



Journal Homepage: -[www.journalijar.com](http://www.journalijar.com)  
**INTERNATIONAL JOURNAL OF  
 ADVANCED RESEARCH (IJAR)**

Article DOI:10.21474/IJAR01/7755  
 DOI URL: <http://dx.doi.org/10.21474/IJAR01/7755>



## RESEARCH ARTICLE

### THE ENFORCEMENT OF POLICE CODE OF ETHICS AS CRIMINAL ACTOR.

**Anthonius Diance<sup>1</sup>, Muhadar<sup>2</sup>, Sukarno Aburaera<sup>3</sup> and Andi Muhammad Sofyan<sup>4</sup>.**

Graduate School, Hasanuddin University, South Sulawesi, 90245, Indonesia.

#### Manuscript Info

##### Manuscript History

Received: 24 July 2018

Final Accepted: 30 August 2018

Published: September 2018

##### Keywords:-

Police; Code of Ethics; Law  
 Enforcement; Ethics

#### Abstract

The presence of Police profession is indispensable in maintain security and order, upholding the law, and providing protection to the peoples. However, on one side the police also not apart from the character as human who has the opportunity to conduct various violations of law whether it is a criminal act or a violation of the discipline and the code of ethics. This research is a legal research with a statutory, conceptual, and case approaches. The research site was conducted in the territory of regional Police of Papua, Indonesia and Police Headquarters by considers that the regional Police of Papua is a Police unit at the provincial level which hierarchically enforces law against the Police officers are authorized by the Chief of Police of the Republic of Indonesia. The results show that prior to the enforcement of the Profession Code of Ethics against the Police officers of the Republic of Indonesia, obviously doing criminal offense, in accordance with the legislation, it must first be processed until a court decision with a permanent legal force to obtain legal certainty. In its implementation in the jurisdiction of the Papua Police, it is often not done in accordance with the provisions of legislation, the occurrence of differences in treatment of offenders, and cause disparity in the sanctions. The occurrence of difference (disparity) in the sanctions in law enforcement against the Police officers is due to the provisions on the Code of Ethics of the Police which limits the authority of the Commission of the Code of Ethics of Police when hearing and deciding by stipulating that the decision of the Commission of the Code of Ethics of Police is recommendation (not final and binding).

Copy Right, IJAR, 2018,. All rights reserved.

#### Introduction:-

Law enforcement is a very decisive pillar in interpreting a constitutional state (*rechstaat*).<sup>1</sup> By the process of law enforcement, ideas and concepts that are abstract in the law such as fairness, certainty and social benefits manifested into facts.<sup>2</sup> In addition to law enforcement as one of the pillars of the concept of the constitutional state, other important matters is the legal structure that in the constitutional State all legal actions of apparatus are based on the

see Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, Edisi Revisi, Konstitusi Press, Jakarta, 2005, page. 152.

<sup>2</sup> Satjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologi*, Genta Publishing, Yogyakarta, 2009, Page. 12

law and no exception in the law enforcement against members of the Police of the Republic of Indonesia who committed a crime, commit a violation of the profession code of ethics. Law enforcement against members of the police who violate the law (criminal, profession code of ethics and discipline) will lead to various forms of sanction, including criminal as a form of responsibility for criminal acts committed, violation sanction (by apologize in oral and written, build a character of criminal actor) and administration sanction by demotion and dismissal not with respect.<sup>3</sup>

As one of the functions of the government in a county that carries a noble duty, the presence of Police profession is indispensable in maintain security and order, upholding the law, and providing protection to the peoples, and also they are expected to be an example in obedience to the law, but on one side the police also not apart from the character as human who has the opportunity to conduct various violations of law whether it is a criminal act or a violation of the discipline and the code of ethics.

