal justice process's mechanism is Polri investigators' role in the criminal justice system. The Criminal Justice System is the Role of the National Police Investigator. Responsibilities of preliminary assessment investigations include (Zehr, 2015; Mila Sari, et al, 2021). The preliminary examination is carried out in the sense that an investigation is carried out on a person suspected of committing a crime. A criminal case reaches the police investigator through three possibilities: it can be reported by the victim, by witnesses or the public, or by the Police themselves. The report is written in the National Police Investigator can meet the suspect and witnesses. Written reports are essential to the criminal justice system (DeWolf & Geddes, 2019; Ismail Marzuki, et al, 2021). All statements of witnesses and suspects are compiled in a complete written report if the investigator in the case decides to make a report because of the criminal nature of the case. Instructions are given to the person who reports the case so that those who are responsible for making the official report are obliged to submit the case to another agency if he submits a small case or rejects a case because it is beyond his authority (Article 7 paragraph (1) letter j of the Criminal Procedure Code: Other acts is permitted by police investigators). The Police, as gatekeepers of the criminal process, serve as an analogy for the existence of a filter (Nugroho & Wahyudi, 2018; Revida et al., 2021).

KUHAP may be required in this case. Based on legal evidence, the Law, and the judge's belief in the defendant's guilt, the Criminal Procedure Code, among others, limits who can be suspected, arrested, detained, and sentenced (Santoso & Wahyuningsih, 2018). There is a horizontal division of responsibilities between the Police Department and the Prosecutor's Office; Police use legal and technical tools during their investigations (Ibrahim, 2015; Manullang, 2020). Article 284 of the Criminal Procedure Code excludes criminal acts covered by the Special Criminal Law. Law, among others, in terms of carrying out the following acts: Examination Examination Summoning of witnesses and suspects. Detention- The search considers the relationship between the public prosecutor and the investigator. Among other things, technical methods are used in investigations for the following reasons: Identity—Daxiloscopy at the crime scene, Analysis-witness, and suspect interrogation. Law and Development Certain strategies are needed to complete the investigation findings and reveal the truth as soon as possible (Fadli et al., 2021). Methods of investigation include the observation strategy of the arrest and carry out inspections—surprise method. -deterrence tactics, etc., "testing" the evidentiary process in the Court Session through legal and technical means to find material truth. Case files, evidence, and suspects are sent to the Prosecutor's Office if the National Police Investigator believes the preliminary examination has been completed. The public prosecutor conducted additional investigations into the submission to the prosecutor's office (Br Keliat, 2017; Manullang, 2021; Manullang, 2021b).

The public Prosecutor conducts an additional investigation into the submission at the Prosecutor's office (Green, 2012). The public Prosecutor will return the case file with the instructions to be completed by 0100 Police Investigators. If it is incomplete: *Article 110 of the Criminal Procedure Code states that the Public Prosecutor shall immediately return the case file to the Polri investigators accompanied by instructions. It is further stated that if the investigator returns the case file, he is obliged to immediately carry out additional investigations following the instructions of the Prosecutor (Article 110 paragraph (3) of the Criminal Procedure Code). Thus, additional investigations are carried out by the National Police Investigator, not the Prosecutor*".

According to Article 14 of the Criminal Procedure Code, the Public Prosecutor has authority, making him or her the primary administrator of the criminal justice system; the prosecution is the primary administrative office in the case processing process (Yanto et al., 2019). As stated, the public prosecutor "can" delegate the case to the Court if Polri investigators' examination findings are complete and flawless. As a result, there is a chance that the case will not go as planned. A joint instruction was issued in October 1981 by the Attorney General of the Republic of Indonesia and the KAPOLRI to ensure smooth criminal case investigations: Inner No. 06/JA/IO/1981Pol.: Ins/17/k/1981. According to the joint instruction (a number I), "the Prosecutor's Office and the National Police constantly improve functional and institutional cooperation as well as possible to resolve cases perfectly following the Law starting from investigations to the implementation of court regulations that have permanent legal force (Setyowati, 2020). The joint instructions of the Attorney General of the Republic of Indonesia with the Police reflect that cooperation exists because the prosecutor's office is essentially not an independent law enforcement agency. Unlike a judge, the Public Prosecutor is not a tool for independent, neutral, and impartial state law enforcement.

