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Language, Communication and Law: Exposing Binary Opposition in the Pre-Adjudication Domain

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Abstract: *- Language is the 'big house' for any science, there is no single science that does not use language as an intermediary instrument including the Law. Language in the field of law is used no more than a way to formulate laws and track fallacies. On the other hand, language in the form of speech as a form of communication, has never been seriously studied in Law. This study focuses on speech language models in verbal communication conducted by Investigators / Public Prosecutors with the community. The method used in this study is normative juridical based on secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials obtained based on library research. Based on normative juridical research methods, we use several approaches, namely philosophical, conceptual, language, participatory and case approaches. Based on this, spoken language in verbal communication has a psychological impact on ordinary people who intersect with the law in the context of practice.*

Keywords*: - Language, Communication, Law, Criminal.*

I. Introduction

Language skills for every Bachelor of Law, especially written language, become an inexorable ability. However, in the Faculty of Law curriculum only contains two (2) courses in Indonesian language namely Indonesian language and Indonesian Law language. Both of these courses focus more on improving the ability of students to be able to write based on grammatical structures as well as the ability to track the truth of logic in written language which leads to the ability to write scientific papers and the ability to write for practical purposes.

This is in line with the accommodation of civil law as an official legal system in Indonesia. The emphasis in the civil law system is the use of written legal rules. This system developed in mainland Europe, propagated in mainland Europe and its colonies. Thus, the entire legal process that runs in Indonesia is always based on written administrative behaviour. One example is Article 117 paragraph (2) of the Criminal Procedure Code which confirms "In the case of a suspect giving information about what he has actually done in connection with the criminal act alleged to him, the investigator records in the minutes as thoroughly as possible according to the words used by the suspect himself." Or for example In Article 103 paragraph (1) of the Criminal Procedure Code which confirms "Reports or complaints submitted in writing must be signed by the reporter or the complainant." Or another example is Article 182 paragraph (1) letter c of the Criminal Procedure Code which confirms "The claim, defence and answer to the defence are made in writing and after being read out, it is immediately submitted to the presiding judge and the copies to the interested parties."

Based on the authoritative text above, it is as if the law runs on its tracks when a Law Enforcement Official (Aparat Penegak Hukum (APH)) - including Advocate, is able to express properly and correctly in the form of written language based on scientific principles. In fact, when it is understood that written language is actually nothing more than an externalization and a blend of thoughts, knowledge and interests of the Law Enforcement Officials (APH) themselves.

This research becomes important when for Law graduates, both academics and practitioners, in general, see the problem of language as something that is marginalized in every scientific study of Law.

This research also narrowed the scope only in the pre-adjudication stage, namely at the investigation and prosecution stage, not entering the stage of the examination process before the hearing (the adjudication stage). Why is the scope of this research to be limited? Because, it is at this pre-adjudication stage that there is an imbalance in the original position between the examining party and the party being examined. You may be able to refute our argument, by proposing the existence of an Advocate in the examination process. However, in the criminal justice system adopted by the Criminal Procedure Code, it has given a limit to Advocates to be passive and if they act actively will result in the expulsion of the Advocate from the examination process.

The original position imbalance was revealed by us based on research conducted by Hutahaean [1] who collaborated on several studies where, for example, according to De Camargo, the use of uniforms and the police profession usually can provide contamination to life [2]. Namely, the contamination in procuring ownership of personal circumstances, in the form of ownership of certain status titles. As also described by Herzog that the appearance of the police explains ownership of professional police goals [3]. Namely fighting against crime and also providing services. Therefore, many events found in the community that show the addition of certain psychological conditions to people wearing police uniforms. Both the real police, and civil society who wear police uniforms for certain interests. As for the "rank" level, it describes the level and position of all members in the police structure. The rank is sometimes associated with psychological conditions in managing work. From the results of investigative studies conducted by Sidanius, Liu, Shaw, & Pratto it can be seen that ranks in the police field are often subject to views related to social domination [4]. Likewise, with the "firearm" attribute. "Firearms" (firehand/handgun) is one of the supporting tools used to carry out security-related tasks. In the process of using it also requires a series of psychological examinations. This is often associated with psychological conditions that can influence the behaviour of its use. Diuguid explains that the possession of firearms gives people who hold them a sense of strength and security control, but on the other hand it also forms a sense of fear and concern about the impact that could hurt others [5]. In an overview of the technical report about psychological evaluation and gun control, it is written that firearms have certain psychological effects, because they are often associated with their use which can injure or eliminate the lives of others, and also hurt or eliminate one's own life.

