

IMPLEMENTATION OF THE POLICE CODE OF ETHICS FOR POLICE OFFICERS IN PALOPO POLICE STATION

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ABSTRACT

The Police Code of Ethics aims to try to put Police Ethics in a proportional manner in relation to society. The number of cases of violations of the code of ethics committed by members of the Police makes the public image of the Police diminish and even seem to assume that members of the Police are immune to the law, because many cases involving police officers just disappear and evaporate before reaching the trial. This study aims to determine the implementation of the Police Code of Ethics and analyse the factors that influence the occurrence of violations of the Police Code of Ethics in the Palopo police station. The research method used in this research is normative-empirical legal research with deductive data analysis techniques. The findings of this research elucidate that the application of the Police Code of Ethics among members of the Indonesian National Police, as stipulated in Law Number 2 of 2002, does not align with the legal regulations. In conclusion, the study reveals that the reasons behind violations of the Polri code of ethics are intricately linked to five factors, namely the legal factor, the law enforcement apparatus factor, the supporting facilities for the law enforcement process, community factors, and cultural factors. The Government of the Republic of Indonesia should exercise prudence in administering sanctions against Police personnel who breach the code of ethics.

Keywords:

Police Code of Ethics, Abuse of Authority, Law Enforcement

INTRODUCTION

The police force is one of the state institutions that is at the forefront of maintaining order and security in the community, so it is understandable that the task is quite heavy and must be carried out with full responsibility. Tasks that must be carried out in the field in an organised or individual manner often require members of the Police to make individual decisions to deal with real situations. In this situation, various things must be considered such as aspects of order and security, benefits for the community, and values of justice.

As written in the Constitution of the Republic of Indonesia, Article 30 paragraph (4), which states that: "The Indonesian National Police as a state instrument that maintains security and public order is tasked with protecting, nurturing, serving the community, and enforcing the law".

The Indonesian National Police, also known as Polri, serves as a governmental entity responsible for upholding public security and order, enforcing laws, and offering protection, assistance, and services to the general public in order to ensure domestic security is maintained (Keling Dapit, 2022).

The Indonesian National Police (INP) has recently had its image tested due to various cases such as bribery, corruption, human rights and various other criminal cases. Case after case continues to emerge like there is no end to it. Every law enforcement personnel must be bound by rules or laws as a reference in acting. However, the current public opinion seems to assume that every member of the

National Police is immune to the law because many cases involving law enforcers, in this case the police, "evaporate" before reaching trial.

The professionalism of certain members of the Indonesian Police cannot be solely guaranteed by the number of rules that govern the Police agency. The execution of their duties and responsibilities by Polri members is closely tied to the regulations that bind them, specifically the Police Legislation. These regulations include the Republic of Indonesia National Police Regulation Number 2 of 2022, which pertains to amendments made to the Republic of Indonesia National Police Chief Regulation Number 15 of 2017, focusing on the determination of the status of level and class of disability of civil servants within the Indonesian National Police. Additionally, there are also Police Disciplinary Regulations outlined in Government Regulation Number 2 of 2003, which addresses disciplinary measures for members of the Indonesian National Police, and the Police Code of Ethics established in National Police Chief Regulation Number 14 of 2011, which outlines the professional code of ethics for the police force (Nestiti Aroma Puspita, et al, 2016).

Polri, in the execution of its duties and responsibilities, is obligated to uphold the integrity and prestige of the State, Government, and the Indonesian National Police. In the event that a police officer commits an offense and is found guilty of violating the Professional Code of Ethics, appropriate disciplinary measures and/or penalties will be imposed by the Police Code of Ethics Commission (Nestiti Aroma Puspita, et al, 2016). The Police Professional Code of Ethics explicitly mandates that every member of Polri must refrain from engaging in deplorable actions and attitudes, and instead, take the lead in addressing the challenges faced by the community. Furthermore, it is expected that every Polri personnel exercise self-control and refrain from any abuse of authority (Muhammad Nuh, 2011).

