



OMPLIANCE OF POLRI MEMBERS WITH THE ENFORCEMENT OF THE STATE POLICE PROFESSIONAL CODE OF ETHICS OF THE REPUBLIC OF INDONESIA

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ABSTRACT

The Indonesian National Police has the capacity to maintain peace in society. Police agencies have an obligation to act as a driving force for the creation of security and order in people's lives. The existence of police agencies is required to be able to overcome various problems that exist in society, especially the problem of compliance with police officers in enforcing the police professional code of ethics towards optimizing police member compliance. This research method is normative research by using statutory and conceptual approaches as a basis for answering these problems. The conclusion is that the enforcement of the police professional code of ethics is due to the weak internal control carried out by the police agency on all of its members. This weak internal oversight has caused many cases of violations of the police professional code of ethics to emerge. The efforts of the Indonesian National Police in improving its internal affairs must be able to uphold the law without violating the professional code of ethics. So that the formation of disciplinary regulations for POLRI members aims to increase and maintain credibility and unwavering commitment. The credibility and commitment of members of the National Police are as state officials who are given the task and authority as protectors, protectors and public servants, as well as law enforcers and maintaining security.

Keywords: Compliance, Code of Ethics, Indonesian National Police.

INTRODUCTION

The Indonesian National Police has the capacity to become a leading sector in maintaining peace in societies. This means that the The Indonesian National Police agency has an obligation to become a driving force for the creation of security and order in people's lives. The position of the The Indonesian National Police institution must be able to overcome various

problems that exist in society, especially security problems in accordance with the needs of the community concerned¹.

The Indonesian National Police has an important role in administering justice and order in society. Police role is fundamental because it is closely related to the sustainability of people's lives. The community really needs good service and protection from the police agency. To be able to realize good service and protection, a disciplined mental attitude is needed for all members who adhere to the police professional code of ethics. This is done because the level of success of the tasks held by The Indonesian National Police is directly proportional to the level of public trust in the performance of police officers. Police on the run duties as law enforcement not only have to comply with the law which acts as an external aspect, they are also equipped with ethics policing as an internal aspect police. Police ethics is norms about police behavior for used as a guide for implementation good job performance law enforcement, public order and community security.²

Compliance by every The Indonesian National Police member with the police professional code of ethics. The professional code of ethics for members of the police force applies as a law that discusses matters related to the process of carrying out the profession and responsibilities without violating the rights of others. So that in the police professional code of ethics there are obligations that must always be obeyed, including obligations to oneself, obligations to those served, obligations to the community and obligations to the The Indonesian National Police agency³. The existence of a professional code of ethics owned by the police is a guarantee of legal protection for the community in order to avoid arbitrary acts committed by members of the police. Given that currently the community has a low level of trust in the Police agency. This is in line with the results of a survey conducted by LSI (Indonesian Survey Circle) which was conducted on 11-20 September 2022 to 1,200 respondents in 34 provinces and used a qualitative research method with media analysts. Where the results of the survey showed that there was a decrease in public trust in the police, which decreased by 13 percent, from 72.1 percent to 59.1 percent. The reason for the decline in the level of public trust in The Indonesian National Police is due to several things, including the performance of the police which is still considered not optimal enough, especially in terms of professionalism in resolving cases.

Based on this, it can be seen that the main problem in the current internal The Indonesian National Police agency is a crisis of public confidence in law enforcement efforts by the police. This is due to the lack of a sense of professionalism, integrity and transparency by the police in carrying out their duties and authorities. The low level of professionalism, integrity and transparency in resolving a case by the police is an indication that there are serious problems in the internal management of the The Indonesian National Police. This condition is exacerbated by

¹ Eivandro Wattimury dan Erwin Ubwarin, 2021. "Analisa Yuridis Pertimbangan Komisi Kode Etik Profesi Polri Terhadap Anggota Yang Telah di Vonis Bersalah Melakukan Tindak Pidana (Studi Pada Komisi Kode Etik Profesi Polri Polda Maluku)", *Jurnal Belo*, 7 (2), h. 17

² Rama Ridial Allif Ramadan. 2022. "Implementasi Keprofesionalitas Polri Dalam Melaksanakan Tugas Berdasarkan Peraturan Kode Etik Profesi Polri", *Jurnal Solusi*. 20(3), h. 416

³ Serlika Aprita, 2020. *Etika Profesi Hukum*, Bandung: PT Refika Aditama, h. 6

the number of cases that have sprung up involving active police officers as one of the main perpetrators of crimes. Therefore, it is necessary to enforce the law in maximizing the code of ethics of the police profession to prevent violations committed by members of the police. So that the purpose of the law is to achieve justice, legal certainty and benefits that can be felt by the community and members of the police themselves.⁴

Based on the background of the problem as described above, the first problem can be formulated, what are the obstacles encountered in efforts to uphold the police professional code of ethics towards optimizing police member compliance?; and How are efforts to enforce the police professional code of ethics in realizing internal improvements to the The Indonesian National Police agency?