If written language is an externalization of the owner's will, then the imbalance in the original position is manifested in the form of verbal communication or speech acts. What we mean by verbal communication is a model of conversation between the examiner and the examinee before it is poured into the Minutes of Examination or other written documents. The conversation model that emerged during the investigation process at the investigation level underwent a transformation of communication in the prosecution process by the Public Prosecutor who was associated with the Indictment Model which was determined based on his authority.

At the level of investigation, for example in research conducted by Satria who in his research explained that the suppression of witnesses through communication that is threatening, is one aspect that can be investigated through forensic linguistics [6]. Likewise, research conducted by Arifianti through the pragmatic concept explains the existence of a demanding function and an urgent function in the formation of questions contained in the Minutes of Examination [7]. In connection with an urgent function, it is manifested in the form of an act of speech that leads. As stated by Advocate HTP (21 May 2019) in an interview to fill in the questionnaire which stated that in making the Minutes of Examination (BAP), often asking trick questions. In other communication models, for example, put forward by Advocate ERH (15 April 2019) describe the examination process that the investigator asking questions seems not to be independent or impartial and often behaves like a judge who convicts a suspect. In fact, according to Advocate ERH, the

Investigator was apparently not accepting all the information given by the suspect.

In the other model, the speech act behaviour also shows facial changes, heightened voice intonation, and the emergence of negative emotions — that is, anger, from the Investigator, as stated by Advocate H (15 April 2019) in filling in written interviews. Investigators in carrying out their authority often interpret their authority as a power, so that controlling the meaning of a criminal event that occurs. This can be seen in the written chronology dated April 9, 2019 made by JEK — who was examined as a Witness, and JJ — who was examined as a suspect, in a case based on the Police Report No.: LP/476/280-SPKT/K/W2018/Restro BKS dated June 7, 2018 and Police Report No.: LP/1044/648-SPKT/K/XI/2018/Restro BKS dated November 28, 2018, where on suspicion of a criminal offense alleged to JJ to reach a point of light, JJ requesting a confrontation with the Reporting Party. However, the investigator always promising and stalling, and eventually JJ was named a suspect.

The questions in the Minutes of Examination (BAP) which have the objective and urgent functions, in relation to the written language are certainly not crucial issues. However, when the written language intersects with the behaviour in speech acts, it becomes a different matter. Therefore, uttering a particular utterance can be seen as an action, such as ordering, directing, and influencing. In a language event, the speaker and the partner of the speaker will look at who is speaking, the place of conversation, about the problem being discussed, and the situation and conditions at which the speech is taking place. In other words, context greatly influences these utterances [8].

Referring to the study conducted by Jeuland & Sotiropoulou explained that communication factor can also influence the application or realization of principles of procedural law of a court, especially on the aspect of the principle of impartiality or neutrality [9]. So, for those of us who have a scientific basis in the field of Legal Studies, also consider it important to explore more deeply about the communication model that occurs in criminal justice practices in Indonesia, especially in the process of investigation or pre-adjudication

II. Methods

This study is one of the models of legal study that takes one aspect of criminal justice practice which is still very minimal in Legal Sciences, namely language. As a study of legal science, it is usual to use normative juridical study method. Legal study with normative juridical method, in general, uses secondary data in the form of primary legal material consisting of legislation, secondary legal material consisting of court decisions and research results with similar themes, and tertiary legal material consisting of dictionaries and encyclopaedia. Research in Legal Science using normative juridical method uses secondary data through literature studies. However, the advantage of normative juridical method is that we can use several models of research approaches, including philosophical approaches, conceptual approaches, case approaches, language approaches, and participatory approaches.