However, the many rules that apply in the Police do not guarantee the professional development of some of its members, so that some Police officials have an attitude of "luxurious lifestyle" that is clearly not proportional to the monthly salary allowances they receive. This has resulted in a very controversial phenomenon for the modest lives of most middle and junior civil servants, especially those not in "wet" positions.

Reflecting on various cases that have arisen, so far the National Police has often been accused of protecting its members who are not serious in handling cases of corruption, human rights, illegal logging, drugs, gambling and others. The peculiarities of the legal process of large-scale cases that have come to the public's attention within the Polri, are no longer just about individuals, but the Polri as an institution.

METHOD

The research method used in this research is normative-empirical legal research, namely research conducted by combining two stages of study, namely the stage of study of normative law (laws and regulations) complemented by other literature materials related to research, combined with empirical legal studies in the form of application (implementation) to factual legal events with field studies. (Atikah, 2022). In this research, the author uses secondary data and primary data, including through data on law enforcement obtained from the results of field studies by interviewing several sources (law enforcement), and also analysing related legal documents, complemented by theories, and concepts related to issues regarding the

implementation of the code of ethics for members of the Palopo Police who commit violations, which are then associated with existing legal rules. Based on the data obtained from both primary and secondary sources that have been collected, it will be processed and analysed using data analysis method and deductive analysis methodology. In other words, the author refers to laws and standards when trying to express ideas about the problems they see.

RESULTS AND DISCUSSION

1. Implementation of the Police Code of Ethics at Palopo Police Station

The Police Code of Ethics is necessary to honour the Police by applying the standards of the Police Profession in carrying out their duties in order to realise the implementation of the duties imposed and achieve police professionalism. The task of the police is to have police power that comes from the granting of police authority based on laws whose reach can limit people's constitutional rights. In addition to other basic restrictions on people's constitutional rights, police authority also includes the ability to use weapons.

The ethical standards for law enforcement officers should align with the requirements of professionalism, as stipulated in Law Number 2 of 2002 regarding the Indonesian National Police. This is further reinforced by Kepolri Regulation Number 7 of 2006, which has been updated by the Chief of the Indonesian National Police, ensuring that the Police Professional Code of Ethics is mandatory for all members of the Indonesian National Police (Keling Dapit, 2022).

The Polri disciplinary regulations, as outlined in Article 1 point 3 of Government Regulation No. 2/2003, serve as a framework to promote discipline, uphold order, and regulate the conduct of National Police members. These regulations dictate the expected behavior and actions of police officers, both in the execution of their duties and in their interactions within society, providing a standard for the behavior of every member of the Police. (Keling Dapit, 2022).

Disciplinary measures involve verbal reprimands and/or physical actions with the intention of fostering discipline, which are directly imposed on members of the Indonesian National Police. Disciplinary sanctions are punishments administered by a superior who possesses the authority to discipline members of the Indonesian National Police through a Disciplinary Hearing. (Nestiti Aroma Puspita, 2016).

The responsibilities of the police as law enforcement officers include being investigators and investigators. As a police investigator, in addition, the police must take action to seek and find anything that is considered criminal in nature. As a detective officer to find and identify perpetrators, the police search for and collect evidence that could be evidence of a crime.

Palopo Police handle violations of the police code of ethics in accordance with the SOP, as it should and is expected, according to the results of the central police science study. In addition, Palopo Police has rightly applied sanctions against unprofessional, proportional, and procedural violations of the code of ethics. But when we study an incident, we cannot just look at it from one angle and draw conclusions from it.

Police who violate the code of ethics will be sanctioned. The penalties vary depending on the type of offence, ranging from administrative sanctions to dishonourable dismissal as a member of the Police. There are at least six parties

that have the authority to enforce the police code of ethics. The six parties are Propam Polri in the field of Professional Responsibility, the Police Code of Ethics Commission (KKEP), the Appeal Commission, the Police legal function, the Police Human Resources, and Propam Polri in the field of personnel rehabilitation. The determination of Polri members as violators of the code of ethics must be carried out through several mechanisms. The first stage is an initial or preliminary examination. After being found guilty by the investigator, the violator will be tried by the Police Code of Ethics Commission and the Appeal Commission. (Muhammad Fadli Nasrudin Alkof, 2022).

