

Code of Professional Ethics for Police Members Who Commit Criminal Acts

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Abstract

The code of ethics is a moral and ethical standard that must be followed by members of the Indonesian National Police in carrying out their duties. This article discusses the role and impact of the code of ethics on members of the Indonesian National Police who commit crimes. In a legal environment, the code of ethics serves as a guideline for behavior that ensures that members of the Indonesian National Police act in accordance with the values of justice, professionalism, and integrity. When members of the Indonesian National Police violate this code of ethics, they face not only legal consequences, but also internal sanctions that can include reprimands, demotions, and even dismissal. This article also explores how enforcing the code of ethics can strengthen public trust in the police institution and prevent abuse of authority. This study uses a qualitative method with a case study approach to analyze various examples of violations of the code of ethics committed by members of the Indonesian National Police and how the police institution handles these violations. The results of the study indicate that the application of a firm and consistent code of ethics is a key factor in maintaining discipline and professionalism within the Indonesian National Police, as well as in improving the institution's image in the eyes of the public. In conclusion, the code of ethics not only functions as a supervisory tool, but also as a vital moral foundation for maintaining integrity and trust in law enforcement in Indonesia.

Keywords: Code of Professional Ethics, Police, Criminal Acts.

INTRODUCTION

The police professional code of ethics is regulated in the Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2011 concerning the Code of Professional Ethics of the Republic of Indonesia National Police. The police professional code of ethics are norms or rules that constitute a unified ethical or philosophical basis relating to behavior or speech regarding matters that are required, prohibited, appropriate, or inappropriate for police members to do in carrying out their duties, authority, and job responsibilities. Police ethics are norms regarding police behavior to be used as guidelines in realizing good implementation of duties for law enforcement, public order and public security.¹

Based on the formulation of article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, patronage, and service to the community. The police function is the main task of the police as formulated in article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, namely:

- a. Maintaining public security and order;
- b. Enforcing the law; and

¹Kunarto. Police Ethics. Jakarta, Cipta Manunggal. Year 2017. p. 97.

c. Providing protection, care and services to the community.

In its implementation, there are still many members of the Indonesian National Police who are expected to be able to carry out their duties as a form of efforts to achieve the ideals of a legal state as referred to above, doing the opposite by committing violations of Human Rights. The types of Human Rights violations referred to are in the form of acts of persecution, fraud, threats, unprofessional actions, unpleasant acts, embezzlement, neglect, robbery, shooting, encroachment, and adultery.²

The complexity of the challenges of the Polri's duties in the reform era in its journey has not only benefited the Polri with various significant advances in the fields of strength development, coaching and operations. However, on the other hand, it is honestly acknowledged that there is negative access from the implementation of its main duties in the form of deviations in the behavior of Polri members such as abuse of power/authority, and committing other reprehensible acts that violate moral, social and religious rules. The deviations in the behavior of Polri members above are violations of the Polri member disciplinary regulations.

The Indonesian National Police is one of the law enforcers who has the obligation to; maintain public order safely, and enforce the law and protect and provide services to the community.⁴ In carrying out these police obligations, it is possible that violations of the Police Professional Code of Ethics will occur, so these actions will be subject to sanctions (punishments). The imposition of punishment on members of the Police who violate the discipline of the Professional Code of Ethics based on the decision of a disciplinary hearing or a hearing of the Police Code of Ethics Commission is not yet binding because the punishment is imposed by the superior of the member. The decision of the Police Code of Ethics Commission hearing is only a recommendation based on the legal facts that arise in court.

This task is carried out by the Profession and Security (Propam) which is tasked with providing guidance and implementation of the functions and responsibilities of the profession as well as providing experience in the Polri environment and enforcing discipline in Polri areas and serving the public who make complaints related to the discovery of inappropriate actions by Polri members.³(Budihartawan, 2020).

Police members who commit crimes and have undergone a general trial process and received a verdict that has permanent legal force with a minimum criminal sentence of more than 3 (three) months, then the member can be recommended to undergo a Police Code of Ethics Commission (KKEP) Hearing to consider whether or not they are still fit to carry out the duties/profession of the Police. However, if the criminal sentence is less than 3 (three) months, then it is not required to be recommended to the Police Code of Ethics Commission (KKEP). Instead, the member continues to serve a criminal sentence or disciplinary sentence

²Ni Made Suti Arini. Caecilia. JJ Waha, Youla O. Aguwu. "Enforcement of the Police Professional Code of Ethics as an Effort to Prevent Human Rights Violations in the North Sulawesi Regional Police". *Lex Et Societatis Journal* Vol. Vi/No. 3/May/2018, p. 61.

³I Putu Gede Budihartawan, I Ketut Sukadana, and I Nyoman Gede Sugiarta, "Legal Sanctions Against Police Officers Who Commit Illegal Levies," *Journal of Legal Preferences* vol. 1, No. 1 (July 27, 2020), p. 152.

and is under the supervision of Provos/Propam and the leadership until their rights as a member of the Police are restored.