Although the explanation of Ariani et al., (2019) is not necessarily accurate, there are problems behind his statement: From preliminary examinations to court hearings, the Minutes of Investigation of the Indonesian National Police Investigator continues to "run" the judicial system, especially during the evidentiary process, is shown here. There are four stages of the evidentiary process in court: first, to describe the methods of proof. It is hoped that the judge will understand the events if they are stated so clearly. Second is the reliability of evidence sources. Third, how the evidence used is explained and illustrated. On the progress of the trial. Fourth, the content of the evidence becomes the basis of proof (Hadijaya et al., 2014). Many of the four stages of the criminal trial evidence process, including the formation process to persuade judges, mention evidence gathering tools, opening an *ijsmiddalen van*, and the strength of evidence.

An essential aspect of the criminal justice system is whether the judge believes the accused committed the crime. This is because Law Number 14 of 1970 concerning the Basic Provisions of Judicial Power states that Indonesian courts adhere to negative *wettelijk* (Noffezar et al., 2019). It is stated in the 1970 Constitution on Judicial Power that no one can be convicted unless the court has a conviction based on valid evidence, which expressly states that the suspect is guilty of the act he is accused of. This requirement applies to all cases. This principle is known as *Negatief wettelijk bewijsleer*. Article 183 of the Criminal Procedure Code also uses the *Negatief wettelijk* system, which reads: 1) Judge's conviction; 2) There are at least two types of evidence according to the Law according to Article 184 of the Criminal Procedure Code, there are 18 types of valid evidence: a. Statements from witnesses. Expert opinion. E-mail. Statements made by the defendant (Sihombing, 2020).

## II. RESEARCH METHOD

Efforts to deepen understanding of the duties and responsibilities of the Police in handling criminal cases and jurisdictions in a country are important issues that are relevant to study, especially those who function and serve in the field of law enforcement, especially Police and other legal apparatus (Elliott et al., 2011). In carrying out this legal study, we have conducted a series of data searches on several data sources, such as books and scientific drivers, that have been published

in various publications at home and abroad (Krüsi et al., 2014). To make it easier to answer the problem of this study, we conducted an electronic search for the data, which we then examined under the phenomenological approach, which is an approach that seeks to obtain as much data as possible to answer phenomenal problems that are felt to be getting answers (Blackstone, 2018). The studies we carried out included coding the data comprehensively, evaluating it critically, developing it, and interpreting it. Ultimately, we got the answer to this salary by adhering to validity and in-depth reliability principles. This study depends on secondary data in the form of publications that we design. Qualitatively this farm aims to gain an in-depth understanding of some of the data we collect. After conducting the study, finally, the feet were reported (Chae & Boyle, 2013).

### III. RESULT AND DISCUSSION

#### **Understanding police investigation role**

The general purpose of the investigation is to obtain facts and chronology of accidents, find the root causes of accidents, and determine corrective actions so that the same accident does not happen again (Principato et al., 2015). Because the National Police investigators have to prove by searching and finding evidence at the investigation level, which is then directed at the conviction of the judge who will assess the evidence in court, it is certainly not easy to obtain valid evidence. The Criminal Judge is free to seek the defendant's sentence during the trial. Freedom does not mean people get to choose how severe the punishment is (Maxfield, 2015). Police must consider the perpetrator's personality, actions, age, education level, gender, and other factors, as well as the nation's environment; Although it is necessary to provide information to judges who may not be optimal but at least optimal, there is no criminal law theory in the Criminal Code that binds it. On the other hand, (Muryanto et al., 2014) think that the state and high courts have traditionally imposed sanctions or criminal decisions that are proportional to the violation of the Law by the defendant (Sugianto, 2019).

