



Enforcing the Professional and Police Codes of Ethics to Address Violations Committed by Police Officers

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Abstract

The National Police of the Republic of Indonesia (POLRI) is one of the most important law enforcement professions in Indonesia, and it is essential that its members maintain the highest standards of professionalism and ethical conduct. To this end, POLRI has a code of professional ethics in place that guides the behavior of its members. However, the implementation of this code of ethics has been the subject of much scrutiny, and there have been instances where POLRI members have engaged in illegal activities. This paper seeks to investigate the implementation of the code of professional ethics for POLRI through an analysis of National Police Regulation Number 7 of 2022. The study is both descriptive and analytical, utilizing normative legislation and empirical strategies to examine the code of ethics and punishment for POLRI members who engage in illegal activities. The findings of this study reveal that the implementation of National Police Regulation 7 of 2022 is a new and important step towards promoting integrity and accountability among POLRI members. By replacing two previous regulations and introducing the Indonesian National Police Code of Professional Ethics (KEPP) and the Indonesian National Police Code of Conduct Commission (KKEP), the new regulation aims to ensure that all POLRI members are held to the highest standards of professionalism and ethical conduct.

Keywords: *POLRI; Police Code of Ethics; Police Regulation; Integrity; Accountability*

Introduction

The Republic of Indonesia is committed to building a Unitary State with the objective of defending all its citizens and providing internal and external security. The State Police, as mandated by Article 30(4) of the 1945 Constitution, is responsible for maintaining public order and security, enforcing the law, and protecting and serving the community. The National Police (Polri) is entrusted with the task

of ensuring internal security by carrying out police duties, providing protection, shelter, and services, and upholding human rights with the help of the community.

To achieve its mission, the Polri has to adapt to the fast-changing social, cultural, and technological landscape. The Law Number 2 of 2002 and the Regulation of the Head of the Indonesian National Police Number 2 of 2018 have been instrumental in creating an autonomous, professional, and community-oriented police force. Despite criticisms and accusations of unprofessionalism, the Polri is a vital institution for law enforcement and national security. The police must respond to the growing demand for public services and demonstrate professionalism while upholding the Police Code of Ethics.

The Police Code of Ethics is a set of norms agreed upon by a group of professionals to ensure the excellence of the profession and maintain public trust. The Polri has its own Professional Code of Ethics for the State Police of the Republic of Indonesia, which covers four areas, namely State Ethics, Institutional Ethics, Social Ethics, and Personality Ethics. The Polri's adherence to the code of ethics is crucial to maintaining professionalism and public order.

Unfortunately, there have been instances of Polri members violating the Professional Code of Ethics. For example, the case of alleged abuse by two members of the Sleman Police Station at Holywings Yogyakarta and the case of obstruction of justice in the Brigadier J's murder case have raised concerns about the prevalence of violations. Therefore, the new Police Regulation Number 7 of 2022 pertaining to Professional Code of Ethics of the Republic of Indonesia National Police and Police Code of Ethics Commission replaces the old regulations. This new regulation is aimed at preventing and addressing ethical violations and ensuring the Polri's compliance with the code of ethics.

The Police Code of Ethics is an essential tool for ensuring that police officers carry out their duties with integrity and in accordance with the law. It serves as a guide for ethical behavior, outlining the principles that officers must adhere to when performing their duties. These principles include upholding human rights, serving the community, being impartial and fair, and maintaining professionalism at all times. By adhering to these principles, police officers can earn the trust and confidence of the public they serve, which is essential for effective policing.

Additionally, the Police Code of Ethics helps to prevent abuse of power by police officers and ensures that they are held accountable when they engage in misconduct. When officers violate the code of ethics, they may be subject to disciplinary action, up to and including termination of employment. This not only serves as a deterrent to future misconduct but also sends a message to the public that the police take their ethical responsibilities seriously.

Furthermore, the Police Code of Ethics is an ever-evolving document that must be updated to reflect changes in societal norms and technological advancements. As the landscape of policing continues to change, the code must adapt to address new challenges and guide officers on how to respond. This includes issues such as the use of force, community policing, and the use of technology in law enforcement. By continuously reviewing and updating the code of ethics, the Polri can ensure that its officers are equipped with the tools they need to carry out their duties effectively, ethically, and with the trust of the public they serve.