The existence of the Role of the Propam Polri Work Unit (Satker) as one of the elements of Polri supervision, especially the internal supervision function and law enforcement function related to disciplinary regulations and the Police professional code of ethics and public complaint services, then the Propam Polri Work Unit is currently expected to be better in the future when faced with the challenge of tasks that are not getting lighter, but on the contrary getting heavier so that it adds to the Polri's workload in the future, one of which concerns the problem of the effectiveness of the supervisory function on the performance and behavior of Polri Members/PNS⁴.

The general task of the Propam Division is to foster and organize the function of professional accountability and internal security including enforcing discipline and order within the Police environment and serving public complaints regarding irregularities in the actions of Polri members, which in the organizational structure and working procedures of Propam consists of 3 (three) functional areas in the form of sub-organizations, namely Internal Security (Paminal), Professional Field, and Provost.⁵

In resolving disciplinary violations against members of the Indonesian National Police, it has been stated in Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police. Eighteen articles regulate the process of imposing sanctions through a code of ethics trial. Reflecting on various existing cases, the Indonesian National Police should start a new step by avoiding the impression of applying the principle of immunity to protect fellow corps members in various irregularities. For that, the Chief of Police must start a "new tradition" to side with and appreciate members of the Indonesian National Police who work hard, honestly, and have brilliant ideas.⁶

Enforcement of ethics and discipline to Polri Members is expected to be implemented by every Head of Polri Organizational Unit as the Superior Who Has the Right to Punish (Ankum) at all levels so that even the smallest violation is followed up with corrective action or sanctions. If this condition is always maintained, then violations of the law that will be committed by Polri Members can be minimized.

Efforts to enforce discipline and the Police Code of Ethics are greatly needed in order to realize the implementation of the assigned tasks and achieve the professionalism of the Police. It is very unlikely that law enforcement can run well if the law enforcers themselves (the Police) are not disciplined and unprofessional. The indiscipline and unprofessionalism of the Police will have a major impact on law enforcement or the disclosure of crimes that occur in society.

⁴Nia Dian Widayani. "Handling of Police Who Violate the Police Professional Code of Ethics (Study at the Malang Resort Police)". Faculty of Law, Brawijaya University, Malang 2014, p. 6.

⁵Puspita Nirmala "The Role of Propam Polres Jayapura City", Jurnal Legal Pluralism: Volume 3 Number 2, July 2013, p. 214.

⁶Marwan Mas, "Highlighting the Corruption of the Brown Shirt Corps, Makassar" : Seminar Paper, Faculty of Law, University of 45 Makassar, November 9, 2015, page 3.

Based on the background above, the author chose the title of this research, namely: "Professional Code of Ethics for Police Members Who Commit Criminal Acts."

The main problems in this research are:

1. How the Police Have Authority In Enforcing the Police Professional Code of Ethics?
2. How Law Enforcement Works Against Police Members Who Commit Criminal Acts?

The objectives of this research are:

1. To know and study the Police Authority In Enforcing the Police Professional Code of Ethics
2. To Know and Study Law Enforcement Against Police Members Who Commit Criminal Acts

LITERATURE REVIEW

Law enforcement

One indicator of a country of law is the success of its law enforcement. It is said to be successful because the laws that are regulated have and must be followed and obeyed by all levels of society. The absence and less than optimal law enforcement can affect the credibility of lawmakers, rule enforcers and the community affected by the rules, so that all elements are affected.

Law enforcement in English is called "law enforcement" and in Dutch is called "rechts teopassing" or "rechtshandhaving", covering micro and macro concepts. Micro is limited to the examination process in court including the investigation process, investigation, prosecution to the implementation of criminal decisions that have permanent legal force, while in the macro sense it covers all aspects of the life of the community, nation and state.⁷

Law enforcement is an effort to realize the ideas of justice, legal certainty and social benefits into reality. Law enforcement is essentially a process of realizing ideas. Law enforcement is the process of making efforts to uphold or function real legal norms as guidelines in legal relations in social and state life. Law enforcement is an effort to realize the ideas and legal concepts that the people expect into reality. Law enforcement is a process that involves many things.⁸

Law enforcement is defined as an activity to harmonize the relationship of values outlined in solid rules and manifested in attitudes as a series of final stage value descriptions, to create, maintain and defend peace in social life. In social life, humans have their own benchmarks to achieve their life goals, but these benchmarks are between one individual and another. (Soekanto, 2004).

Law enforcement in the narrow sense, namely seen from the subject's perspective, is interpreted as an effort by law enforcement to guarantee and ensure that a rule of law runs as it should. Certainty in the enforcement of a law is when law enforcers are allowed to use coercive power. Law enforcement in the broad sense involves all legal subjects in every legal

⁷Chaerudin, Syaiful Ahmad Dinar. Syarif Fadillah, Strategy for Prevention and Law Enforcement of Corruption Crimes, Bandung, Refika Editama, 2008, p. 87.