After receiving a prison sentence from the judge, the defendant was taken to a correctional institution. The sentence imposed on a person convicted of a crime directly impacts that person. He felt that the punishment undoubtedly impacted him physically and spiritually. When prisoners were placed in small cells or wards with many prisoners, their spiritual and physical feelings became stronger (Rumadan, 2013). Many things are exaggerated, such as fights, extortion among prisoners, and the class of heroes who become "kings" in various prisons. There are some excellent correctional facilities as well. Research conducted by Irwin and Cressey, also acknowledged by Stanton Wheeler, reveals that three different subcultures affect prisoners in prisons: First, the evil subculture, which is already behind bars; After that, and two evil subcultures that hail from outside the prison enter the facility; The three legitimate subcultures are those that obey the Law and are respected by everyone in prison. Even though these three subcultures exist, correctional officers still have to face pressure from the outside community to keep prisons safe and free from brawls and noise (Firdaus, 2019).

Therefore, it makes correctional officers increasingly suspicious of inmates who form groups, even though the groups are nothing more than inmates' instincts to share their fate. Other problems that arise are: The role of the police Investigator of the Indonesian National Police appears in Articles 76 and 77 of the Penitentiary Regulations to secure disturbances of order if the conflict has reached its peak; there is physical resistance (Irawan & Rahmalisa, 2019). Correctional officers are not able to handle it. The Head of the Correctional Institution may request assistance from the Police to guard the institution in case of a disturbance of order (article 76). According to article 77 of the 1948 Penitentiary State Regulation, number 77, the National Police (Police investigators) may use firearms against prisoners who oppose guards or endanger public order and against prisoners who escape. Police investigators will be busy looking for prisoners involved in this conflict if they escape prison.

Because it is mixed with other community members, it is challenging to find criminals who have escaped from prisons (Mulyono & Arief, 2016).

### **Jurisdiction expansion in Indonesia**

According to the Montevideo Convention of 1933, a state comprises population, territory, a sovereign government, and the ability to interact with other nations (Zhang, 2016). The embodiment of a state is the state's territory, which is one of the elements of the state and consists of land, sea, and air areas, the government, and the people who live there. It also consists of social and physical manifestations of the main characteristics of international legal entities. Within the physical boundaries, domestic conditions, and the assumption of the country's stability, countries have legal competence and protective regulations. The term "sovereignty and jurisdiction I" typically refers to the state's legal authority to defend its territory. Because it is based on the works of competent authorities, the use of the term "jurisdiction" in various legal sources is frequently inconsistent. Legal authorities' or statesmen's opinions typically have a political connotation and are more prominent than legal considerations (Arif & Kurniawan, 2018).

The free use of the term "lawyer" obscures the complex and varied rights, obligations, powers, freedoms, and immunities of states, such as terms of sovereignty and jurisdiction, making the term used by legal experts often unsatisfactory. The authority to enforce law compliance in all matters (aspects), also known as "general jurisdiction," is defined as sovereignty in terms of legal competence. In the meantime, "particular aspect" refers to the authority to enforce compliance with the Law in specific circumstances. According to NA Maryan Green, jurisdiction refers to power, and the exercise of state authority is referred to when it is associated with state power. Both internally and externally, this authority is exercised equally. This includes the authority to enact and make laws (Lev, 2021).

Additionally, Maryan Green said that it might be thought that the application of territorial jurisdiction circumscribes a State's coercive jurisdiction. In contrast, its legislative jurisdiction is co-extensive with personal jurisdiction" if the power to make laws with an extraterritorial effect is called "legislative jurisdiction" and the power to enforce the Law is called "Coercive jurisdiction (Fisher et al., 2017). It is possible to say that the application of jurisdiction can limit a mandatory state jurisdiction if the power to enforce the Law is outside the state's territory and the power to make laws has extraterritorial consequences, which is called legislative jurisdiction. Territorial jurisdiction, in contrast to its legislative jurisdiction, extended similarly to personal jurisdiction). Thus, jurisdiction is the state's authority over individuals, things, and events. However, "jurisdiction" can refer to legislative, executive, and judicial powers (Carrubba & Zorn, 2010).