When police officers violate the code of ethics, it can have serious consequences for both the officers themselves and the community they serve. Violations can erode public trust in the police and make it harder for officers to perform their duties effectively. They can also lead to civil lawsuits, criminal charges, and even imprisonment for the officers involved. Beyond the immediate consequences, ethical violations can have long-lasting effects on the reputation and credibility of the police force as a whole. The Polri must take all necessary steps to prevent ethical violations and hold officers accountable when they occur, in order to maintain the public's trust and confidence in the police.

Moreover, it's important to recognize that preventing ethical violations within the Polri is not solely the responsibility of the police force itself. It requires collaboration and support from other stakeholders, including the government, civil society organizations, and the public at large. This means promoting transparency and accountability within the police force, providing training and resources to help officers perform their duties ethically and effectively, and creating mechanisms for reporting and investigating ethical violations. It also means building trust and constructive relationships between the police and the communities they serve, in order to promote cooperation and mutual respect. Ultimately, preventing ethical violations within the Polri is an ongoing process that requires a concerted effort from all stakeholders, working together towards a common goal of ensuring public safety and security while upholding the rule of law.

In conclusion, this study aims to investigate the Polri's code of ethics and punishment for members who engage in illegal activities based on the new Police Regulation Number 7 of 2022 about the Professional Code of Ethics and the Police Code of Ethics Commission. This is a significant step towards maintaining the professionalism and integrity of the Polri, ensuring public safety and security, and upholding the rule of law in the Republic of Indonesia.

Method

The methodology employed in this article involves a combination of normative and empirical techniques. The normative approach entails an extensive literature review of legal concepts and regulations, with a focus on analyzing and citing relevant information. This research approach is analytical and descriptive in nature. The data used in this study is secondary, gathered through an examination of various sources such as books and documents. Once the secondary data was collected, a qualitative analysis was performed to evaluate the findings.

Result and Discussion

Overview of the Indonesian National Police's Code of Ethics and Professionalism

On June 14, 2022, Listyo Sigit Prabowo, the National Police Chief of Indonesia, issued a fresh regulation - Police Regulation No. 7 of 2022 - related to the Professional Code of Ethics and the Police Code of Ethics Commission located in Jakarta. The Minister of Law and Human Rights, Yasonna H. Laoly, ratified this regulation on June 15, 2022. The State Gazette of the Republic of Indonesia, Number 597 of 2022, has provided detailed information about the Police Code of Ethics Regulation Number 7 of 2022 pertaining to Professional Ethics and the Police Code of Ethics Commission.

The newly issued Police Regulation 7 of 2022 governs the Police Code of Ethics Commission and the Police Professional Code of Ethics, highlighting that each member of the Indonesian National Police must reflect the state's personality as a whole, respect and maintain the professional ethics of the police, and abide by the code of ethics of the police profession, which is an embodiment of the values that underpin the Indonesian nation's Tribrata and Catur Prasetya.

Police Regulation 7 of 2022 supersedes two previous regulations - Regulation of the Head of the State Police of the Republic of Indonesia No. 14 of 2011 regarding the Professional Code of Ethics for the Indonesian National Police and Regulation of the Head of the State Police of the Republic of Indonesia No. 19 of 2012 Regarding the Organization and Procedure of the Indonesian National Police Code of Ethics. The reason behind this substitution is the fast-paced advancements in technology, changes in ethical values, culture, and society's behavior that have impacted the conduct of Polri members in carrying out their duties, responsibilities, and authorities.

The latest Police Regulation 7 of 2022 provides a comprehensive outline of four crucial ethics that must be adhered to concerning KEPP and KKEP, namely State Ethics, Institutional Ethics, Social Ethics, and Personal Ethics. Each member of the National Police is responsible for ensuring that KEPP aligns with all the responsibilities and prohibitions of State ethics. State Ethics encompasses attitudes and behavior towards the Unitary State of the Republic of Indonesia, Pancasila, the 1945 Constitution, and diversity. Institutional Ethics furnishes guidelines for the attitudes and behavior of all members of the National Police concerning the fulfillment of their duties, responsibilities, and authorities. Social Ethics includes norms for each Polri member's attitudes and behavior concerning the utilization of Polri's professional authority in relation to the community. Lastly, Personal Ethics refers to the norms of individual behavior of every member of the National Police in accordance with KEPP.