⁸Dellyana Shanty, The Concept of Law Enforcement, Yogyakarta, Liberty, 2009, p. 37.

relationship. Normative legal rules or doing something or not doing something based on the applicable legal norms, means having to implement or enforce legal rules.⁹

Law enforcement is an effort to tackle crime rationally, fulfilling a sense of justice and being effective in order to tackle crime using various means as a reaction that can be given to perpetrators of crime, in the form of criminal and non-criminal law means, which can be integrated with one another.¹⁰

The purpose of law enforcement is to improve order and legal certainty in society. This is done, among other things, by regulating the functions, duties, and authorities of law enforcement agencies in accordance with their respective industrial relations and for those who support a good cooperation system and achievable goals.

Law enforcement functions as a protection of human interests, so that human interests are protected, the law must be implemented. The implementation of the law can take place normally, peacefully but can also occur due to violations. In this case, the law that has been violated must be enforced. Through law enforcement, the law becomes a reality. Law enforcement is one of the most important aspects in a state of law, because with law enforcement the objectives of the law, namely justice, certainty, legal certainty and benefits will be felt by the community.¹¹

Law enforcement is intended to improve order and legal certainty in society. This is done, among other things, by regulating the functions, duties and authorities of institutions tasked with enforcing the law according to the proportion of their respective scopes, and based on a good cooperation system and supporting the goals to be achieved. Law enforcement can be carried out optimally using criminal law means or penal efforts organized by law enforcement officers such as the police, prosecutors, judiciary (courts), and correctional institutions.¹²

Code of Professional Ethics

Ethics is a philosophy of human behavior, which seeks guidance on how humans act or do things. The goal of ethics is human behavior or actions that are done intentionally. Whether or not an action is good or bad is judged by whether or not there is intent. Ethics are essentially also a view of life and a guideline on how a person acts.¹³

Professional Code of Ethics is the moral principles inherent in a profession that are systematically arranged. This means that even without a code of ethics that is deliberately arranged systematically, a profession can still run because the moral principles are actually inherent in the profession.

⁹Slamet Tri Wahyudi, "Problems of Implementing the Death Penalty in the Context of Law Enforcement in Indonesia", *Journal of Law and Justice*, Volume 1, Number 2, July 2012, p. 274.

¹⁰Barda Nawawi Arief, *Criminal Law Policy*, Bandung, Citra Aditya Bakti, 2012, p. 109.

¹¹Gerry Putra Ginting, "Law Enforcement by the Police Against Violent Motor Vehicle Theft in Sleman Regency", *E-Journal of Atma Jaya University*, Yogyakarta, 2015, p. 172.

¹²Sanyoto, "Law Enforcement in Indonesia", *Journal of Legal Dynamics*, Faculty of Law, General Soedirman University, Purwokerto, Volume 8, Number 3, September 2012, p. 65.

¹³Muhammad Nuh, *Ethics of the Legal Profession*, Bandung, Cv. Pustaka Setia, 2011. page 182

So the code of professional ethics contains ethical values that are set as suggestions for guidance and control on how profession holders should or should act or behave in carrying out their profession. Likewise, the police profession has a code of ethics that applies to the Police and police function holders. The code of ethics for the police profession is not only based on the need for professionalism, but has also been regulated in full in Law of the Republic of Indonesia Number 2 of 2002 concerning the Police which is followed up by Regulation of the Chief of Police Number Pol 7 of 2006 concerning the Code of Professional Ethics of the Police and Regulation of the Chief of Police Number Pol 8 of 2006 concerning the Organization and Work Procedures of the Commission of the Code of Professional Ethics of the Police, so that the Code of Professional Ethics of the Police is binding on every member of the Indonesian National Police (Polri). Regulation of the Chief of Police of the Republic of Indonesia Number 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police is a new regulation used by the Police to enforce the Police Code of Ethics.¹⁴

The Indonesian Police Professional Code of Ethics is a behavioral guideline and also a moral guideline for members of the Indonesian police, as an effort to glorify the police profession which functions as a guide for devotion, as well as a supervisor of the conscience of each member so that they avoid reprehensible acts and abuse of authority.

Abdul Kadir Muhammad said that the meaning of ethics is divided into 3, namely:¹⁵

- a. Ethics is used in the sense of values and moral norms that serve as guidelines for an individual or group in their behavior.
- b. Ethics is used in the sense of a set of principles or rules that are intended as a code of ethics.
- c. Ethics is used in the sense of the science that studies the good or bad of an attitude which tends towards moral philosophy.

According to Atika Rahmadatil Aini Ethics consists of 3 types, namely:¹⁶

1. Descriptive ethics, namely describing ethics as a form of moral behavior in a broad sense, such as customs, assumptions about good and bad, actions that are permitted or not permitted.
2. Normative ethics, namely ethics that determine various attitudes and behaviors that humans must have as something of value.
3. Meethics, namely studying ethics as a moral system that is used as a standard for behavior.

According to Djoko Soetono, a good Police Code of Ethics is a formulation that contains the following main ideas:

- a. To raise the position of the police profession in the eyes of the public and to strengthen public trust in the police.

¹⁴Budi Rahardi, *Police Law (Professionalism and Police Reform)*, Surabaya, Laksbang Mediatama, 2017, p.148

¹⁵Dedi Ismatullah. *Ethics of the Legal Profession*. Bandung, CV Pustaka Setia: Year 2011. p. 21

¹⁶Atika Rahmadatil Aini. "Criminal Acts Through Professional Ethics in Enforcing the Law Against Violations of the Code of Ethics (Case Study of the Police Profession in Securing Demonstrations at the DPR Office in September 2019)". Faculty of Law, Sunan Gunung Djati Islamic University, 2019, p. 13.

