

DISCIPLINARY LAW ENFORCEMENT STRATEGIES FOR POLICE OFFICERS SERVE AS A MEANS TO UPHOLD AND FULFILL HUMAN RIGHTS

Nazarudin Latif
Mohammad Tohari

ABSTRACT

When discussing the enforcement of the code of ethics for members of the Indonesian National Police (POLRI), it is essential to refer to the Indonesian National Police Regulation on the Code of Professional Ethics and the Police Ethics Commission. Article 3, paragraph (1) of this regulation stipulates that all members of POLRI must adhere to the obligations and prohibitions outlined in the domains of state ethics, institutional ethics, societal ethics, and personal ethics. This article provides a clear textual reprimand, asserting that POLRI members are bound by various ethical principles that must be respected and followed. However, in practice, there are instances where certain members of POLRI deliberately violate these ethical standards for personal or familial gain. Such legal realities signal the need for more stringent enforcement of the code of ethics, requiring POLRI to impose stronger legal measures in addressing violations.

Keywords: Criminal offenses, traffic violations, and electronic ticketing (e-ticketing)

INTRODUCTION

In recent years, the performance of the Indonesian National Police (POLRI) has faced significant criticism from the general public. Such criticism arises as a consequence of various internal issues within POLRI, as well as incidents involving the police force. These criticisms have, on a broader scale, led to a decline in public trust in POLRI. For instance, according to a survey conducted by Populi Center from October 9 to 17, 2022, POLRI received a public trust rating of only 6.06, placing it among the bottom four of the country's state institutions. This decline in public trust cannot be ignored.

As the institution entrusted with maintaining security and enforcing the law according to the 1945 Constitution of the Republic of Indonesia, POLRI should ideally be one of the most trusted state institutions. Moreover, POLRI is one of the two state institutions that is structurally closest to the public and serves as a tangible representation in national defense and security matters. Based on this understanding, improving the performance of POLRI is imperative. Specifically, the most fundamental aspect in need of improvement is the discipline of POLRI members. In this regard, it is essential to comprehensively address the enforcement of the police code of ethics.

When discussing the enforcement of the police code of ethics, it is necessary to refer to the Indonesian National Police Regulation on Professional Code of Ethics and the Police Code of Ethics Commission. Article 3, paragraph (1) of this regulation stipulates that all members of POLRI must adhere to the obligations and prohibitions outlined in national ethics, institutional ethics, societal ethics, and personal ethics. This article provides a clear textual reprimand, indicating that POLRI members must comply with various ethical values. However, in practice, there are some individuals within POLRI who intentionally violate these ethics for personal or familial gain. This legal reality indicates the necessity for POLRI to implement stricter enforcement of the code of ethics violations.

From a legal perspective, this action is seen as an implementation of progressive law. Progressive law, essentially, involves enforcing the law with determination, empathy, dedication, and a commitment to addressing the nation's suffering, alongside the courage to apply mechanisms that differ from the existing ones. This concept of progressive law is a new approach that POLRI should consider adopting. With this understanding, it is clear that POLRI must contribute to the development of the rule of law in Indonesia. The development of a rule-of-law state involves building behaviors rooted in the rule of law, which in turn leads to the establishment of a new civilization.

Building a new and humane legal civilization to enforce the police code of ethics is necessary for improving POLRI's performance and concretely advancing the state's efforts to ensure the fulfillment and protection of human rights. The relevance between improving POLRI's code of ethics enforcement system and human rights is implicitly addressed in the police's primary duties and functions, as discussed earlier. POLRI, which frequently interacts with the public in the course of its duties, must fully and consciously adhere to all established ethical guidelines. Failure to do so could result in issues that may limit or even infringe upon the fundamental human rights of citizens. In essence, the supremacy of human rights, particularly the rights of citizens, must be protected by the state.

As stipulated in Article 28I, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, in this case, the government. Regarding potential violations of the police code of ethics, the state must ensure that the public does not feel fear or discrimination. Discriminatory actions are, in fact, one of the core issues of human rights, as protected by the constitution, specifically in Article 28B, paragraph (2) of the 1945 Constitution.

RESEARCH METHOD

The research method used in this study is a juridical-empirical method, also known as field research, which examines the applicable legal provisions in relation to their practical implementation in society.

DISCUSSION

The Strategy of Enforcing Disciplinary Laws for Police Officers as a Manifestation of Human Rights Fulfillment

The state has an obligation to protect and maintain security, as the security of a nation is crucial to the success of national development and serves as a fundamental condition for the realization of a just, prosperous, and civilized society based on Pancasila and the Constitution of the Republic of Indonesia (UUD 1945). When a nation is in a secure condition, the next aspiration for both society and the government is a life characterized by happiness, prosperity, justice, and fairness for its citizens. Security is one of the primary responsibilities of the Indonesian National Police (POLRI). The purpose of establishing POLRI is to realize internal security, which includes maintaining public order, upholding the law, ensuring the protection and service of the public, and fostering societal peace while respecting human rights, as stipulated in Article 4 of Law No. 2 of 2002 on the Indonesian National Police (State Gazette of the Republic of Indonesia 2002, No. 2, Supplement to State Gazette No. 4168).