The KEPP standard includes the Personality Ethic, which lays out guidelines for the behavior and attitudes of Polri members in both their professional and personal lives. The Police Regulation Number 7 of 2022 considers a few key points:

- 1) "All Indonesian National Police members must represent the personality of the state bhayangkara, uphold the professional ethics of the police, and follow the code of ethics of the Indonesian National Police. The code of ethics is based on the values in Tribrata and Catur Prasetya, which are inseparable from the values in the Constitution.
- 2) A professional code of ethics should be established and updated to reflect technological advancements and changes in ethical values, culture, and behavior in society. The new code of ethics must be aligned with the State Police of the Republic of Indonesia Code of Ethics.
- 3) The current regulations on professional ethics and the code of ethics commission are outdated and do not align with the changing ethical values, culture, and behavior in society. This impacts the conduct of the Indonesian National Police, and therefore the regulations need to be replaced."

Based on these factors, there is a need to revise the Regulation of the State Police of the Republic of Indonesia concerning the Code of Professional Ethics and the Commission on the Code of Ethics of the State Police of the Republic of Indonesia.

Police Regulation Number 7 of 2022 on the Code of Professional Ethics and Ethics Commission of the Republic of Indonesia Police outlines several ethical standards that every Polri officer must adhere to. Specifically, Article 5, Article 7, Article 10, and Article 12 contain important provisions that guide the behavior of Polri officers.

According to Article 5 paragraph (1), "Polri officers must maintain and improve the image, solidarity, credibility, reputation, and honor of the Polri in the performance of their institutional ethics duties. Additionally, they must carry out their duties, authorities, and responsibilities in a professional, proportional, and procedural manner."

Article 7, on the other hand, emphasizes "the importance of community ethics, stating that Polri officers must provide fast, precise, easy, convenient, transparent, and accountable services to the public in accordance with the provisions of laws and regulations. They must also uphold honesty, truth, justice, and maintain honor in dealing with the public."

Furthermore, Article 10 paragraph (1) "prohibits Polri officers from abusing their authority in carrying out official duties, while Article 12 prohibits them from charging fees in providing services beyond the provisions of laws and regulations."

In summary, these provisions are critical in guiding the ethical behavior of Polri officers, ensuring that they uphold their duties and responsibilities to serve and protect the public while maintaining the integrity of the Polri as an institution.

The Indonesian National Police operates under a strict set of laws and regulations, including Law No. 2 of 2002, PP No. 2 of 2003, and Perkap No. 7 of 2022. Any violations of these laws and regulations are subject to disciplinary action and/or punishment as a means of enforcing the Code of Ethics against illegal levies committed by members of the Indonesian National Police.

Article 7 of PP No. 2 of 2003 specifically states that “members of the Indonesian National Police who violate the Disciplinary Regulations are subject to disciplinary action and/or punishment.” Additionally, Article 16 paragraph (1) classifies violations of the KEPP as either light, medium, or heavy offenses.

Disciplinary Regulations violations refer to speech, writing, or actions that go against the established rules and norms of the Indonesian National Police. Disciplinary action is a set of verbal reprimands and/or physical actions that aim to educate and develop the skills and attitudes of the officers, while Disciplinary punishment is a form of punishment imposed by superiors who are authorized to conduct Disciplinary Hearings against members of the Indonesian National Police.

The KEPP serves as a written or unwritten norm that guides the attitudes, behaviors, and actions of Indonesian National Police officers in carrying out their duties, authorities, responsibilities, and daily lives. It is an essential tool in ensuring that the members of the Indonesian National Police uphold the highest ethical standards while serving and protecting the public.

Enforcing the Code of Ethics: The Disciplinary Regulations for Polri Members

The top priority of a police officer is ensuring the safety of the public (Manalu, 2014). As such, the Indonesian National Police (Polri) has established a code of ethics that represents their ideals and identity. This code outlines the behaviors and speech that are prohibited, permitted, or considered inappropriate for police officers.

Violations of this code of ethics may result in disciplinary action, and the code will be thoroughly analyzed before any punishments are issued. Additionally, if a police officer's actions violate the law, they may face legal consequences as well.

A code of ethics is often used as a form of community control in many professions. It serves to define what is ethical and unethical in a given profession, with the ultimate goal of preventing dishonest individuals from taking advantage of their position.