- b. Encourage the police to be more responsible.
- c. Develop and maintain community support and cooperation in police duties.
- d. Creating an atmosphere of togetherness within the police to create good service for the community.
- e. Creating harmonious cooperation and coordination with fellow government officials to achieve mutual benefits (synegotiation).
- f. Positioning the implementation of police duties as an honorable profession and viewing it as a valuable and best means of serving the community.¹⁷

Misdemeanor and Crime Review

Criminal acts are one form of "deviant behavior" that always exists and is inherent in every form of society, so that no society is free from criminal acts. Deviant behavior is a real threat or threat to social norms that underlie life or social order; can cause individual tensions or social tensions; and is a real or potential threat to the continuation of social order.¹⁸

The Criminal Code ("KUHP") itself does not clearly define crime. R. Soesilo defines crime from a legal perspective as an act of behavior that is contrary to the law. While from a sociological perspective, crime is an act of behavior that is not only detrimental to the sufferer, but also very detrimental to society, namely the loss of balance, peace, and order.¹⁹

Moeljatno distinguish between crimes and violations. namely the first view is the qualitative difference between crimes and violations, where crimes are said to be "rechtsdelicten", namely acts that are not specified in the law, as criminal acts, but have been felt as "onrecht", namely as acts that are contrary to the legal system. while violations are the opposite, namely "wetsdelicten", where acts whose unlawful nature can only be known after there is a wet that determines so. Meanwhile, the second view only exists in quantitative differences, namely the matter of the severity or lightness of the threat of punishment and violations.²⁰

According to Andi Hamzah, crimes and violations have theoretical differences. Crimes are often referred to as legal offenses, which means that even though the act has not been regulated by law, it is already seen as an act that should be punished, while violations are often referred to as statutory offenses, which means they are seen as offenses because they are stated in law.²¹

Based on the opinions of these experts, the differences between crimes and violations can be summarized into several points as follows:²²

1. Crime contains an element of "onrecht" where even though the act is not listed in the law as a prohibited act, people consider that the act deserves to be punished. Meanwhile,

¹⁷Muhammad Nuh, Op.Cit, p. 183.

¹⁸Barda Nawawi Arief, Legislative Policy in Combating Crime with Imprisonment, Yogyakarta, Genta Publishing, 2010, p. 11.

¹⁹R. Soesilo. Criminal Code and Complete Commentaries Article by Article. Bogor, Politeia, 2005. Page 69.

²⁰Moeljatno. Principles of Criminal Law. Jakarta, Rineka Cipta, 2008. Page 85.

²¹Andi Hamzah. Principles of Criminal Law. Jakarta, Rineka Cipta, 2014. Page 76.

²²Atika Rahmadatil Aini. Op. Cit, p. 15.

violations, actions that are unlawful can only be identified and can be punished after the action has been prohibited, which is stipulated in the law.

2. Crimes have sanctions in the form of a prison sentence. While violations do not recognize the threat of prison sentences, and are usually subject to fines.
3. Crimes harm others, while violations usually harm oneself more.
4. Attempting to commit a crime is punishable by law, while attempting to commit an offense is not punishable by law.
5. In criminal acts, proof is required, whereas in violations, proof is not required.
6. Crimes usually have a major impact and are unacceptable in society, while violations have a minor impact and are still acceptable in society.

METHOD

Types of research

This type of research is normative legal research, namely by using a statutory regulatory approach. The focus of normative legal research, in accordance with the unique character of legal science, lies in the legal review or legal study of positive law, which includes three layers of legal science, consisting of legal dogmatics review, namely the review carried out on identification in positive law, especially statutes. While at the level of legal theory, a review is carried out on theories that can be used. The type of research in this study is normative legal research that critically and comprehensively examines the legal enforcement of traffic violations.

Problem Approach

The problem approach used in this study is the statutory regulatory approach. The statutory regulatory approach is used because what will be studied is the legal regulations related to this study. This approach is carried out by examining all laws and regulations related to police discretion through penal mediation. This approach requires understanding the hierarchy and principles of laws and regulations.

Source of Legal Material

Primary legal materials consisting of laws and government regulations, court decisions that have permanent legal force, other related regulations such as the Criminal Code, Secondary legal materials, namely materials that provide explanations regarding primary legal materials such as research, proceedings related to research. Tertiary legal materials, namely materials that provide instructions or explanations for primary legal materials and secondary materials such as dictionaries, encyclopedias (wikipedia) and tables related to the object of research.