It is based on the territorial principle, an expansion of criminal jurisdiction! Extraterritorial jurisdiction on land, extraterritorial jurisdiction at sea, and extraterritorial jurisdiction in the air all fall under the territorial expansion of criminal jurisdiction. On land, extraterritorial jurisdiction (Pfander & Birk, 2014). The local criminal Law or statutes serve as the foundation for criminal jurisdiction within a nation's territory. The scope of criminal law enactment based on the same territory is unaffected by this. The territorial principle states that a nation's national Law applies to all acts within its sovereign territory, regardless of whether domestic or foreign nationals committed them. A theory in diplomatic Law that the building of an embassy is an expansion of the territory of a sending country in the receiving country is known as the "extraterritoriality theory. "This theory raises the issue of expanding the jurisdiction of the criminal law application based on territorial principles, particularly in inland areas (Marmo & Giannacopoulos, 2017).

Additionally, the embassy building enjoys diplomatic immunity, preventing a receiving nation's national criminal Law from being applicable in its expanded territory, particularly to the embassy building. Two jurisdictions arise when the embassy building is thought to be an extension of a nation's territory: 1) the receiving nation's territorial jurisdiction; 2) the sending nation's extraterritorial jurisdiction a citizen of the receiving nation commits a crime of theft in the embassy building, the question that arises is which jurisdiction will apply (Denza, 2016). The first question to be answered when addressing this issue is whether the receiving nation is obligated to protect the

embassy building. It is possible to draw the following conclusion using Article 22 of the 1961 Vienna Convention: a). The embassy building cannot be damaged. Except with the permission of the head of mission, officials from the receiving nation are not permitted entry; b). The receiving nation is responsible for securing the embassy building against intruders or; destruction and safeguarding the mission's dignity from any peace disturbance; c). Embassy assets like equipment, goods, and means of transportation are safe from being seized, investigated, and executed (Wanyela, 2014).

According to Article 29 of the 1961 Vienna Convention, diplomatic missions have the right to immunity and privileges, so criminal acts committed by diplomatic missions cannot be subjected to the receiving nation's territorial jurisdiction: "A diplomatic agent shall not be subject to any form of arrest or detention, and his person shall be inviolable (Zabyelina, 2013). "The receiving State shall treat him with the utmost respect and take all necessary precautions to prevent any attack on his person, liberty, or dignity" maritime extraterritorial jurisdiction. The ship's territorial jurisdiction outside its territory can be broadly divided into the following categories: a. foreign ships in ports fall under extraterritorial jurisdiction. Foreign ships in inland waters fall under extraterritorial jurisdictions. Foreign ships in territorial waters that fall under extraterritorial jurisdictions. Foreign ships operating on the high seas fall under extraterritorial jurisdiction (Zalucki, 2015).

The extraterritorial jurisdiction of ships in ports, inland waters, and territorial seas will be the subject of this discussion because it concerns the expansion of criminal jurisdiction in a country's territory. The coastal state has jurisdiction over extraterritorial jurisdiction of foreign ships at the Port of foreign merchant ships for offenses committed by passengers and crew (Sukarmi et al., 2021). Even though the crime was committed on a foreign merchant ship, people on board a foreign merchant ship entering the waters of a coastal nation are present and subject to the "local authority" when they commit it. On the other hand, the ship's flag state retains jurisdiction over criminal acts that constitute violations. Most of the time, these law violations involve internal discipline and order issues. Extraterritorial jurisdiction of foreign ships in inland waters If a ship enters a country's interior waters, the ship's condition falls under that country's jurisdiction. The foreign ship possesses a fully applicable extension of jurisdiction or additional jurisdiction. However, the extraterritorial jurisdiction of a foreign ship becomes pseudo-territorial or "quasi-territorial" when ships enter a nation's territory, specifically in ports and inland waters (Jayakumar & Koh, 2015).

Two conflicting jurisdictions arise when a foreign ship enters a country's inland waters or Port. The coastal state has complete territorial jurisdiction, while the ship's flag state has quasi-territorial jurisdiction. As a result, the coastal state has the highest authority over inland waters and ports. The fact that the coastal state is in a stronger position because it can apply its laws becomes the basis for consideration. Due to the application of the extraterritorial principle, foreign ships may be subject to the jurisdiction of the ship's flag state or quasi-territorial jurisdiction: 1) the emergency ("entry in distress") that causes ships to enter inland waters; 2) The offense is a breach of discipline. 3). Extraterritorial jurisdiction in the territorial sea Which criminal Law applies to ship operators when a ship is in a nation's territorial sea? (Ireland, 2012).