In fact, based on the year-end report of the Police of the Republic of Indonesia in 2017, revealed that during 2017, the Police gives a bad report related to the involvement of the Police officers in various cases, between narcotics and other cases in terms of discipline and the code of ethics of police. During the period of 2017, there were 222 police officers dismissed with no respect, consisting of 75 as drug, 7 as sexual, 8 as domestic violence, 8 as thefts with violence, 8 as persecution, 10 as thefts, and 44 as other cases. This figure decreased from 359 officers who dismissed with no respect by 2016. Total violations of the police officers decrease from 6.662 in 2016 to 5.062 in 2017, the violation of the code of ethics decreases from 1.671 in 2016 to 749 in 2017.<sup>4</sup>

Various issues are often given the public attention in enforcing the law against the Police officers, such as law enforcement has been implemented and *inkracht* but the verdict is not implemented, the verdict of dismissal with no respect is *inkracht* but there is a policy of the chief that the punishment is still feasible, resulting in legal uncertainty for the Police officers. Not only uncertainties against the police officers but it injuring a justice on the same principle to treated equally and conversely.<sup>5</sup>

Law enforcement against the police officers who commit a crime has different character if compared to the general public, therefore in addition processing in criminal through the hearing to the Code of Ethic as stipulated in the rule of Police No. 14 of 2011 on the Code of Ethics of the State Police of the Republic of Indonesia.

In law enforcement against the Police officers who commit crimes either through the general judicial process or the enforcement of the discipline and the Code of Ethics internally, it will become the spotlight of the public, when there are biases in the process that are not in accordance with the principles of legal as applicable universally, because the difference of treatment can lead to injustices felt among families and the Police officers and allegedly as criminal actor. In a preliminary study, it was found that the police officers who committed criminal acts in the police of Papua, there was a special treatment or differentiation in law enforcement, among other the law enforcement that should for the Police officers who committed a crime.

#### **Method of the Research:-**

This research is a legal research. To collect information as needed in answering the research problems, we use a statutory, conceptual, and case approaches.<sup>6</sup> The statutory approach was conducted to examine the legislation underlying criminal law enforcement, especially to find out how legislation regulates the law enforcement against the Police officers who commit a crime. Meanwhile, by a conceptual approach, to find out how should law enforcement be implemented. Last but not least, a case approach is also used that intended to analyze several cases

<sup>3</sup> Juntunen, A., Käyhkö, E., & Rotterdam, H. (2008). Police corruption, ethics and values of police and respondents A study based on a citizen survey in Finland. In *meeting of the European Group of Public Administration Review, Rotterdam, Holland*. (pp. 3-6).

<sup>4</sup> Legal Division of Police Headquarter, *Pembekalan Kadivkum Polri*, A Paper Presented on Rakernis Gabungan Divpropam Polri dan Divkum Polri T.A. 2015, Jakarta, May 2015.

<sup>5</sup> Inspectorate of General Supervision of Police Headquarters, *Peningkatan Pengawasan Dalam rangka Meniminalisir Penyimpangan Guna Mewujudkan Revolusi Mental Anggota Polri*, A Paper Presented on Rakenis Divpropam dan Divkum Mabes Polri, Jakarta 20 May 2015

<sup>6</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2010, Page. 93

of law enforcement against the Police officers who committed criminal offenses in the territory of regional Police of Papua province Indonesia.

It was conducted in the territory of regional Police of Papua and Police Headquarters by considers that the regional Police of Papua is a Police unit at the provincial level which hierarchically enforces law against the Police officers are authorized by the Chief of Police of the Republic of Indonesia to enforce the law against the officers who commit a crime, which in its implementation on behalf of the Chief of Police can impose administrative sanctions from the lightest to the most severe by dismissal not with respect from the Police service.

#### **Assessing the Enforcement of the Profession Code of Ethics against Police Officers as Criminal Actor:-**

In the eye of the law, the Police officers are equal to the civil society and on the other hand bears profession duty in maintain the security, enforce the law and provide services to the public. In such a position, the conduct and actions of the police officers are in addition subject to the provisions of the criminal law legislation which is governed by the Criminal Code and is also subject to the code of conduct and code of ethics, in order to maintain the professional dignity of the Police of the Republic of Indonesia. The Code of Conduct regulates how to behave in accordance with the rules, while the Code of Ethics regulates how the Police officers are ethically good in their capacity as state officials, as well as in their positions as members of the public.<sup>7</sup>