RESULTS AND DISCUSSION

Legally, as regulated in the provisions of Law No. 2 of 2002 concerning the Police, it is clearly formulated that the main task of the Police is as a law enforcer, as a protector, as a guardian and guide for the community, especially in the context of compliance and

obedience to applicable laws. The law regulates three basic things that are the main tasks of the Police as contained in the Tribrata and Catur Prasetya Polri. These provisions are regulated in Article 13 which states that the Police are tasked with:²³

1. Maintain public security and order
2. Enforcing the law
3. Provide protection, care and services to the community

In an effort to improve the enforcement of disciplinary law for Polri members, the Chief of Police has issued Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2011 concerning the Code of Professional Ethics of the Republic of Indonesia National Police. The regulation is an update to: Regulation of the Chief of the Republic of Indonesia National Police No. Pol.: 7 of 2006 concerning the Code of Professional Ethics of the Republic of Indonesia National Police, Regulation of the Chief of the Republic of Indonesia National Police Number. Pol.: 15 of 2006 concerning the Code of Ethics of Investigators of the Republic of Indonesia National Police; and other regulations governing the Code of Professional Ethics within the Polri environment.

The basis for the issuance of the Chief of Police Regulation Number 14 of 2011 is as follows:

- a. That the implementation of the duties, authorities and responsibilities of members of the Republic of Indonesia National Police must be carried out professionally, proportionally and procedurally, supported by the basic values contained in the Tribrata and Catur Prasetya, outlined in the Republic of Indonesia National Police's code of professional ethics as norms of appropriate and inappropriate behavior;
- b. That the enforcement of the code of ethics of the profession of the Republic of Indonesia National Police must be carried out objectively, accountably, upholding legal certainty and a sense of justice (legal and legitimate), as well as human rights by paying attention to the services of members of the Republic of Indonesia National Police who are suspected of violating the code of ethics of the profession of the Republic of Indonesia National Police. Therefore, it is necessary to stipulate the Regulation of the Head of the Republic of Indonesia National Police concerning the Code of Ethics of the Profession of the Republic of Indonesia National Police

In Article 17 paragraph 1 of Regulation Number 14 of 2011 concerning the Code of Professional Ethics. Enforcement of the code of ethics is carried out by Propam Polri, the Commission for Code of Professional Ethics (KKEP), the Appeal Commission, Development of the Legal Function of the Police, and Human Resources of the Police.

In Regulation of the Chief of Police Number 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police, Article 21 explains that there are seven (7) types of sanctions for violations of the Code of Professional Ethics of the Indonesian National Police where members of the Indonesian National Police are declared

²³Ryanto Ulil Anshar, Joko Setiyono, "The Duties and Functions of the Police as Law Enforcers in the Pancasila Perspective", Indonesian Legal Development Journal Vol. 2, Number 3, 2020, page 365

as Violators as referred to in Article 20 paragraph (2) of Regulation of the Chief of Police Number 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police. Sanctions such as the behavior of the violator being declared as a despicable act, undergoing mental training for personality, psychology, religion and professional knowledge, being transferred to a different position and PTDH as a member of the Indonesian National Police.²⁴

The Police Code of Ethics serves as a guideline for police officers as law enforcement officers. So that with the functioning of the police code of ethics, it can suppress violations of the police code of ethics related to state ethics, institutional ethics, community ethics and personality ethics. and every member of the police must comply with the Police Code of Ethics.

In addition to being regulated in the Polri professional code of ethics regulations, the behavior of members is also regulated in disciplinary regulations that must be obeyed. If the member violates the disciplinary regulations, the member will be subject to disciplinary sanctions in accordance with those mandated in PP Number 2 of 2003 concerning the Disciplinary Regulations of Members of the Republic of Indonesia National Police. For members who violate disciplinary regulations, sanctions in the form of disciplinary action or disciplinary punishment can be imposed.²⁵

The establishment of disciplinary regulations for Polri members to fulfill the mandate of Article 27 of Law Number 2 of 2002, with the aim of fostering unity and togetherness and increasing the spirit of work and morale for Polri members. As an organization, Polri absolutely has internal regulations in order to improve performance, professionalism, organizational culture and togetherness, honor and credibility of the organization. Disciplinary regulations are also intended to ensure the maintenance of order and implementation of duties in accordance with the objectives, roles, functions, authorities and responsibilities of Polri. As a strong organization, Polri must have rules of conduct for working, acting and socializing among its members, as well as in socializing with the community in the surrounding environment.

Police Authority In Enforcing the Police Professional Code of Ethics

The rapid development of society, along with the spread of the phenomena of the supremacy of law, human rights, globalization, democratization, decentralization, transparency and accountability, has given birth to various new paradigms in viewing the objectives, duties, functions, authorities and responsibilities of the Indonesian National Police which has further led to the growth of various demands and expectations from the community regarding the implementation of the duties of the Indonesian National Police which are increasingly increasing and more oriented towards the community it serves.

²⁴Doddy Kristian, Bambang Sadono, Kadi Sukarna, Diah Sulistyani RS. "The Authority of the Police in Enforcing the Code of Ethics for Police Members Who Commit Drug Crimes", *USM Law Review Journal* Vol 4 No 2 Year 2021, p. 668.

²⁵Warsito Hadi Utomo, *Police Law in Indonesia*, Prestasi Pustaka, Jakarta, 2005. P. 174.