Therefore, foreign merchant ships must conduct their trade peacefully. Articles 17, 18, 20, and 21 of the 1982 UN Law of the Sea Convention define the right of innocent passage in the territorial sea. Article 19 provides guidelines for the definition of innocent passage. It turns out that Article 14 of the 1958 Geneva Convention on Territorial Seas and Additional Zones did not explicitly state that the regulation on a peaceful passage in the United Nations Law of the Sea Convention of 1982 was limited. If the requirements of Article 27 of the 1982 United Nations Law of the Sea Convention are met, the coastal state can apply its jurisdiction to ships that pass through and commit a crime (Meyer, 2010). Example: Detention of the crew of the Indonesian-flagged Commercial Ship 47 by the Seoul government in South Korea. The captain of the Niaga 47 Nashirin and three crew members were arrested and imprisoned in Incheon. In comparison, 20 other crew members were taken hostage aboard the Niaga 47 ship, which the Seoul government confiscated in December 1990.

Because they were accused of violating the Law by polluting the marine environment, the captain and three crew members of the Indonesian-registered Commercial 47 ship were detained (Davenport, 2012). Because they polluted the waters of Inchon by dumping 104 tons of oil into the sea, the evidence must be presented in court to determine whether or not the crew of the Niaga 47 ship criminally polluted the marine environment. However, it appears that the Seoul government used Article 27 of the UN Convention on the Law of the Sea from 1982 to punish in this instance. because the crime was one that falls under the category of a type of crime that hurts the security of the coastal state or hurts the coastal state, specifically by polluting the waters of Inchon (Lee & Gullett, 2016).

Furthermore, by Article 27 of the 1982 United Nations Law of the Sea Convention, foreign ships crossing the territorial sea are exempt from the requirements for applying the coastal state's criminal Law. 1) The offense was committed using drugs; 2) The offense occurred when the ship set sail for the open ocean; 3) The offense occurred when the ship stopped in the territorial sea, not during an emergency. The only exception is that the coastal state has full authority to exercise criminal jurisdiction over acts committed on a foreign ship crossing within Article 27 of the UN Convention on the Law of the Sea from 1982. Even if the narcotics crime was committed on a foreign ship crossing without entering inland waters (toward the high seas), the coastal state still has the authority to make arrests under the first exception, which applies specifically to narcotics offenses. Even though the narcotics will be sent to a third country, this indicates a violation of the peaceful nature of using the right of peaceful passage (Barrie, 2021).

### **Police role in Cyber Crime Jurisdiction**

Freedom of Counter-Regulation and Application of the Law in Cyberspace. The Internet and the development of computer technology have had several effects, one of which is the emergence of a new social group or community (Ani, t.t.). Meanwhile, the number of these communities is steadily rising with the rapid growth of computer technology (Velasco, 2015). Consequently, there is an increasing number of positive and negative activities that occur online with people referred to as Netizens. A few people think it is necessary to immediately regulate cyberspace and the activities that occur there, departing from this phenomenon. Law serves as the just because it is essential to the organization and regulation of online activities (UNESCO, 2000). So cyberspace is free of radicalism. This concern is quite reasonable, given cyberspace's notion of freedom (free access). Circles strongly oppose the ideas described above, typically cyberspace activists who support the idea of freedom on the Internet (cyberspace). They even believe that because cyberspace is beyond the state's control, the state cannot enforce cyberspace laws (Wilson et al., 2022).

Concepts and principles of Jurisdiction in Cyberspace, One of the most significant issues, brought up by cybercrime is the question of jurisdiction, which refers to the degree to which a nation can apply its rule of Law, or, more specifically, the degree to which a nation's capacity to hear a case has an international dimension (Arianto et al., 2020). A nation's legal sovereignty, or the extent to which a nation's ability to hear a case has international nuance, can be affected by jurisdiction issues. The debate then centers on how cyberspace should be regulated, including the idea of jurisdiction that should apply in cyberspace. This raises disagreements between the two camps regarding the jurisdiction in cybercrime. The first group referred to as "Cybernationals" in this section, believes that existing and applicable laws and concepts adequately regulate cyberspace. The second group, on the other hand, believes that cyberspace is its world, necessitating its own set of rules and concepts. This group, referred to as "cyber-libertarians," tries to distinguish cyberspace from the real world (Chik, 2010).

