

Juridical Analysis of Government Employees Investigators' Authority Fire Department Institutions in Fire Investigations



Jatiur Sinaga¹, Bambang Waluyo²

^{1,2}Faculty of Law, Jakarta Veterans National Development University, Fatmawati Hospital Street, South Jakarta City. 12450.

ABSTRACT: so far, in the regulations for the establishment of Fire Department institutions contained in the Jakarta City governor regulation number 264 of 2016 concerning the organization and work procedures of the Fire Department of Jakarta, it is stated that one of the tasks of the Fire Department, especially in the ranks of the city/regency sub-dept, mandates fire investigations. or it can be interpreted as a fire investigation, but after the authors have reviewed so far from various sources that have the results of questions and answers and their experience there are still many limitations of civil servant investigators to carry out investigations in the pre-investigation stage and until the fire investigation process, these limitations are generally related to the protection of civil servant investigators themselves and their authority in full processing in investigations. civil servant investigators are certain civil servant officials based on statutory regulations appointed as investigators and have the authority to conduct criminal investigations. the results of this study are expected to provide input to the parties in determining the extent to which fire investigation arrangements are based on statutory provisions, and position in the function and role of civil servant investigator of Fire Department in the process of investigating fire occurrence. so that every time a fire occurs, fire officers must be able to carry out fire investigations and not be carried out by other agencies. therefore, it is very necessary to have a law that regulates the duties, principals, functions, and responsibilities of Fire Department institutions and does not depend on other institutions to carry out fire investigations so that the cause of the fire is not only guesswork but is based on an investigation of facts at the scene of the case.

KEYWORDS- Fire Officers, Law, Investigation

INTRODUCTION

Of the many problems that exist, one of them concerns the authority of the Fire Department, especially in the Jakarta City of Fire and Rescue Department Agency regarding revealing how a fire occurred and the origin of fires in Jakarta, which until now is still a scourge in the capital, related to the frequent occurrence of fires whose origins are unknown and the unanswered cause of the fire was whether it was purely an ordinary incident or negligence (*culpa*) or there was an element of intent (*dolus*). Judging from the available resources, especially in the ranks of the North Jakarta City Fire and Rescue Department, there are 11 Civil Servant Investigators, hereinafter referred to as Civil Servants, who have been equipped with expertise and knowledge about investigating a criminal case, from the available resources they should be able to use by the Service in how to uncover the causes of fires and then recommend to the authorities if an element of intent and negligence is found in a fire incident. Based on the facts above, it shows that the Fire Investigation process at the Fire Department by Civil Servants is not working, which has resulted in the continued unanswered desire of the public for the light of fire cases in Jakarta City. The problem of fires in Indonesia is still a homework that needs to be addressed immediately, with several existing problems resulting in the unanswered hopes of the Indonesian people for services from the Indonesian Fire Department, which are excellent in responding and responding to public expectations both during a fire or before a fire occurs case of fire.

PROBLEM FORMULATION

1. How is the Arrangement of Fire Investigations Based on the Provisions of Laws in Indonesia?
2. How to Improve the Role and Function of Civil Servant Investigators of Fire Department in the Process of Investigating Fire Occurrence?

Juridical Analysis of the Authority of Civil Servant Investigators at Fire Service Institutions in Fire Investigations

RESEARCH METHODE

In an effort to solve the legal issues that have been described above, a research method is needed to support research. The following research methods are used:

This research is normative legal research that has a method that is different from other research. Normative legal research is a systematic way of researching legal behaviour, for example, reviewing statutory regulations. The subject of the study is a law that is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behaviour so that normative legal research focuses on written regulations in the form of library literature in the form of legislation, norms, and rules related to the subject matter. In terms of its nature, this research is descriptive, meaning that research that describes certain objects and explains things related to or systematically describes facts or characteristics of certain populations in certain fields factually and accurately, does not aim to test research hypotheses. But provides an overview of the main duties and functions of firefighters. The source of this research puts forward secondary data, data collection techniques by Field Research and Library Research, Data analysis techniques in the form of legal materials in this thesis research will be carried out deductively, namely by concluding a problem obtained that is general to concrete problems faced.

THEORITICAL FRAMEWORK

In any legal or social theoretical research, it is a guideline for exploring the objects under study. Some of the theories that underlie and guide this research.

Legal Norm Theory If humans are seen as members of society who are subject to social norms, it will be seen that humans have two aspects, namely the human aspect as an individual and the inter-individual aspect about human relations with one another in social life. From the individual aspect, there are religious norms and moral norms, while from the inter-individual aspect there are decency norms and legal norms. The below is a chart that can show the social norms that exist in society.²

Theory of Responsibility In the legal dictionary, responsibility is a must for someone to carry out what has been required of him.³ So actually, responsibility is a consequence that arises as a result of actions committed by individuals. Conceptual understanding of responsibility is a legal obligation that must be carried out by a person by what is required of him.

RESEARCH RUSULTS AND DISCUSSION

Civil Servant Investigators as an institution outside the Indonesian National Police are tasked with assisting the police in conducting investigations. This is strictly regulated in the Criminal Procedure Code, Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, and Regulation of the Chief of Police Department No.20 of 2010 concerning Coordination, Supervision, and Investigation Development for Civil Servant Investigators. Therefore, the existence of Civil Servant Investigators in the investigation process is at the level of assisting while control over the investigation process remains with the police, considering the position of the Indonesian National Police institution as the Supervisory Coordinator. By the Regulation of the mandated by the governor's regulation of Jakarta No. 264 of 2016 concerning the Organization and Work Procedure of the Fire and Rescue Department, chapter 4 Article 49, namely:

- a) In carrying out its duties and functions, Fire Department is guided by the provisions of laws and regulations.
- b) The Head of Service develops coordination and cooperation with city/regency sub-dept and government/private institutions and the population, to improve performance and facilitate the implementation of Fire Department duties and functions.

CONCLUSION

It should be based on the discussion and regulations above, the author concludes that there should be a regulation that regulates the Fire Department to investigate the causes of fires so that fires cause fatalities, firefighters do not need to wait for the investigation team from the police, because based on the author's experience with friends in the field firefighters had to wait for the investigation team to investigate the fatalities caused by fires. This greatly hinders the process of extinguishing and evacuating fire victims and often misunderstandings between the community and firefighters. So the author really hopes that there are regulations that protect Fire Department institutions to carry out investigations into the causes of fires so that services to the community can be maximized.

ACKNOWLEDGMENT

Thank you to all those who have helped in the process of this article from the start until the completion of this article, especially to my beloved wife Eva Yanti, my son Yeriko Balian Sinaga, Glory Caroline Sinaga, Emmanuel Batara Sinaga, and all Lecturers and Students of the Veterans National Development University Jakarta, especially the Head of the Master of Law Study Program, Mr. Beniharmoni Harefa who has helped a lot, and to all the Fire and Rescue Officers of the Department of North Jakarta who has given a lot of input.

REFERENCES

Book :

- 1) Marzuki, P.M, 2005, “Penelitian Hukum”, Kencana Prenada Media Group.
- 2) Sudikno Mertkosumo, S. 2003, “Mengenai Hukum”, Liberty.
- 3) Hamzah, A. 2005, “Kamus Hukum”, Ghalia Indonesia.