In principle, law enforcement against the Police officers is no different from law enforcement against civilians who commit criminal offense, because with the enactment of Act No. 2 of 2002 concerning the Police of the Republic of Indonesia, Article 29 paragraph (1) stipulates that the Police Officers of the Republic of Indonesia were subject to the judicial power of the general public. What distinguishes is in addition to subject to the general judicial, because the profession as police who conduct criminal offense automatically, and should be enforced the Code of Ethics (Regulation of the National Police No. 14 of 2011) as a form of responsibility for their profession. This is possible, because in fact every member of the Police who is proven to have committed a crime, automatically also has violated the profession Code of Ethics.

In practice, it is not so because not all the Police officers who alleged committing a criminal offense are criminally processed to account for their actions, as well as not all the Police officers proven to have committed a crime are processed through the Commission Hearing of the Code of Ethics as a form of professional liability. This is the object of this research, so we conduct a comprehensive review and study to find out who the Police officers of the Republic of Indonesia who served in the Regional Police of Papua proved to violate the profession Code of Ethics which then carried out the process of enforcing the Code of Ethics.

Still many the Police officers of the Republic of Indonesia who commit a crime until now and it is become concerns separately in the society. Therefore, for the Police is taboo to hurt the peoples, hence it is become a noble duty that authorized to the Police. It further explained that people in the UK demanded that Police not only control crime, but also be role models of community members about how to behave properly. The same expectation also arises in Indonesian society towards police figures who not only nurture, protect and serve but abstain from acts that are distorted or contrary to law.<sup>8</sup>

The facts about the number of police officers involved in various crimes are also recognized by the National Police Leaders as disclosed by the Chief of Police of the Republic of Indonesia at the opening of the Technical Work Meeting of Propam, Legal and Information Technology Divisions of the Police on May 20, 2015, that one the problems experienced by the Police and the need to find the solution now is the discovery of various violations of discipline, code of ethics and criminal acts committed by Police personnel that can damage the solidity and image of the Police. In the explanation of Propam division, it was revealed that in 2014 there were deviant acts committed by Polri officers in the form of disciplinary offense of 15.687 cases, violation of professional code of 633 cases and

---

<sup>7</sup> Yemane, D. "Applying a US police integrity measurement tool to the Eritrean context: Perceptions of top-level Eritrean police officers regarding police misconduct." *Journal of Organisational Transformation & Social Change* 10, no. 3 (2013): 238-261.

<sup>8</sup> Satjipto Rahardjo, *Polisi Sipil Dalam Perubahan Sosial di Indonesia*, Penerbit Buku Kompas, Jakarta, 2002, Page. 44.

1.355 criminal offenses.<sup>9</sup> The problems of the number of police officers who violate the discipline, the violation of the code of ethics and the criminal offenses, according to the Inspectorate of General Supervision of the National Police Headquarters hinted that internal controls are not working as expected, some are not noticed, some are not punished, some are not punished according to the rules, some are punished lightly, and so forth.<sup>10</sup>

Law enforcement against the Police officers who commit a criminal offense entirely applies the provisions of the Criminal Code. However, there is a special characteristic in law enforcement against the Police officers who commit criminal offense, namely the decision of the court that has had permanent legal force becomes the basis for the supervisors who are entitled to punish the Police to continue the examination in the Commission Hearing of the Profession Code of Ethics, as well as the basis for recommending administrative sanctions in the form of dismissal not with respect by the Commission Hearing of Code of Ethics. A special characteristic in law enforcement against the Police officers is that in addition to criminal sanctions, the punishment will also be processed in the Commission Hearing of Code of Ethics and administered an administrative sanction in the form of a recommendation of dismissal with no respect, which is cumulative.

In *concreto*, Joseph Goldstein<sup>11</sup> cautioned that there could be no total enforcement as defined in substantive law of criminal, because law enforcers is strictly limited by criminal procedure law, even by substantive criminal law itself, such as a complaint offense (*klacht delicten*). What is expected is the full enforcement, but it is considered not a realistic expectation, because there are limitations in the form of time, personnel, tools of investigation of funds and so forth (facilities and infrastructure), which causes the occurrence of discretion, so that the actual law enforcement is called *actual enforcement*.