The existing judiciary's agencies carry out the control; a) Signing a global agreement regarding the regulation of cyberspace; b) Establish a global organization to regulate cyberspace specifically) An international organization specifically governs Internet users' self-governance or self-regulation aspects of cyberspace. This idea might best address the issue of "unclear" settings in cyberspace. Regarding this concept, "The International Dimensions of Cyberspace Law" includes the following:

Indonesian Cybercrime Law No.11 of 2008 deals with electronic transactions and information. This Law governs everything related to using electronic data for the public good.

This Law sparked much debate when it first appeared because it was thought to restrict people's ability to express themselves online. Articles 27 to 37 of this Law provide in-depth explanations of every act considered a cybercrime. This Law governs these act types (LL.M, 2021). The European Convention on Transfer of Proceedings, an international convention that only regulates one type of transfer of proceeding, has made the concept of transfer of proceeding in the context of transboundary cybercrime new in the criminal law field (Siraj, 2012). The convention states that crimes that fall under the purview of criminal Law are those for which a request for transfer of proceedings may be made. Convention on the Transfer of Proceedings, Article I, Section a) In order to determine whether cybercrime falls under the purview of criminal Law, we must examine the policies of several European nations: A brand-new law known as Computer Crime was enacted in the Netherlands in 1993, marking the beginning of the Netherlands Regulations on cybercrime. In order to comply with the convention on cybercrime, the Act (wet computer criminality IT) was passed on demand in 2006 (Christina, 2000).

The Criminal Code (wetboek van strafrecht) includes the Law in Denmark, the Special Law, and the Criminal Code (strafloven) regulates cybercrimes in Denmark (Lyzohub, 2021). The first definition of the Criminal Code on cybercrime. Data crime/data crime refers to Denmark as a data-related crime. Hacking, alteration of data, computer sabotage, and fraud are types of cybercrimes covered by Strafgesetzbuch (KUHP), which was first published in 1986 in Germany. (McConchie, 2015). According to the above regulations, cybercrimes fall under the purview of Criminal Law, allowing for the transfer of criminal proceedings against transnational cyber criminals. The following are the reasons and procedures for transferring proceedings. If a person is suspected of committing a crime under the laws of a participating country, he or she may request processing of that person by another participating country (Steinmetz, 2022).

A person may be asked to be processed in another participating country if he fulfills the following requirements: a) If the suspect resides in the requested country; b) If the suspect is a citizen of the requested country or a citizen of the requested country; c) If the suspect is serving a sentence containing confinement or imprisonment; d) If the suspect is awaiting trial in the requested country for the same crime; e) If the transfer of proceedings is intended to clarify the matter further or if the requested country has the most substantial evidence; f) If it is determined that law enforcement in the requested country is capable of rehabilitating the individual concerned; g) stipulates that the suspect or defendant is unable to attend the trial in the country requesting it; h) If extradition is deemed ineffective in bringing the suspect or suspects to court (Clough, 2014).

#### IV. CONCLUSION

Finally, this study concludes that understanding the duties and responsibilities of the Police in cracking down on criminal cases in the country whose jurisdiction can conclude several noteworthy findings, including an understanding of the investigation function and the role of the Police are regulated by Law. In this case, the investigation is carried out based on the Law and sufficient knowledge. Furthermore, we also understand that jurisdiction is power and the authority used in the laws of a country against law enforcement efforts for any citizen. Police By understanding and having responsibilities and knowledge of the Law and its role, they can carry out the duties of the police service. Next, get an understanding in the form of scientific evidence from previous studies on the role of the Police in committing cyber crimes.

With authority given, the Police can carry out cyber cramp investigations against anyone who has become a victim of cybercrime. For this reason, jurisdiction is the power of a country delegated to the authority of the Law to punish anyone who commits crimes worldwide. Thus, among other things, we can report conclusions regarding the role and responsibilities of the Police in the unitary state of the Republic of Indonesia in carrying out their duties and responsibilities as police officers.



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