Of course, we understand that research within the scope of linguistics is an empirical study based on primary data. Such a research model, of course, is very difficult to find empirical data using primary data. Because, according to Geuss (2004), this will be verbally denied. Why is that? Because these things go unconsciously into themselves [10]. Nevertheless, we continued to conduct several written interviews with 8 (eight) Advocates from the Makassar-Gorontalo-Jakarta region, and filling in the Questionnaire by utilizing the Google Form application filled by 14 (fourteen) Advocates, and written confessions from 2 (two) people who are currently Witnesses and Suspects/ Defendants.

III. Results and Discussion

The practices of criminal justice in Indonesia are often interpreted as an examination process that takes place only in the courtroom alone. Where simply stated by Mertokusumo himself in interpreting the word "justice" by providing an explanation that the judiciary is anything related to the judge's duty in deciding cases, both civil and

criminal cases, to maintain or guarantee compliance with material laws [11]. However, in our opinion, the meaning of the word "judiciary" is as broad as possible, which is a process of activity for each component and sub-component involved in it, starting from the process of preliminary investigation, full investigation, examination before a hearing, deciding a case, and implementing a decision or execution of a decision. Therefore, in seeking justice, not only in the trial alone, but starting from the investigation process, there have been demands for values to provide a sense of justice for all parties. So that the principle of justice is not absolutely the property of the victim or the injured party, but there is also a portion of justice for people who are "suspected" of committing criminal acts. Our view is based on the view of Saleh who explained that the trial was only a refinement of what had begun in the preliminary investigation (pre-adjudication) [12].

The judiciary as a system has been constructed based on the combined function of law enforcement officers - in the study of the Criminal Justice System known as the 'component', which consists of advocates, public prosecutors, judges and correctional institutions. The distribution of these components, is simply assumed to be the right thing. In this presupposition system, there will emerge a marginalized binary opposition, namely victims and suspects. Thus, in the practice of criminal justice two types of binary opposition are created, namely law enforcement-suspects and authorities. More broadly, the binary opposition emerged with the adoption of a civil law legal system in Indonesia, namely written language and spoken language (speech acts), this is the focus of this research.

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In binary opposition one element is privileged, while another element is marginalized. These two elements are also arranged based on certain boundaries that make these two elements separate [13]. Binary Opposition is the core of the system of difference which is the basis of structural thinking. Binary opposition has always been the basis of western philosophy. For example, the word "marker" will be binary opositioned with the word "sign" (marker/sign), the word "true" is binary opositioned to the word "false" (true/false), the word "male" is binary opositioned by "female" (male/female).

This opposition in linguistics goes hand in hand with the same thing in the tradition of western philosophy. In this binary opposition, according to the tradition of western philosophy, the first terms are the employer, superior to the second subordinate/employee. The second terms are false representations of the first or are inferior. This tradition is called logocentrism and is used to explain the assumption of the privilege of the first term and "harassment" of the second term [14].

According to McQuillan, the binary opposition must be reversed, then it is shown that the entire meaning of the text has actually been dictated by the binary opposition [15]. By reversing that opposition, a balance will be created, but that is not enough without going through the next stage. So, in the second stage, the whole system of thought dictated by the binary opposition must be removed, so that the terms in the binary opposition are thought out without binary thinking again. Without stopping the binary thinking, the reading will only be trapped into another binary logic. In the process, it will show that the poles in these oppositions cannot be maintained in their purity and consistency. The two poles will tarnish each other, namely deconstructing themselves [16].

While in Derrida deconstruction it aims to expose the binary opposition in displaying and showing the inferior element in binary opposition as something that is worth listening to, in this study we followed Derrida's footsteps to uncover inferior elements which were not revealed in the written track record of ethical and rules, as the most decisive position in creating legal actions of a Police Investigator.