Relevant to the opinion of Joseph Goldstein about the limitations that causes the full enforcement is not realized, Soerjono Soekanto put forward 5 (five) key issues faced in law enforcement, as follows:<sup>12</sup>

1. Law itself, such as legislation
2. Law enforcers, the parties that establishes and implement the law
3. Facilities that support law enforcement
4. Community, i.e the environment in which the law applies
5. Cultural, i.e as a work, creativity and sense that is based on human initiative in the social life.

Although the five factors as mentioned above are interrelated, but according to Soerjono Soekanto, a factor of law enforcement be a central point. This is because the laws are drafted by law enforcement, their implementation is carried out by law enforcers and law enforcers is considered a legal role model by the community. Furthermore, how the law enforcement for the Police officers in the territory of regional Police of Papua. The result of research on law enforcement for the Police officers who committed a crime, committed a violation of the discipline or Profession Code of Ethics.

As a constitutional State, the settlement of criminal case through judicial process although it is not one, because in certain indigenous community is often the criminal case that categorized as indigenous crime is settled by custom judicial, but the settlement of crime through criminal judicial system mechanism is viewed as process option in accordance with the rule of law and the respecting to the law as the unique characteristic of the constitutional State, by guarantee the presence of due process and the proper treatment for defendant, suspect and prisoner, prosecute and release innocent persons accused of crimes.<sup>13</sup>

<sup>9</sup> The Chief of Police RI and Propam Division of Police Headquarters, *Strategi Penegakan Etika Profesi Guna Mendukung Revolusi Mental*, A Paper Presented on Rakernis Divpropam, Divkum, Div TI Polri, Jakarta, 20 May 2015.

<sup>10</sup> Inspectorate of General Supervision of Police Headquarters, *Strategi Peningkatan Pengawasan Dalam Rangka Meminimalisir Penyimpangan Guna Mewujudkan Revolusi Mental Angggota, Polri*, A Paper Presented on Rakernis Divpropam, Divkum, Div TI Polri, Jakarta, 20 May 2015.

<sup>11</sup> Joseph Goldstein, as cited in Muladi, *Kapita Selektta Sistem Peradilan Pidana*, Badan Penerbit Universitas Diponegoro, Semarang, 1995, Page. 16.

<sup>12</sup> Soerjono Soekanto, *Ibid*, Page. 8

<sup>13</sup> Malcom Davis, Hazel Croal and Jone Tyrer as cited in Harkristuti Harkrisnowo, "Newsletter Komisi Hukum Nasional", Edisi Mei 2002, Jakarta, Page 10, that one the function that should be conducted by the criminal judicial system is upholding and promote *the rule of law* and respecting to the law.

Law enforcement through the operation of the criminal justice system has the purpose of discovering material truth. In countries that adhere to the *civil law* system including Indonesia, the criminal justice system is more inclined to the inquisitorial system, where the role of judges is considerable, as they construct and decide cases by investigating facts and evidence.<sup>14</sup> Not only that, there is still an ordinary legal remedy in the form of appeals and cassation against decisions that have been based on at least 2 (two) valid evidences and judges obtaining conviction, or through remarkable legal remedies in the form of a judicial review if there is new circumstances or relevant new evidence (*novum*).

**Table 1:-**Law enforcement against the Police Officers of Papua Police in 2014-2017

Criminal Offense	Amount of Case	Law Enforcement	Sanction
Fraud	1	- Criminal - Code of Ethics	Dismissal with not respect
Drugs	13	- Criminal - Code of Ethics	Dismissal with not respect
Rape	1	- Criminal - Code of Ethics	Dismissal with not respect
Immoral	8	- Criminal - Code of Ethics	Dismissal with not respect
Adultery	6	- Criminal - Code of Ethics	Dismissal with not respect
Persecution	2	- Criminal - Code of Ethics	Dismissal with not respect
Abuse of power	1	- Code of Ethics	Dismissal with not respect
Murder	1	- Criminal - Code of Ethics	Dismissal with not respect
<b>Total</b>	<b>33 cases</b>		