The National Police Code of Ethics Commission is empowered in accordance with Article 13 of National Police Chief Regulation No. 19/2012 regarding the Organizational Structure and Operational Procedures of the National Police Code of Ethics Commission:

- a) Require the accused violator to attend court;
- b) Introduce a companion chosen by the accused violator or designated by the Police Code of Conduct Commission as a companion;
- c) Provide witnesses and experts to testify during the trial;
- d) Visit specific locations relevant to the trial's interests;
- e) Review Preliminary Examination documents before the trial and create a trial examination strategy;
- f) Interrogate the alleged offender, witnesses, and experts directly regarding any pertinent information or details about the offense committed by the accused;
- g) Pose inquiries directly to the companion regarding administrative completeness as a companion;
- h) Consider legal aspects for decision-making purposes;
- i) Render decisions and/or suggestions based on the outcomes of the Police Code of Ethics Commission hearings; and
- j) Offer recommendations on the administrative aspects of the Police Code of Ethics Commission decision to the official overseeing the Police Code of Ethics Commission.

The official establishing the Polri Code of Ethics Commission has the authority to scrutinise and examine the report on the implementation of the Polri Code of Ethics Commission's duties, accept or reject the recommendations of the Polri Code of Ethics Commission, and render a decision based on accountable considerations. (Nestiti Aroma Puspita, 2016).

2. Factors Affecting the Occurrence of Violations of the Palopo Police Code of Ethics

Various factors contribute to the violations of the code of ethics by members of the Palopo Resort Police, including:

a. Legal Factors

Polri relies on two main pillars, namely disciplinary law enforcement and professional code of ethics, to carry out its supervisory role over its ranks in addition to the usual criminal offences provided for in the Criminal Code. Government Regulation No. 2/2003 sets out the rules governing disciplinary action for Polri members. The second foundation is the code of ethics stipulated in National Police Chief Regulation No. 14/2011.

b. Law Enforcement Factor

The staffing levels at Polres Palopo do not align with the volume and intricacy of issues encountered by the police force. The number of personnel of Polres Palopo is only 303 personnel. The vast jurisdiction of Polres Palopo is an obstacle in implementing the ethical rules of the police profession. Therefore, the real obstacle is the inability of the personnel of Polres Palopo to carry out all the responsibilities of Polres Palopo.

c. Facilities

The Paminal Unit, Provos Unit and Sipropam Polres, as the main enforcement element in Palopo City, often face obstacles in carrying out their duties, stemming from inadequate facilities and infrastructure and limited budget support. This significantly affects the smooth implementation of daily tasks.

d. Community/Police Factors

The following are some of the factors from Polri members that affect the implementation of the police code of ethics:

- 1) This is because police officers still have a low level of understanding and compliance with the rules of the Police Code of Ethics that apply and are binding on them.
- 2) When looking at cases of violations of the Police Code of Ethics, the Wabprof Subdivision still lacks understanding and implementation of laws and regulations.
- 3) There is still a lot of involvement and interference from Polri officials within the South Sulawesi Police in carrying out law enforcement of the Police Code of Ethics, so that the results of law enforcement still seem arbitrary and opaque.
- 4) Ankum remains very tolerant of police ethics hearings against members.
- 5) Not all Satker have fully implemented the socialization and training of regulations pertaining to civil servants.

e. Cultural Factors

Transforming an organisational culture created by power into a service organisation culture in a situation where there is still a mentality of "feeling uncomfortable" is evident from the reluctance of Bidpropam Polda Sulsel investigators to interview members of the Police who are accused of violating the code of ethics. The reason is that fellow Polri members, especially those of the same rank as the investigator with suspected criminals or suspected perpetrators who are more senior than the investigator, have an excessive sense of kinship (*spirit of decorps*), which must be avoided. Another problem is that there is still misplacement, which jeopardises the anonymity of the work they do if members are placed in the wrong or problematic places.