In order to trace the hierarchical binary opposition, our understanding certainly starts from a study conducted by De Camargo (2012) relating to uniforms and professions in relation to social status [17], then the study by Herzog that reveals the connection between uniforms and ranks and the psychological of the police officers who carry out their duties [18]. The two studies were preceded by research conducted by Sidanius, Liu, Shaw and Pratto relating to the impact of the use of weapons [19] and finally by Diuguid who conducted research on the relationship between the use of weapons and their effects or psychological impact on the user who often influences his behaviour patterns [20]. However, on the other hand, the communication that is built is a natural thing, because language is synonymous with communication and has a very important role [21]. Thus, in the practice of justice there is a dominance of positions in relation to the use of language as a means of communication between the Investigator and the examinee. The dominance also arises because of the dominance of power over authority.

The control of meaning by the Investigator, consciously, is a process that is implemented based on the official guidelines of the investigation. Thus, the verbal communication model becomes a tool or instrument to meet the objectives of the compilation of questions that are not free of interest. This situation in the interrogation model that is instrumental actually arises from the techniques taught by the International Criminal Investigative Training Assistance Program (ICITAP) which emphasizes the self-awareness aspects of the Examinee who is in the control of the interrogator, and even the conversation model is controlled by the interrogator. The control of this communication model is a reference to make the Examinee as a source of information [22].

Such a communication model, if examined through a critical approach, is a maintained tradition that starts from an understanding that knowledge is related to power. This tradition assumes that science cannot exist without ideology. Those who have the power to form knowledge in the sense that their job is to maintain existing conditions (status quo). Thus, people who have power try to keep their power, including silencing the voices of minorities who question the distribution of power and the truth of the ruler's version [23].

Based on Article 117 paragraph (2) of the Criminal Procedure Code confirms "In the case where suspect is giving information about what he/she actually did in connection with the criminal offense alleged to him/her, the investigator records in the minutes as thoroughly as possible in accordance with the words used by the suspect him/herself." The authoritative text implies that the Investigator is not allowed to control a single meaning based on authority, because the answers of the Examinee cannot be re-interpreted and converted in written form based on the Investigator's own understanding.

In fact, the communication model between the Investigator and the examinee - especially the Suspect, often continues outside the official investigation process without his Legal Attorney knowing. This was described in the questionnaire through the Google Form application which was filled by several Advocates, where as many as 92.9% said they had known of communication without the presence of a Legal Counsel.

The phenomenon of dominance in binary opposition is the intersection between controlling a single meaning - both based on presuppositions and institutional culture, with the ability to control emotions that manifest in speech acts. Such communication model is basically a violation of the principle of being free from pressure normalized in Article 117 paragraph (1) of the Criminal Procedure Code which confirms *"Information of the suspect*

and or witnesses to the investigator is given without pressure from anyone and or in any form."

Saussure states that our knowledge of the world is mixed and randomly determined by the language that represents that knowledge. These meanings are bound in a system of relationships and differences that continuously determine the way we think and perceive. The complexity of the system of rules and transformations that underlie someone's grammatical speech, doesn't mean that underlies the speech — awareness of the existing system of the speaker. According to Chomsky, who explains about 'Linguistic Competence', is something that is completely unconscious, unless it is shown clearly by the actions of a skilled linguist [24]. According to Geuss, this will be verbally denied, because these things enter unconsciously into them [25].

The dominant position, not only to someone examined by the Investigator, but also to the Advocate as Legal Counsel. As stated by Advocate IKS that Legal Counsel is often asked to be calm and is often asked to leave the place of examination. The phenomenon of expulsion of Advocates in carrying out their functions and duties in assisting clients, in a juridical normative manner cannot be said to be a violation of the law by the Investigator. Therefore, based on Article 115 paragraph (1) of the Criminal Procedure Code, it states *"In the event that an investigator is conducting an examination on a suspect, the legal advisor can follow the course of the examination by observing and listening to the examination."* That is, the assistance function is passive.