For example, if a police officer were to use drugs, this behavior would clearly violate the code of ethics. Members of the public can report such violations to the Profession and Security Division (PROPAM), and Propam can use the Precise Propam application to report officers. Any officer found to have violated the code of ethics will face disciplinary action.

Overall, the professional code of ethics has several goals: “1) defining the professional standards that must be upheld, 2) promoting awareness of officers' responsibilities to the community, and 3) protecting the dignity of the profession.” By adhering to this code, the Indonesian National Police aims to improve professionalism and integrity among its members, create a consistent set of attitudes and behaviors, and cultivate a positive image for the organization.

According to Article 1 point 3 of Government Regulation Number 2 of 2003, the Polri disciplinary regulations are meant to establish and maintain discipline among Polri members and uphold their code of conduct. This implies that these regulations dictate the behavior of all police officers, both on duty and in their personal lives in the community (Ahmad, 2014).

It is crucial to understand that the enforcement of disciplinary rules within Polri extends beyond its own members and also encompasses those who are governed by statutory regulations for Polri members. Even Polri members who are incarcerated must adhere to these regulations. Additionally, it is worth noting that the police organization comprises both National Police members and Civil Servants who work within the police. The expansion of disciplinary regulations also applies to Civil Servants working within the Polri environment, as their behavior can influence the performance of the Polri organization (Sadjijono, 2010).

Mutiarani (2014) highlights that Government Regulation No. 2 of 2003 lays out disciplinary rules for National Police members, which impose an obligation on each member to fulfill specific expectations. This regulation also outlines prohibited actions that must be avoided. Failure to fulfill legal obligations or committing prohibited acts by a National Police member is regarded as a disciplinary offense. Disciplinary punishment is applicable to members of the Police who violate these rules.

In essence, Police Regulation 7/2022 states that the Disciplinary Regulations for Police Members prohibits specific actions that must not be carried out by every member of the Police, as outlined in Article 53 paragraph (2) Letter c. These prohibited actions include, but are not limited to, disclosing confidential information regarding police operations, leaving the workplace without obtaining authorization from their leader, neglecting official duties, using state facilities for personal gain, taking control of service property that is not intended for them, renting an official house, manipulating cases, and so on.

In the event that a member of the Police violates any of these prohibitions, disciplinary punishment will be enforced upon them. It is critical to note that these prohibitions are intended to maintain the integrity and professionalism of the Police organization. As such, it is imperative that all Police members adhere to these regulations to ensure the Police organization continues to uphold its duties and obligations to the public.

The process of handling KEPP violations involves a preliminary examination and trial, which includes the KKEP trial, the KKEP appeal trial, and/or the PK KKEP test. The preliminary examination is regulated in Police Regulation 7/2022, Article 14. It consists of three stages: “1) investigative audits, 2) inspection, and 3) filing.”

In the investigative process of a criminal case, there are different stages that involve distinct bodies of authority. Initially, the Accreditor conducts a preliminary examination of the evidence. If, during this stage, the evidence is deemed insufficient, the investigation is then assumed by the Paminal Bureau. Unlike the Accreditor, the Paminal Bureau not only conducts investigations to uncover evidence but also ensures that everything in a criminal case is related to whether or not the police's professional code of ethics has been violated.

Additionally, the Criminal Investigation Unit (CIU) is also involved in the investigation process, and their primary responsibility is to find and gather evidence that is related to the crime in question. Unlike the Paminal Bureau, the CIU's focus is not on the professional code of ethics violations, but solely on the criminal aspects of the case. It is worth noting that all these stages of investigation are necessary to ensure a thorough and complete investigation is conducted, in adherence to the standards of professionalism and integrity expected of the police force.

After conducting their investigations, both the Paminal Bureau and the Criminal Investigation Unit have gathered sufficient evidence that raises strong suspicions of both code of ethics violations and criminal acts. Based on their findings, the Paminal unit has advised the Wabprof Bureau to continue with the investigation procedures.

Specifically, the Wabprof Bureau will investigate the potential code of ethics violations, while the Criminal Investigation Unit will investigate the criminal aspects of the case, in accordance with the provisions of the Criminal Procedure Code. It is important to note that both units will carry out their investigations independently, and their findings will be used to determine if any disciplinary or legal action needs to be taken against those involved.

The fact that both code of ethics violations and criminal acts have been identified highlights the importance of conducting thorough and complete investigations into all aspects of the case. Such investigations ensure that justice is served and that the public can maintain their trust and confidence in the professionalism and integrity of the police force.