The important task of the Police corps should be that every police officer must provide information to carry out their duties properly and present a good image because the police and all police must submit and obey all existing rules to make members clean and loved by the community. To ensure the proper implementation of a Code of Ethics regulation, law enforcement agencies like the Police must enhance performance supervision of their members by providing profession-specific coaching, emphasizing moral values, and promoting adherence to the code of ethics. This will help uphold the integrity of the Police force and prevent violations of ethical standards.

CONCLUSION

According to the conducted research, the following conclusions can be derived: the regulations governing the violation of the code of ethics by members of the Indonesian National Police are outlined in Law Number 2 of 2002, which pertains to the Indonesian National Police, and Regulation of the Chief of the Indonesian National Police Number 14 of 2011, which focuses on the Code of Ethics of the Indonesian National Police. Members of the Indonesian National Police who are found to have violated the Disciplinary Regulations of Members of the Indonesian National Police are subject to sanctions in the form of disciplinary action and disciplinary punishment. Disciplinary action in the form of verbal reprimand or physical action Article 8 paragraph (1) of Government Regulation 2 of 2003. Disciplinary rules and code of ethics violations will be investigated and, if confirmed, appropriate sanctions will be applied. Disciplinary measures and penalties for breaching the code of ethics do not absolve police officers from facing criminal charges. The factors leading to violations of the Police Code of Ethics are intertwined with five closely related factors that are fundamental to law enforcement. These factors include legal aspects, law enforcement practices, community dynamics - with Police members as the focal point of ethical enforcement, and cultural influences in the Police organisation and in society in general, and to determine the extent to which the five factors are a benchmark for the effectiveness of law enforcement of the Police Code of Ethics.

Reference

- Alkof, Muhammad Fadli Nasrudin. (2022). Obligations and Prohibitions of the Police Code of Ethics. Accessed via <https://tirto.id/gvC22>
- Atikah, Ika (2022) Legal Research Methods. Sukabumi: Haura Utama.
- Dapit, K. (2022). Enforcement of the Code of Ethics and Discipline Against Police Members Who Commit Crimes by the Profession and Security Section (Study on the Profession and Security Section of West Pasaman Police Station). *UNES Law Review*, 4(3), 349-366. <https://doi.org/10.31933/unesrev.v4i3.245>
- Government Regulation (PP) Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police.
- Law (UU) Number 2 of 2002 concerning the National Police of the Republic of Indonesia.
- N. A. P. Untung Sri Hardjanto, Amiek Soemarmi. (2016). Implementation of the Duties and Authority of the Indonesian Police Code of Ethics Commission (Case Study on the Central Java Regional Police). *Diponegoro Law Journal*, vol. 5, no. 3, pp. 1-17, June. <https://doi.org/10.14710/dlj.2016.12250>.
- Nuh, Muhammad (2011). Ethics of the Legal Profession. Jakarta: Pustaka Setia
- National Police Chief Regulation No. 19/2012 on the Organisational Structure and Working Procedures of the Code of Ethics Commission of the Republic of Indonesia National Police.
- Regulation of the National Police of the Republic of Indonesia Number 2 of 2022 concerning Amendments to Regulation of the Chief of the National Police of the Republic of Indonesia Number 15 of 2017 concerning Determination of the Status of the Level and Class of Disability of Public Servants in the National Police of the Republic of Indonesia.

- Regulation of the Chief of the National Police of the Republic of Indonesia Number 7 of 2015 on the Amendment to Regulation of the Chief of the National Police of the Republic of Indonesia Number 20 of 2012 on the Preparation of Government Agency Performance Accountability Reports within the National Police of the Republic of Indonesia.
- Regulation of the National Police of the Republic of Indonesia Number 14 of 2011 concerning the Code of Professional Ethics of the National Police of the Republic of Indonesia.
- Regulation of the Chief of the Indonesian National Police Number 7 of 2006 on the Code of Ethics of the Indonesian National Police Profession