In the end, the Investigator through the process of interpretation or evaluating the protests raised by the Advocate sees the Advocate as a disturbance in the course of the examination. This should be interpreted as an effort to maintain the consistency of the objectives of the Investigator in obtaining information based on the presumption and control of a single meaning in speech acts to arrive at a conclusion regarding the occurrence of a criminal offense and a person as a suspect.

The aforementioned phenomenon, basically, also occurs in other parts of the world as explained by Cohen, who explained that, in practice, prosecutors and judges sometimes persuade or even threaten suspects or defendants directly [26]. Or even if not directly, the matter of inducement or threat is done carefully through the intermediaries of lawyers or the attorney of the suspect or defendant. The substance of the inducement or threat remains essentially the same, namely urging the suspect or defendant to admit his guilt, and if not, then severe punishment will be imposed on him. And at least specifically for public prosecutors, on the one hand they do have an interest in enforcing formal procedural law, the prosecution process, and punishment in accordance with legal procedures. However, on the other hand, the fact is that the public prosecutor also put pressure on the suspect or defendant to confess, which was, by the United States Supreme Court in 1978, considered not a mistake, even allowed [27].

So, it becomes interesting to examine deeper the causes of instrumental action with the monologue logic of the National Police Investigators in acts of speech with Witnesses and/or suspects in the examination of criminal cases in the domain of pre-adjudication. According to Arief, indirectly interpreted as such, that the Criminal Law policy essentially contains a policy of regulating/allocating and limiting power, both the power/authority of the community in general, namely to act/behave in social relations, and the power or the authority of the authorities/law enforcers [28]. Seen from the aspect of criminal law policy, the basic problem of criminal law lies outside the field of criminal law itself, namely in the field of State Administrative Law.

Of course, we cannot immediately give legitimacy to that view. However, it is worth observing the views of Marbun that relating to activities of the state it is clearly visible the need for organizing the fields of government that carry out the duties and functions of state administration which in daily practice requires a large organizing system, because it is in direct contact with the needs of the wider community [29]. In achieving the purpose of the statehood, it must involve the field of state administration in carrying

out its very complex public service tasks, broad scope, and entering all sectors of life. The field of state administration has the discretion in determining policies, however its attitude must be morally and legally accountable.

As for the studies relating to the implementation of these government functions - which are often assumed simply by Criminal Law academics, are related to the management of state finances (budgeting) which are the main drivers of the functioning of the governmental functions. Moving on from this understanding, the examination process in the context of investigation also requires a good budgeting system. This is evident in the Appendix to the Regulation of the Head of the Republic of Indonesia National Police Number 18 of 2012 concerning the Preparation of Main Indicators within the Republic of Indonesia National Police Environment (PERKAP No. 18/2012) which confirms "In the framework of developing Good Governance, the government's general policy is to run a Result Oriented Government". As a result, the Police within the framework of investigation must set targets, so that the achievement of these targets will be successful when supported by a budgeting ceiling system.

Successful development, which is based on results, is a premise that contains pragmatism contamination in the pattern of police performance. Thus, each pattern of the Police Investigator's performance is interpreted as how to achieve results. In fact, the meaning of the 'criminal procedure law' is to focus on 'how' and not merely on achieving 'results'. Attachment to PERKAP No. 18/2012 then emphasized "This output and outcome should be seen as performance, not the ability to absorb the budget as perceptions that existed so far". Furthermore, he stressed "Money follows function, not otherwise, because the basic principle of performance-based management is no performance, no money".

Based on the description above, the meaning that appears in the statement "... carrying out a Result Oriented Government" implies a disregard for "how to". So, even though there is a statement "... not the ability to absorb the budget as perceptions that existed so far" that is used to break down the performance that has been used, but if the statement is associated with "institutional legal culture" for throwing (*gowerfen-sein*) in the principle of *inquisatoir* in order to pursue confession from the suspect, the monologue communication model will always occur. Therefore, the statement "Money follows function," actually encourages the monologue communication pattern with the objectification-instrumental model in the process of examining criminal cases.