**Source:-**Division of Propam of Regional Police of Papua, December 2017 (edited).

The provisions in Article 22 paragraph (2) of the Regulation of the Chief of Police No. 14 of 2011, which relies on the imposition of administrative sanctions in the form of a recommendation of dismissal with not respect against a member of the Police allegedly committing a criminal offense is only possible after first proven a criminal offense through the general judicial process up to a court decision having permanent legal force is a respect for the law and the protection of the right human rights of abuse of power including the superior of the right. In its implementation in the Papua Police, law enforcement against the Police officer that commits a crime as shown in **Table 1**.

Law enforcement against the Police officer in the Regional Police of Papua as shown in table 1 above indicates that not all members committing criminal offenses are subject to administrative sanctions in the form of dismissal with no respect (PTDH). Because, there are members who commit criminal offenses where the crime has not been processed and get a court decision with permanent legal force but has been handed the most severe administrative sanctions namely PTDH. Dismissal with no respect is the most administrative sanction in Regulation of National Police No. 14 of 2011 and its regulation expressly requires that members committing a new crime may be tried in a Commission Hearing of the Profession Code of Ethics if there is already a court decision of permanent legal force (*inkracht*).<sup>15</sup>

The difference in the treatment of the Police officers who committed criminal offenses in imposition of administrative sanctions in the form of dismissal with no respect as in the table also contradicts the principle of equality before the law. This means that everyone is not excluded from the Police officers subject to and treated equally before the law, entitled to the same rights including the right to receive the same treatment, in the case of doing the same deeds. The two principles are also the foundation for the realization of justice, that it is fair to be treated equally in the same way and differently treated.

<sup>14</sup> H. Heri Tahir, *Proses Hukum Yang Adil Dalam Sistem Peradilan Pidana di Indonesia*, LaksBang Pressindo, Yogyakarta, 2010, Page. 14

<sup>15</sup> Mien Rukmini, *Perlindungan HAM melalui Asas Praduga Tidak Bersalah dan Asas Persamaan Kedudukan Dalam Hukum Pada Peradilan Pidana Indonesia*, PT. Alumni Bandung, 2003, Page. 5

**Impact of Different Sanction in Enforcing the Police Code of Ethics:-**

The establishment of the regulation of the Chief of Police No. 14 of 2011 on the Code of Ethics of the Police Profession has a strong philosophical foundation that the implementation of the duties, authorities and responsibilities of the Police officers of the Republic of Indonesia must be run professionally, proportionally and procedurally supported by the basic values as contained in *Tribrata* and *Catur Prasetya* that describes the code of ethics of the Indonesian National Police as a norm of proper and inappropriate behavior, and the enforcement of the profession code of ethic of the Indonesian National Police must be implemented objectively, accountable, upholding legal certainty and legitimate, based on the services of members of the Indonesian National Police who allegedly violate the profession code of ethics of the Indonesian National Police.

Above all, code of Ethics of the Police as a code of conduct is made as a guideline in every member of Police in carrying out its noble profession, with the objective as stated in Article 2 that is to apply the values of *Tribrata* and *Catur Prasetya* in the implementation of duty and authority; to strengthen the professionalism, integrity and accountability; equalize the mindset, attitude, and actions of Police officers; running the professional standard of Police in the implementation of Police duties; and glorify the Police profession with the enforcement of the Code of Ethic of Police (KEPP – *Kode Etik Profesi Polri*) and in order to achieve these objectives, the implementation of the enforcement of code of ethic is done easily, quickly and accountably by upholding truth and justice, equal rights without differentiating rank, title, social status, economy, race, class and religion.

All the principles underlying the enforcement of the Code of Ethics of the Police have not been able to be guided by *Komisi Kode Etik Polri* (KKEP), arises a disparity that affects the injustice, but also the trust of members and society against the Police institution as law enforcers, protector, and public servant will be weakened. The Police institution has a noble duty as law enforcer, guardian and protector of society. Behind this noble duty, there is a hope that from the Police institution must begin a truly fair and accountable law enforcement mechanism. This needs first to be proven within the Police' own environment, as a responsibility for the noble honor it carries.