RESEARCH METHODS

The research method used is normative legal research with the type of normative juridical research. The legal approach used is the statutory approach which relates to all positive legal products in the form of statutory regulations and the conceptual approach as the main reference in analyzing problems. The technique of gathering legal material as a guideline for this analysis uses primary legal material in the form of Law Number 2 of 2002 concerning the Police, which is then compiled systematically in the form of a legal argument in response to these legal issues.

RESULTS AND DISCUSSION

Obstacles to Enforcement of the Police Professional Code of Ethics Against Optimizing Police Member Compliance

Code of ethics for the police profession basically has set the ethics that should be owned by members of the police. It aims to improve professionalism, integrity, and accountability of POLRI members. In line with the initial goal of having a professional code of ethics namely efforts to realize and maintaining social order the creation of justice in accordance with the objectives law. Then the Republican Police Indonesia must be able to enforce the law without violating the professional code of ethics.⁵

The conception of solving violations committed by members of the police against the code of ethics of the police profession is subject to moral punishment which is manifested in the form of a written commission hearing decision given to the violators. The punishment in the form of moral sanctions contains a decision in the form of a written statement stating whether or not the act committed by a member of the police who is suspected of violating the provisions of the professional code of ethics is proven or not. (Rahardi, 2007)⁶. the code of ethics for the police profession is binding on all members of the police force without exception. So that in carrying out their duties and authorities, all members of the police force must obey and comply with the

⁴ Sadjijono, 2010, *Memahami Hukum Kepolisian*, Yogyakarta: Laksbang Pressindo Offset, h. 53

⁵ Desty Puteri Hardyati, dkk, 2022. "Implementasi Kode Etik Kepolisian Pada Kasus Novia Widyasari", *Jurnal Lontar Merah*. 5(1), h. 467-468

⁶ Pudi Rahardi. 2007. *Hukum Kepolisian (Profesionalisme dan Reformasi POLRI)*, Cet. I, Surabaya: Laskbang Mediatama, h. 205

provisions contained in the code of ethics. This is based on Article 34 paragraph 1 of Law Number 2 of 2002 concerning the Police which confirms that "The attitudes and behavior of officials of the Indonesian National Police are bound by the Professional Code of Ethics for the Indonesian National Police". Therefore, all aspects related to the behavior, actions, and utterances of members of the police in carrying out their duties, responsibilities and authorities must be based on the police professional code of ethics. Bearing in mind that the essence of The Indonesian National Police existence in Indonesia aims to provide legal protection, protection and service to the community as well as maintaining security and enforcing the law in Indonesia (Darmansyah & Iqbal, 2019)⁷. In fact the performance of the police in handling legal issues requires a long and convoluted process, there are practices of extortion and coercion, there are attempts to fabricate certain cases, service delivery is not optimal and acts of violence against the community in handling social cases.

the police are prosecuted to determine a firm attitude in carrying out tasks and authority, so as not to receive insults, blasphemy, and reproach from society. Therefore, in carrying out its duties and authorities based on moral and legal ethics, and even become a deep commitment mind and conscience for every police officer. Thus it will come true the concept of good police as a prerequisite for good governance. What is unfortunate at this time is that some of the police are still here have not been able to carry out their functions and roles properly and correctly. Police who should function as law enforcers instead take advantage status is to break the law, defending the wrong party as long as there is compensation and abandonment of the right party that should be get defended.⁸ This condition is exacerbated by the existence of corrupt behavior found at all levels of the police. This shows that there is a need for structured and measurable improvements to the internal police force. Bearing in mind that the overall cause of the emergence of people's distrust of the The Indonesian National Police institution is due to weak supervision and non-compliance by members of the police towards the code of ethics of the legal profession. In the end, the violation of the code of ethics by members of the police gave rise to the public's perception that the The Indonesian National Police agency is a law enforcement agency with a bad image. Even though the essence of The Indonesian National Police existence is one of them as an effort to enforce the law in realizing security and order in Indonesia. However, in practice, there are many violations committed by members of the police in exercising their authority.

The ineffectiveness of enforcing the police professional code of ethics is due to the weak internal control carried out by The Indonesian National Police agency towards all of its members. This weak internal oversight has caused many cases of violations of the police professional code of ethics to emerge. Violations of discipline committed by members of the police can be seen from the increasing number of irregularities in the behavior of members of the

⁷ Darmansyah dan M. Iqbal. 2019. "Implementasi Kode Etik Profesi Terhadap Anggota POLRI Yang Melakukan Tindak Pidana Pencurian (Studi Penelitian di Wilayah Hukum Polda Aceh)", *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana*, 3(2), h. 288.