Under Indonesian law, if a member of the National Police is found guilty of a crime, it is considered a violation of three different laws: the Criminal Code, Government Regulation No. 2 of 2003 about Disciplinary Regulations for Police Members, and Polri Regulation No. 7 of 2022 regarding KKEP and KEPP. In accordance with Article 112 paragraphs (1) and (2) of Police Regulation Number 7 of 2022 concerning KKEP and KEPP, the following orders have been issued:

- a) "If the violations involve disciplinary violations and KEPP, the punishment is enforced through a disciplinary hearing mechanism or KKEP trial, based on the decision of the Head of the Work Unit where the suspect offender is employed. This decision takes into account the opinions and legal advice of the legal function.
- b) A violation that has been determined through the process of a disciplinary trial cannot be subject to a KKEP trial, and a violation that has been decided in a KKEP trial cannot be subject to a disciplinary trial. Therefore, the disciplinary process and the KKEP process are mutually exclusive."

It is crucial to keep in mind that if the Code of Ethics Commission hearing decision is made prior to the trial in the general court, the Code of Ethics Commission hearing decision is considered null and void. Therefore, holding a trial of the National Police Professional Code of Ethics Commission before a general court in a case involving police members capable of committing crimes is not a just idea.

In cases where the Police Professional Code of Ethics is violated through criminal acts, the punishment is clearly stated in National Police Regulation (Perpol) 7/2022 article 96 paragraph (2) letter b, which is Dismissal with Disrespect (PTDH) in accordance with the provisions of PP. 1 of 2003 concerning Dismissal of Police Members.

Article 107 of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Code of Professional Ethics and Ethics Commission of the National Police confirms that "police officers who violate the KEPP are subject to either ethical sanctions or administrative sanctions."

Ethical sanctions are imposed on violators who commit minor offenses and include declaring the violator's behavior as reprehensible, obligating the violator to apologize verbally and in writing to the Chief of Police and the aggrieved party, and requiring the violator to participate in spiritual, mental, and professional knowledge development for one month.

Suspected violators who commit violations in moderate and severe categories may be subject to administrative sanctions. These sanctions may include a demotion mutation for a minimum of one year, postponement of promotion for a minimum of one year and a maximum of three years, postponement of education for a minimum of one year and a maximum of three years, placement in a special place for a maximum of 30 working days, and dishonorable discharge (PTDH). It is worth noting that these sanctions are imposed administratively, rather than through a disciplinary hearing mechanism or KKEP trial. The severity of the sanction depends on the nature and severity of the violation, as well as other relevant

factors. These sanctions are designed to maintain the professional standards of the National Police and ensure that all members comply with the Code of Ethics and applicable laws.

The KKEP Session assesses and considers the violations and then decides whether to impose ethical or administrative sanctions, which can be cumulative and/or alternative. It is important to note that the imposition of KEPP sanctions does not eliminate criminal and/or civil charges, and the sanctions are canceled due to the death of the alleged violator.

For alleged violators who are threatened with PTDH sanctions, they are given the opportunity to resign from the Police service based on certain considerations before the KKEP Session. These considerations include having a service period of at least 20 years, having achievements, good performance, and merit to the Police, nation and state before committing an offense, and not committing a criminal offense punishable by a maximum imprisonment of five years.

Conclusions

To ensure that National Police members who commit criminal acts are held accountable for their actions, the enforcement of the code of ethics and discipline involves conducting a Police Code of Ethics Session, as outlined in National Police Regulation (Perpol) 7 of 2022. This regulation supersedes the previous Code of Professional Ethics of the National Police and the Organization and Work Procedure of the Code of Ethics Commission of the National Police due to the evolving ethical, cultural, and behavioral values of society, which can affect the conduct of National Police members.

During the Police Code of Ethics Session, the Alleged Violator is assessed for their suitability to continue performing their duties and profession as a National Police member. If found guilty of committing a criminal act, they will face administrative and ethical consequences, which may include demotion, postponement of promotion or education, placement in a special position, or dishonorable discharge (PTDH), as stipulated in the previous Government Regulation (PP) No. 2 of 2003 regarding the Disciplinary Regulations for Police Members. These consequences will remain in place until the Alleged Violator's privileges as a National Police member are restored.

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