The Indonesian National Police as the vanguard in maintaining domestic security and maintaining public order as well as serving, protecting and serving the community is required to always be there and needed by the community and is required to be able to create a sense of security in the community is a very heavy task and responsibility. The Indonesian National Police is required to be able to follow the development of the times and change its paradigm from a military style to a civilian style that prioritizes preventive actions rather than repressive ones such as prioritizing the task of protecting, protecting, and serving the community rather than law enforcement.

To supervise the implementation of the duties of Polri members in maintaining Kamtibmas, law enforcement and serving, protecting and serving the community, an internal division was formed which is tasked with direct supervision, namely Propam Polri which consists of Provos Polri, Profesi Polri and Paminan Polri. The duties and responsibilities of Propam Polri are based on existing laws and regulations, namely:

- a. Government Regulation of the Republic of Indonesia Number 1 of 2003 concerning the dismissal of members of the Republic of Indonesia National Police.
- b. Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning disciplinary regulations for members of the Republic of Indonesia National Police.
- c. Government Regulation of the Republic of Indonesia Number 3 of 2003 concerning the technical implementation of general judicial institutions for members of the Republic of Indonesia National Police.
- d. Decree of the Chief of Police No. Pol.: KEP/42/IX/2004 concerning superiors who have the right to impose disciplinary sanctions within the Republic of Indonesia National Police.
- e. Decree of the Chief of Police No. Pol.: KEP/43/IX/2004 concerning procedures for resolving disciplinary violations by members of the Republic of Indonesia National Police.
- f. Decree of the Chief of Police No. Pol.: KEP/44/IX/2004 concerning the procedures for disciplinary hearings for members of the Republic of Indonesia National Police.
- g. Regulation of the Chief of Police No. Pol.: 7 of 2006 concerning the Code of Professional Ethics of the Republic of Indonesia National Police.
- h. Regulation of the Chief of Police No. Pol.: 8 of 2006 concerning the organization and working procedures of the Indonesian National Police Code of Ethics Commission

In accordance with the vision of Propam Polri, the realization of Internal Security, enforcement of order, discipline and upholding of the law as well as the development and implementation of Professional accountability so as to minimize deviations in the behavior of Polri members / Civil Servants and the future mission of Polri in carrying out its main tasks, both in the field of strength development, strength development and operational activities, namely:

1. Organizing service functions for public complaints/reports regarding the attitudes, behavior and deviations of Polri members/civil servants.
2. Organizing and Internal Security, including Security of Personnel and Material,

3. Activities and Information Materials within the Police environment including investigations into cases of alleged violations and irregularities in the implementation of Police duties.
4. Providing protection, patronage and service to the community regarding performance and professionalism.
5. Enforcing the law professionally and proportionally by upholding the supremacy of law and human rights by resolving cases and handling problematic Polri personnel in order to obtain legal certainty and a sense of justice.
6. Increasing internal consolidation efforts (Internal Divpropam Polri) as an effort to align the Vision and Mission of Divpropam Polri in the future.
7. Improve personnel capabilities and skills to improve task implementation.

As regulated in Article 4 of PP Number 3 of 2003, investigations of members of the Indonesian National Police who commit crimes are carried out by investigators as regulated by the criminal procedure law applicable in the general court environment". Meanwhile, who is authorized to conduct investigations or what is called an investigator. The authority of the investigator is stipulated in Article 7 of the Criminal Procedure Code, the authority consists of:

- a. Receive a report or complaint from someone about a criminal act
- b. Take first action at the scene of the incident
- c. Ordering a suspect to stop and checking the suspect's identification
- d. Carrying out arrests, detention, searches and seizures
- e. Conduct inspection and confiscation of letters
- f. Taking fingerprints and photographing a person
- g. Summoning people to be heard and examined as suspects or witnesses
- h. Bring in the experts needed in connection with the case examination
- i. Conducting a cessation of investigation
- j. Carry out other legally responsible actions

Based on Article 5 of PP Number 3 of 2003, examination of members of the Republic of Indonesia National Police in the context of investigations is carried out by taking into account the following ranks:

1. Privates are examined by members of the Republic of Indonesia National Police with the lowest rank of non-commissioned officer.
2. Non-commissioned officers are examined by members of the Republic of Indonesia National Police with the lowest rank of non-commissioned officers.
3. First Officers (Ipda, Iptu, AKP) are examined by members of the Republic of Indonesia National Police with the lowest rank of Non-Commissioned Officer.
4. Middle-ranking officers (Kopol, AKBP, Kombes) are examined by members of the Republic of Indonesia National Police with the lowest rank of First Officer;
5. High-ranking officers (Brigadier General, Inspector General, Commissioner General, General) are examined by members of the Indonesian National Police with the lowest rank of Middle Officer.