⁸ Muhammad Guntur, 2017. "Fungsi Kepolisian Negara Dalam Pemeliharaan Keamanan dan Ketertiban Pada Masyarakat Kota Senggang Kabupaten Wajo", *Jurnal Al Hikam*. 1 (3), h. 69

police such as abuse of power and committing other disgraceful acts which have actually violated moral, social and religious norms. The abuse of power by members of the police shows that the level of discipline and professionalism within The Indonesian National Police agency is low. The large authority of the police is not matched by a qualified internal monitoring and control system. Thus resulting in arrogance and repressive actions carried out by the police in carrying out their duties and authorities. Therefore it is necessary to strengthen the internal control system within The Indonesian National Police institution. Strengthening the internal control system is oriented towards preventing various forms of violations committed by members of the police. In addition, strengthening police internal control has the aim of restoring the positive image of The Indonesian National Police institution in public life.

Based on this, it can be seen that there are still many cases of violations of the professional code of ethics committed by members of the police. This violation occurred due to the lack of maximum supervision and guidance specifically for all members of the police. Supposedly to be able to create a positive image of The Indonesian National Police in front of the public, effective and systematic guidance is needed for members of the police. This is intended so that all members of the police are always able to actualize the principles of The Indonesian National Police agency in carrying out their duties and authorities.⁹ The lack of guidance to members of the police has resulted in members of the police not carrying out their duties and authorities in a professional, proportional and procedural manner. Weak disciplinary guidance is one of the main triggers for many violations of the code of ethics committed by members of the police. In response to this, it is appropriate for The Indonesian National Police agency to carry out a massive and intensive evaluation of its internal management. This internal evaluation was carried out in order to control the increase in the number of violations of the code of ethics within The Indonesian National Police institution. In addition, disciplinary training which is carried out in a structured and systematic manner is oriented so that every member of the police force is able to maintain the honor of his profession and organization from all forms of disgraceful actions and speech.¹⁰

Efforts to Enforce the Police Professional Code of Ethics in Realizing Internal Improvements to Police Agencies

Efforts to enforce the police professional code of ethics are basically a solution to regulate the ethics that members of the police should have. This aims to increase the professionalism, integrity and accountability of The Indonesian National Police members. In line with the initial objective of having a professional code of ethics, namely efforts to create and maintain public order in order to create justice in accordance with legal objectives. So the Indonesian National Police must be able to enforce the law without violating the professional code of ethics. So that the formation of disciplinary regulations for The Indonesian National

⁹ Anggi Setiawan dkk. 2020. "Budaya Kerja Kepolisian Dalam Pelayanan Masyarakat di Polsek Rappocini Makassar", *Jurnal Unismuh*, 1(2). h. 667

¹⁰ Yanius Rajalahu. 2013. "Penyelesaian Pelanggaran Kode Etik Profesi Oleh Kepolisian Republik Indonesia", *Jurnal Lex Crimen*, II(2), h. 151

Police members aims to increase and maintain credibility and unwavering commitment. The credibility and commitment of members of the National Police are as state officials who are given the task and authority as protectors, protectors and public servants, as well as law enforcers and maintaining security. For members of the police who violate the code of ethics, a code of ethics trial will be conducted. The meeting of the The Indonesian National Police Code of Ethics Commission is a hearing to examine and decide cases of violations of the The Indonesian National Police Code of Ethics Commission committed by members of the The Indonesian National Police which aims to apply tribrata and chess prasetya values in carrying out the duties and general powers of the police.¹¹

The Police members related to their official duties as well as in his life in society, so the rules or norms referred to become a guideline for behavior, so that it can be said: if members of the Police comply and comply with the rules or norms contained in the disciplinary regulations and not commit an act that is contrary to these norms, then a member of the National Police has the criteria of "discipline" but if on the contrary it has the criteria of "less discipline" or "undisciplined". Police Discipline as an element of society assign duties and authority to the National Police to maintain security and public welfare and upholding the law. Without on the basis of discipline, then there is only a small possibility that the public will trust the Police, because a sense of discipline has contained a moral content inherent in each individual police officers.¹²