How the procedures and enforcement of the code of ethics and decision-making that impose sanction administratively will provide good education to offenders and other members of the Police, that any violations must be criminally processed and codified through fair and accountable mechanisms. Thus, there is legal certainty that becomes the guidance both for offenders and institutions and society in general. On the contrary, due to the differentiation of treatment and disparity of sanction, it will decrease the authority of institution in the eyes of the offenders, the family and society, because they are considered unable to act justly to their own members.

It is conceivable how the offenders and their families feel when they know that many members of the Police are committing the adultery, but one is dismissed with no respect which is the maximum administrative sanction and the other is not processed by code of ethics or only decided to apologize which is the lightest administrative sanction. For offenders sanctioned apologies, certainly they will be smiling and there is a possibility tomorrow will do the same, on the contrary for members who dismissed with no respect bring a tremendous impact, not for himself but also the family and the children or the parents, because in addition to losing their jobs, may also lose pride as the Police officers. As in the enforcement of criminal law, that disparity criminal cannot be avoided or eliminated altogether, but be assured that the disparity is not prominent so it can hurt the members, families and society in general, because behind the disparity in sanction is prominent that the legal protection of human rights and justice are highly injured.

The reality of law enforcement against the Police officers as described above becomes an empirical fact of the need to review the legal norms as juridical instruments guided in law enforcement against the Police officers especially in relation to the enforcement of professional ethical codes. Disparity is very prominent, a proof that the enforcement of the law absolutely done according to established procedures and mechanisms, and when in the procedures and mechanisms there are norms that have the potential to degrade the substance of the law that is justice then the norm needs to be reviewed.

The commitment of moral as contained in the consideration from the regulation of Chief of Police No. 14 of 2011 on the Code of Ethics of Police, that enforcement of the code of ethics of Police must be conducted objectively, accountable, uphold the rule of law and a sense of justice (*legal and legitimate*), as well as human rights with due regard to services dedicated of the police officers, be a moral spirit to build legal norms and its enforcement.

Objective means neutral for anyone, the procedure provides the same standard for everyone, without any tendency to privilege. The objective is interpreted that the enforcement of a professional code of ethics is run on the basis of rules that apply equally to all, not to taste. Therefore, the choice of settlement mechanism through the KKEP is a way of realizing the objectivity of the enforcement of the KEPP. Through examination in KKEP and ends in the decision is the most objective way because in the process carried out the proof and defense in a balanced and transparent. Therefore, all types of decisions of KKEP should be final and binding.

The authorities granted to the Establishment Official of KKEP do not reflect the value of objectivity as a basis for establish the rules of KEPP and the organizational structure and work order of KKEP. If its consideration is to safeguard and uphold the honor and dignity of the Police institution or other considerations, then all such actions shall be submitted and carried out in accordance with the mechanisms contained in the principles of similarity, equality and in particular a just legal process.

Related to the principle of accountability, then by Bernard L. Tanya,<sup>16</sup> that the importance of accountability in law enforcement, because without accountability almost all stages and phases in the legal process would be perceived as a dark hallway, gripping and full of puzzles, so that justice seekers haunted by anxiety, fear and obscurity. Without accountability, the legal process will be passed by *trial and error*, speculation, gambling, and at the worst end, such situation opens up bargaining space and is easily accessible to the judicial mafia.

The establishment of KKEPs commission, one of the objectives is that the process of enforcing the Code of Conduct can be accounted for, both in terms of process and output, because it is carried out by a commission with the elected persons and implemented in an examination mechanism called the session. Therefore, Bernard L. Tanya' concerns as mentioned above be a basis for questioning the accountability of unlawful law enforcement processes in the enforcement of the code of ethics of police particularly in the jurisdiction of the Papua Police.

Accountability in law enforcement demands all law enforcers in KKEPs Commission and the Establishment Officials of KKEP to always be held accountable for a decision taken, especially an administrative decision which dismisses with respect to the Police officers, based on consideration of the legal basis, what is the purpose and urgency and how the sanctions of dismissal are established. In other words, the decision of dismissal of a member of Police should be the result of an objective and accountable process.