In the end, the psychological impact of the monologue communication which arises in the suspect and witnesses, is not the main problem in the criminal proceedings. Therefore, the main target is how to obtain information based on the interests of the National Police Investigator. Although the Criminal Procedure Code provides a philosophical basis starting from respect for human rights, the formulations of these authoritative texts are seen as based on the classical paradigm of thinking.

It is impossible to deny - even by the Investigator himself, that language will always be associated with the realization of a communication. In the legal system in Indonesia which is hegemonic and dominated by the civil law system, it has a special characteristic that is administrative. Therefore, in searching for information that outlined in written form, namely the Minutes of Examination (BAP), it finds articulation in verbal acts or communication. While verbal communication is thrown in situations and conditions both external and internal from the Investigator's own side, which is then internalized in the form of written questions.

The investigator seeks to control this communication model, which is influenced by the 'institutional legal culture' or social context, the presupposition of the Investigator and the jargon (special terms) in Criminal Law. Related to the presuppositions, according to Panggabean and Sinar, there are several presuppositions (basic assumptions) contained in the Investigator's question to be confirmed to the examinee [30]. Presupposition is a concept, where Gadamer explains "Thus it is quite right for the

interpreter not to approach the text directly, relying solely on the fore-meaning at once available to him, but rather to examine explicitly the legitimacy, i.e. the origin validity, or the fore-meaning present within him" [31]. The presupposition is what forms the basis of the interpreter as background knowledge (*hindergrundwissen*), which then becomes a problem when the 'background knowledge' is in contact with legal culture, then it is transformed into a 'history of influence' (*Wirkungsgeschichte*) with the *genetivus subjectivus* model. Therefore, the speech language (*parole*) manifests in the form of communication that is *genetivus subjectivus*, meaning that the Investigator consciously follows and believes that such a communication model is a true process.

As we have explained above, where Article 117 paragraph (1) and paragraph (2) of the Criminal Procedure Code is a distillation of the *accusatoir* principle as a general legal principle in carrying out investigations in the criminal justice process. Where, the examination is carried out by looking at witnesses and/or suspects as subjects protected under the law and respect for human rights. The communication model carried out by such Investigators is precisely the embodiment of the principle of *inquisatoir* that was adopted in the period before the Criminal Procedure Code was enacted. Where, the examination process in the domain of investigation has positioned witnesses and/or suspects as objects of the examination.

Thus, the communication model created is an objectification of everyone who is drawn as examinee. Therefore, in the end, all communication models that emerge through oral discussion are essentially false speech acts. Where, as if what appears on the surface is the process as it should. But basically, there is no rational dialogue in the investigation process, because binary opposition has been created namely the Investigator as the subject and the person examined as the object. The control of a single meaning arises in questions that are designed in such a way as to lead to presuppositions present in the reasoning and legal arguments of the Investigator accompanied by an effective communication attitude based on power - and not authority. So, if the examination process in making a Minutes of Examination on the Investigation process is a research model based on a particular method, other persons who are placed as examinee are, in essence, not equal subjects, but are merely objects of research.

According to Pceters, Ruiter, & Kok explained that one of the main reasons for the use of forms of "threatening communication" is to confront the party that is threatened with the consequences that will be obtained when he takes a certain attitude [32]. This is done as part of an effort to arouse certain emotions from the party that is threatened, and it is expected that after the emotion arises, then the next goals can be achieved, namely, *first*, by communicating the threat, it is hoped that the attention or focus of the individual being threatened will be directed to the person threatening. Then, within the threatened individual there will be an impetus for self-reflection, and then, he will behave according to what the threatening subject wants; *second*, and still a series of the first point, inside the individual who is being threatened will increase the awareness or conviction to change his/her attitudes.

This kind of awareness actually arises because in the mind of the threatened individual, after the goal of the first point has been reached, the calculations or considerations of risks he might receive on the will of the threatening subject. What will he get if he obeys, and vice versa, what kind of fate he will suffer if he does not obey?