PP Number 3 of 2003 concerning the technical implementation of general judicial institutions for members of the Indonesian National Police, Article 4 also states that investigations of members of the Indonesian National Police who commit crimes are carried out by investigators as regulated by the criminal procedure law applicable in the general judicial environment. Investigations of members of the Indonesian National Police who commit crimes must also pay attention to the scene of the crime and the investigation can be carried out by a unit higher than the place where the member is assigned. And Article 7 Paragraph 1 states that investigations of members of the Indonesian National Police who commit certain crimes are carried out by investigators of the Indonesian National Police, except in the case of:

- a. The investigators of the Republic of Indonesia National Police consider it necessary to delegate to investigators of certain criminal acts; or
- b. Specifically determined in statutory regulations

If the results of the investigation still do not touch on the real root of the problem or there is insufficient in-depth investigation into the existing case, then the investigation will be terminated on the grounds that there is insufficient evidence or the case being handled is not a criminal case and/or the case of the member who committed the crime has been resolved through the internal mechanisms of the Police, namely a disciplinary hearing and/or hearing of the Police Professional Code of Ethics Commission.²⁶

Law enforcement Against Police Members Who Commit Criminal Acts

A member of the Indonesian National Police who commits a crime, as regulated in Article 2 of Government Regulation Number 3 of 2003 Concerning the Technical Implementation of General Court Institutions for Members of the Indonesian National Police, that the criminal justice process for members of the Indonesian National Police is generally carried out according to the procedural law applicable in the general court environment. Thus, a member of the Indonesian National Police who has been reported to have committed a crime is processed by the Criminal Investigation Unit.

The application of the Criminal Procedure Code to members of the Police is emphasized in Article 4 of PP Number 3/2003, the substance of which is that investigations of members of the Police who commit crimes are carried out by investigators as regulated by the criminal procedure law applicable in the general court environment, which is based on the Criminal Procedure Code. In addition, in their professional accountability, in addition to going through the general court mechanism, members of the Police also go through the KEPP Hearing mechanism. So that the decision in the general court does not dismiss the responsibility of members of the Police in the KEPP hearing. So that it is very possible that there will be a double punishment for members of the Police who commit crimes, namely receiving criminal sanctions (imprisonment) as well as code of ethics sanctions.²⁷

²⁶Iwan Sumarno. "Law Enforcement for Police Members Who Commit Criminal Acts". Faculty of Law, University of Borneo Tarakan. 2011. p. 56.

²⁷Taufan. "Accountability of Police Officers Who Commit a Crime". Journal of Notary Minutes. Volume 4, No. 1, January-June 2023, p. 153.

The Criminal Investigation Unit informs Propam through an official letter that a member of the Police has committed a crime being processed by the Criminal Investigation Unit, then Propam also conducts an investigation and examination of the crime. Or the community who feels aggrieved by the member of the Police directly reports to the Propam Yanduan, so that Propam together with the Criminal Investigation Unit conducts an investigation and examination of the crime. The Criminal Investigation Unit and Propam work together in conducting the investigation and examination of the crime until the case has sufficient evidence to be filed.

Deviations or violations committed by police officers that are detrimental to the community can be reported and the process of investigation into violations committed by police officers, namely as follows:²⁸

- a. Reporters based on the Decree of the Chief of Police Number 33 of 2003, can come from the community (victims or their attorneys), members of the Police, related agencies, non-governmental organizations (NGOs), or the mass media.
- b. Reports are submitted to the Complaints Service (Yanduan) both at the National Police Headquarters and at the regional or area level.
- c. Initial inspections are carried out by the Provost function holders at every level of the Indonesian National Police organization, such as the Professional and Security Division (Divpropam) at the Indonesian National Police Headquarters level.

Handling of Polri members who commit violations or criminal acts is technically guided by Perkap No. 14 of 2011, specifically regulating the scope, mechanism or procedure for resolving violations of the Polri Professional Code of Ethics (KEPP) and the imposition of code of ethics sanctions. In addition, for acts of violation technically guided by Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Polri Members (PP Number 2 of 2003), while specifically related to PTDH sanctions guided by Government Regulation Number 1 of 2003 concerning Dismissal of Polri Members (PP No. 1 of 2003), Government Regulation Number 3 of 2003 concerning Implementation of Technical Institutions of General Courts for Polri Members (PP No. 3 of 2003) as a technical guideline for the procedures and mechanisms of the general court stage for Polri members who commit criminal acts.

Based on Perkap No. 14/2011, which is contained in Article 17 paragraph (1), the mechanism for handling criminal violations by members of the Indonesian National Police is carried out by:²⁹

- a. Propam Polri in the field of Professional Accountability
- b. KKEP
- c. Appeals Commission
- d. the executor of the legal functions of the Indonesian National Police
- e. Indonesian Police Human Resources; and
- f. Propam Polri personnel rehabilitation sector

²⁸Grandy John Tololiu. "Judicial Process Against Police Members Who Commit Criminal Acts and Violations of the Professional Code of Ethics". *Lex Crimen* Vol. VIII/No. 12/Dec/2019, p. 59.

²⁹Taufan.Op.Cit, p. 155.

Based on the provisions of the Police Professional Code of Ethics in Perkap No.14/2011, in the event of a violation of discipline and the Police Professional Code of Ethics, enforcement is carried out at one of the disciplinary hearings or the Police Professional Code of Ethics hearing. This is contained in the provisions of Article 27, namely:

- 1) In the event of a cumulative violation between disciplinary violations and KEPP, enforcement is carried out through a disciplinary hearing mechanism or KKEP Hearing based on the considerations of the Ankum Superior from the person being examined/Suspected Violator as well as legal opinions and suggestions from the person carrying out the legal function.
- 2) Violations that have been decided through a disciplinary hearing mechanism cannot be subject to a KKEP hearing or those that have been decided in a KKEP hearing cannot be subject to a disciplinary hearing.