As a result, considering the importance and the strategy of KKEPs Commission in upholding the professional values as realized in the Code of Ethics of the Police, in addition to the reform of norms, the establishment of KKEP Commission should be permanent and independent, and not *ad hoc*, which at any time is established as required, so more professional and accountable.

### Conclusion:-

Prior to the enforcement of the Profession Code of Ethics against the Police officers of the Republic of Indonesia, obviously doing criminal offense, in accordance with the legislation, it must first be processed until a court decision with a permanent legal force to obtain legal certainty. In its implementation in the jurisdiction of the Papua Police, it is often not done in accordance with the provisions of legislation, the occurrence of differences in treatment of offenders, and cause disparity in the sanctions. The occurrence of difference (disparity) in the sanctions in law enforcement against the Police officers is due to the provisions on the Code of Ethics of the Police which limits the authority of the Commission of the Code of Ethics of Police (KKEP) when hearing and deciding by stipulating that the decision of KKEP is recommendation (not final and binding).

The findings of the study recommended that to the Police institution to implement the law enforcement procedure of the Code of Ethics of Police in accordance with the mechanism set forth in the Code of Ethics of the Police, in which the enforcement of the code of ethics shall be conducted after the offender is examined in a general court session with a decision that has permanent legal force. In addition, the authority of KKEP needs to be strengthened and permanently established and filled by officials with integrity to avoid intervention in examination and decision-making.

---

<sup>16</sup> Bernard L. Tanya, *Op Cit*, 2014, Page. 88

**References:-**

1. Heri Tahir, *Proses Hukum Yang Adil Dalam Sistem Peradilan Pidana di Indonesia*, LaksBang Pressindo, Yogyakarta, 2010.
2. Inspectorate of General Supervision of Police Headquarters, *Peningkatan Pengawasan Dalam rangka Meniminalisir Penyimpangan Guna Mewujudkan Revolusi Mental Anggota Polri*, A Paper Presented on Rakenis Divpropam dan Divkum Mabes Polri, Jakarta 20 May 2015.
3. Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, Edisi Revisi, Konstitusi Press, Jakarta, 2005.
4. Juntunen, A., Käyhkö, E., & Rotterdam, H. (2008). Police corruption, ethics and values of police and respondents A study based on a citizen survey in Finland. In *meeting of the European Group of Public Administration Review, Rotterdam, Holland*. (pp. 3-6).
5. La Sina. (2016). Implementation of the Death Penalty in the Perspective of Human Rights in Indonesia. *Hasanuddin Law Review*, 2(3), 385-397. doi: <http://dx.doi.org/10.20956/halrev.v2i3.695>
6. Malcom Davis, Hazel Croal and Jone Tyrer as cited in Harkristuti Harkrisnowo, "Newsletter Komisi Hukum Nasional", Edisi Mei 2002, Jakarta.
7. Mien Rukmini, *Perlindungan HAM melalui Asas Praduga Tidak Bersalah dan Asas Persamaan Kedudukan Dalam Hukum Pada Peradilan Pidana Indonesia*, PT. Alumni Bandung, 2003.
8. Muladi, *Kapita Selekta Sistem Peradilan Pidana*, Badan Penerbit Universitas Diponegoro, Semarang, 1995.
9. Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2010.
10. Satjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologi*, Genta Publishing, Yogyakarta, 2009.
11. Satjipto Rahardjo, *Polisi Sipil Dalam Perubahan Sosial di Indonesia*, Penerbit Buku Kompas, Jakarta, 2002.
12. The Chief of Police RI and Propam Division of Police Heaquarter, *Strategi Penegakan Etika Profesi Guna Mendukung Revolusi Mental*, A Paper Presented on Rakernis Divpropam, Divkum, Div TI Polri, Jakarta, 20 May 2015.
13. Yemane, D. "Applying a US police integrity measurement tool to the Eritrean context: Perceptions of top-level Eritrean police officers regarding police misconduct." *Journal of Organisational Transformation & Social Change* 10, no. 3 (2013): 238-261.