Regarding the issue of the use of threatening words and bullying made by public prosecutors in criminal proceedings in the United States, Gershman even came to the conclusion that threats and bullying have been used at almost all stages in a series of criminal proceedings [33]. According to Gershman, in practice, it is actually still unclear whether the use of threats and bullying is something that can be legitimized or not, because in reality there are several forms of threats and bullying that are actually still possible to be "allowed" or even "encouraged" its use by the court. Gersham then presents a conclusion in the form of a mapping of the forms of threats and

bullying that are used in criminal proceedings. *First*, at least there is a threat and bullying model that is still "allowed" to be used, although ethically it is still questionable whether or not the usage is allowed. For this model, there are a number of conditions that must be met, among others, there remains a "legal basis" for actions such as threats and bullying, the existence of good faith and confidence in the public prosecutor that the suspect or the defendant is willing to voluntarily admit his mistakes that he actually made, and then, have the aim to reveal more proof and facts that are true and relevant to the completion of a criminal case; and *secondly*, according to Gershman, is a threat and bullying model that is completely prohibited from both legal and ethical standpoint. Included in this threat and bullying, among other things, are forms of action from the public prosecutor who clearly have no legal basis at all, even contrary to the law, then actions that are personally motivated, including actions intended to silence political opponents or certain parties who make criticism [34].

The condition of speech acts between the Investigator and the examinee, in the end also gained academic legitimacy, is considered a skill of the Investigator in conducting an investigative interview as a form of the Investigator's skill in leading the investigator, in the criminal investigation process.

Such a communication model is constructed based on the old paradigm, in which the paradigm according to Habermas, contains a certain understanding of subjectivity, that is, a subject that recognizes and controls its object monologically. Thus, formulating laws that underlie human behaviour and the mechanism of social life in a way as practiced in the natural sciences. Where the science objectifies humans, takes a neutral attitude towards the research object and, if necessary, manipulates the research object experimentally [35].

In order to understand the whole legal system, we borrowed the term symphony from Saussure to understand the whole music synchronously in studying language. Saussure explained that we must understand synchronically, as a network, the relationship between sound and meaning. So, it is not possible to be understood atomically or individually [36]. In the context of Legal Studies, there is also a rhythmic view, as stated by Utrecht (1989) that between each of the legal regulations there is a relationship. A rule of law does not stand alone. Every legal regulation has its place in the legal field. That place becomes a certain place, this is the effect or consequences of interdependence (interconnected) of each social phenomenon. Some legal regulations that contain several similarities in the form of the same elements or aim to achieve the same object, are a set of certain rules, known as "an internal interconnection" (*innerlijke samenhang*).

Thus, where the interpretation of these phrases implies that moving from social phenomena that exist in human life, raises the effect of various regulations on certain social phenomena. Where these arrangements, because they originate from a number of social phenomena, are very likely that the rules intersect.

The difficulties in conducting this research, there are at least two things, are *first*, lies in the presence of interests that prevent from getting the primary data. This interest arises from a rational relationship between Advocates as respondents and Investigators. Therefore, in criminal justice practice the mutually beneficial relationship between Advocate and the Investigator is very much maintained. Difficulty in this study also arise from the interests of those who have become witnesses and/or suspects, in terms of their fear of the impact of the confession they have given in writing; *secondly*, as explained by Saussere and Utrecht above, the Legal Science experiences a throw (*gowerfen-sein*) in the logical atomistic paradigm and logical positivism so that it has a linear pattern of reasoning and argumentation in understanding social phenomena

IV. Conclusions

The examination process at the investigation level based on the Criminal Procedure Code, in essence, accommodates the principle of *accusatoir* as a form of respect for human rights. However, the main problem in the process is starting with an

authoritative text that prioritizes 'results' which correlate with the budgeting mechanism for the implementation of the law enforcement function. Thus, the communication model created in the investigation process prioritizes controlling the meaning and speech acts that are not balanced. In the end, a binary opposition is created between the Investigator and the person being examined. Therefore, based on primary data and secondary data above, in essence, the Investigator in carrying out his function remains based on the principle of *inquisatoir* that is to objectify someone in the investigation examination process.

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