In the case of imposing criminal penalties on members of the Indonesian National Police, an increase in punishment may be imposed, as stipulated in Article 52, which states that if an official, by committing a criminal act, violates a special obligation of his position or at the time of committing the criminal act uses the power, opportunity or means given to him because of his position, his sentence may be increased by one third.

The stages of preliminary examination up to submission of files to the KKEP for Polri members who commit crimes at the Polda level are:

- a. Receipt of reports/complaints. Reports on alleged violations of the police professional code of ethics committed by police members in carrying out their duties.
- b. Appointment of the inspection team with a letter of command from the regional police chief;
- c. Studying reports/complaints/letters/files/cases reported by the public.
- d. Make a report to the leader (head of propam police) regarding the facts of the reported case;
- e. Create inspection plans and schedules;
- f. Making summons for witnesses, experts and those examined;
- g. Submitting summons for witnesses, experts and those examined;
- h. Carrying out examination of witnesses, experts and those examined;
- i. Collecting evidence of violations;
- j. Create a summary of the examination results;
- k. Carrying out case titles;
- l. If it fulfills the elements of a violation of the police professional code of ethics and/or a violation with a sanction of honorable discharge (PDH) or dishonorable discharge (PTDH), then the preparation of files will be carried out;
- m. Submitting case files to the secretariat of the Indonesian Police Code of Ethics Commission (Set Kke) or the leader of the person being investigated/Kasatwil to carry out a hearing of the Indonesian Police Code of Ethics Commission
- n. If the elements of a violation of the police professional code of ethics and/or violations with PDH or PTDH sanctions are not met, then the examination will be terminated by

making a notification letter regarding the termination of the examination of the police professional code of ethics (SP3KEPP);

- o. Create and provide a notification letter regarding the progress of the results of the professional examination (SP2HP2) to the reporter at least once during the examination process.

Inspection activities carried out at Regional Units (Polres/Polresta), the stages of activities carried out are as follows:

1. Receiving reports/complaints.
2. Reports regarding alleged violations of the police professional code of ethics committed by police members in carrying out their duties;
3. Appointment of the inspection team with a letter of command from the regional police chief;
4. Studying reports/complaints/letters/files/cases reported by the public;
5. Make a report to the leader (head of propam police) regarding the facts of the reported case;
6. Create inspection plans and schedules;
7. Notify the inspection activity plan and schedule to the regional unit head who is the object of the inspection;
8. Report the arrival, purpose and objective of the inspection to the regional office of the inspection object;
9. Conducting research on documents, case files, letters relating to events/incidents or the implementation of police activities in the area or region;
10. Confirm or request an explanation from the implementing officer or other officers regarding the reported incident;
11. Carrying out examination of witnesses, experts and those examined;
12. Collecting evidence of violations;
13. Report that the inspection activities have been completed to the regional office of the inspection object;
14. Create a summary of the examination results;
15. Carrying out case titles;
16. If it fulfills the elements of a violation of the police professional code of ethics and/or a violation with a PDH or PTDH sanction, then the preparation of the files will be carried out;
17. Submitting case files to the secretariat of the Indonesian National Police Code of Ethics Commission (Setkke) or the head of the person being investigated/Kasatwil to carry out a hearing of the Indonesian National Police Code of Ethics Commission;
18. If the elements of a violation of the police professional code of ethics and/or violations with PDH or PTDH sanctions are not met, then the examination will be terminated by making a notification letter regarding the termination of the examination of the police professional code of ethics (SP3KEPP);

19. Create and provide a notification letter regarding the progress of the results of the professional examination (SP2HP2) to the reporter at least once during the examination process.

CONCLUSION

The accountability of Polri members who commit criminal acts, namely violating criminal provisions, means that Polri members also violate the Disciplinary Regulations and the Code of Professional Ethics. Police members are subject to and subject to civil law, from this there has been a change in the value and status of Polri members, namely that the same law is applied to civilians. Unlawful acts within the corridor of Polri disciplinary law or violations of the code of ethics, are resolved internally by the institution, namely through disciplinary hearings or KKEP hearings, violations of discipline and ethics are carried out based on the provisions of PP Number 2/2003 and Perkap Number 2/2016, while criminal acts are based on PP Number 3/2003. PP Number 3/2003 stipulates that the examination of Polri members in criminal cases from the investigation level to the trial is based on the provisions of Law Number 8 of 1981 concerning the Criminal Procedure Code.

In their professional accountability, in addition to the general judicial mechanism, Polri members also go through the KEPP Trial mechanism. So that the decision in the general court does not dismiss the responsibility of Polri members in the KEPP trial. Therefore, it is very possible that there will be a double punishment for Polri members who commit crimes, namely receiving criminal sanctions (imprisonment) as well as code of ethics sanctions.

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