Based on the scope contained in the police code of ethics, it includes 4 scopes namely State Ethics, Institutional Ethics, Community Ethics and Personal Ethics. Article 6 to Article 11 Chapter III Obligations and Prohibitions of the Republic of Indonesia Police Chief Regulation Number 14 of 2011 concerning the Professional Code of Ethics for the Indonesian National Police, in each scope means that the ethics that must be owned by the police include maintaining the upholding of the Unitary State of the Republic of Indonesia , keeping the oath/pledge of members or the oath/pledge of office, maintenance of security and public order, law enforcement, protector, protector, and obeying and respecting decency, religious norms, local wisdom values and legal norms. In connection with the obligations that must be carried out by the police, it is also equipped with a prohibition on actions carried out by the police. Article 12 to Article 16 Chapter III Obligations and Prohibitions, as for the prohibited acts, among others, include being involved in movements that clearly aim to replace or oppose Pancasila and the 1945 Constitution of the Republic of Indonesia, abuse of authority in carrying out official duties, committing acts that demean women, as well as influencing or forcing fellow The Indonesian National Police members to follow ways of worship outside of their beliefs. Enforcement of the code of ethics is intended so that the existence of the police can be considered a noble profession

¹¹ Ni Ketut Sari Adnyani, 2021. "Kewenangan Diskresi Kepolisian Republik Indonesia dalam Penegakan Hukum Pidana". *Jurnal Ilmiah Ilmu Sosial*, 7(2), h. 139

¹² Basyarudin, Budi Kurniawan, 2021, "Penegakan Kode Etik Polri Terhadap Anggota Porli Yang Melakukan Tindak Pidana". *Rechtsregel Jurnal Ilmu Hukum*. 4(1), h.16

that can provide protection as well as protection for the community, so that their services become indispensable for the community¹³.

The enforcement of the police professional code of ethics is essentially aimed at creating members of the police force who are able to have high responsibility and professionalism in carrying out their duties and authorities. Improving the quality of police officers can only be realized if there is seriousness by all parties involved in The Indonesian National Police agency.¹⁴ The Indonesian National Police internal improvement must start from the management of its human resources, in which all members of the police are required to receive special training physically, mentally, intellectually and even personality. These reforms will create a police organization that is professional and full of responsibility. This internal improvement is also expected to be a solution to the problem of deviations in the authority of members of the police that are not in line with the goals and mission of the The Indonesian National Police institution. So that way, all members of the police will have a good understanding and awareness in maintaining the image and good name of The Indonesian National Police institution. In addition, the enforcement of the police professional code of ethics must be able to respond to various forms of development of social life in society. Bearing in mind that society is experiencing continuous development which in the end will cause demands for the role and authority of the police to increase. Therefore, enforcement of the police professional code of ethics through special guidance and supervision is a top priority that must be carried out. So that The Indonesian National Police is still able to become a tool of the State whose job is to maintain security and order in society, enforce the law and protect all aspects related to domestic security¹⁵.

CONCLUSION

Non-compliance with the enforcement of the police professional code of ethics is due to the weak internal control carried out by The Indonesian National Police agency on all its members. This weak internal oversight has caused many cases of violations of the police professional code of ethics to emerge. Violations of discipline committed by members of the police can be seen from the increasing number of irregularities in the behavior of members of the police such as abuse of power and committing other disgraceful acts which have actually violated moral, social and religious norms. The establishment of disciplinary regulations for The Indonesian National Police members aims to increase and maintain credibility and unwavering commitment. The credibility and commitment of members of the National Police are as state officials who are given the task and authority as protectors, protectors and public servants, as well as law enforcers and maintaining security. Enforcement of the code of ethics is intended so

¹³ Ronny R. Nitibaskara, 2006, *Polisi dan Korupsi*, Jakarta: Pustaka kartini, h. 64

¹⁴ Elvi Alfian. 2020. "Tugas Dan Fungsi Kepolisian Untuk Meningkatkan Kepercayaan Publik Terhadap Penegak Hukum", *Legalitas: Jurnal Hukum*, 12(1), h. 30

¹⁵ Ali Maksum, 2021. "Penegakan Kode Etik Profesi POLRI di Internal POLRI Dalam Rangka Mewujudkan Kepolisian Negara Republik Indonesia Yang Bersih dan Berwibawa", *Jurnal Iustitia Omnibus*, Vol. II (1), h. 17

that the existence of the police can be considered a noble profession that can provide protection as well as shelter for the community.

The Indonesian National Police needs to establish an internal control system that is able to reach and evaluate the performance results of all members of the police force, without exception. So that there are efforts to improve internally based on facts and facts on the ground by paying attention to various forms of mistakes and violations that are often committed by members of the police. In addition, there is a need for intensive and systematic guidance for all members of the police force. Where the coaching is oriented to improve and actualize members of the police with the vision and mission of The Indonesian National Police institution. Forms of self-actualization for members of the police must include instilling a better attitude, mental, intellectual, physical and personality. This is done to make The Indonesian National Police institution have quality, professional and responsible human resources.

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