To fulfill its role as a state apparatus that provides protection, guidance, and service to the public, POLRI's existence is inseparable from the society it serves. However, the image or reputation of the police remains problematic, not only within certain regions but perhaps across the entire nation. Despite continuous efforts to improve the police's public image, these efforts have not led to a significantly positive perception of the police. Research and literature concerning police forces, both in developed and developing countries, rarely portray a positive image of police officers in the execution of their duties. This issue stems from their direct interaction with the community, often opening the possibility for abuse of this relationship for personal gain.

Regulations regarding POLRI's discipline are outlined in Government Regulation No. 3 of 2003, which was issued on January 1, 2003, and later amended to align with the evolving responsibilities, powers, and duties of POLRI members as civil police officers. Furthermore, the formulation of POLRI's discipline is adjusted to the legal and constitutional developments and public aspirations, keeping pace with the demands of the times. Police officers are required to serve all people in society, regardless of their social status or rank. It is crucial for every officer to remember that the only qualification essential for a police officer is the ability to control anger and emotions effectively, refraining from taking offense, even in the face of insults or threats, no matter how minor. The police figure is expected to behave consistently in both their professional and personal life, according to the law. There is no clear boundary between an officer's personal life and their role as a member of POLRI. Even when off duty, an officer is still regarded as a police figure and must always be ready to provide protection to the public. Therefore, disciplinary regulations for POLRI members not only govern their conduct in the execution of their duties but also their behavior in society. These regulations encompass fundamental obligations, prohibitions, and sanctions for non-compliance or violations.

POLRI's disciplinary regulations serve to guide officers in a work environment filled with conflict, tension, and uncertainty, while also nurturing a new character and culture aligned with the demands of reform as a civil police force. These regulations stipulate the procedures for investigations, the imposition of disciplinary penalties, and the process for filing objections if an officer feels the penalty is unjust. The primary aim of imposing disciplinary sanctions is to correct and educate officers who have committed disciplinary violations, guiding them toward better behavior.

Several factors contribute to this issue, including:

1. Proximity to Crime: Police officers are the closest and most immediate responders to crime in society. They are the first to receive reports of criminal activities or become aware of them.
2. Vulnerability of Police Officers: Police officers hold a position between the perpetrators of crime (both individual and group) and the general public (non-criminals). This position is inherently risky, as failures in crime prevention are met with public criticism, while success in handling crime often leads to serious threats (both physical and psychological) to officers and their families.
3. Technological Advancement: While technology has greatly benefited society, it has also contributed to the increasing sophistication of criminal methods. The rapid pace of technological development has outstripped the police's ability to adapt, both in terms of software and hardware improvements, including the training of police personnel and the adequacy of police facilities.

The Indonesian National Police (POLRI) is increasingly burdened by public expectations regarding its role, particularly regarding the prevention of criminal activities free from corruption, disciplinary violations, or criminal behavior. Recent scandals, including bribery, corruption, human rights violations, and other criminal cases involving officers, have led to a public perception that POLRI is immune to the law, with cases involving police officers often disappearing before reaching trial.

The weakening of discipline and professionalism among POLRI members has become a frequent topic of public concern. Media reports of indiscipline, such as police officers misusing firearms, involvement in criminal activities, abuse of power, and other misconduct, have raised public alarm regarding POLRI's ability to maintain public safety and order. This ongoing issue poses a serious concern for the fulfillment of POLRI's primary duties, such as upholding law and order, protecting the public, and ensuring the peaceful coexistence of society while respecting human rights.

In general, the duties of the police, as stated in Article 13 of Law No. 2 of 2002 concerning the Indonesian National Police, are as follows:

- a. To maintain public security and order
- b. To enforce the law
- c. To provide protection, guidance, and service to the public.

The development and enforcement of discipline, as well as the maintenance of order, are carried out through preventive actions to avoid violations, including:

- a. Monitoring public areas and/or locations prone to disciplinary violations
- b. Patrolling
- c. Securing areas
- d. Maintaining order
- e. Supervising activities

In enforcing discipline, the Semarang Police Department's Propam Unit (Police Propaganda) conducts regular Gaktibplin (disciplinary law enforcement) operations, targeting:

- a. Personal identification documents
- b. Behavior, including all actions performed by police officers
- c. Respectful conduct in accordance with the basic police regulations, including the proper use of police uniforms and equipment as per organizational guidelines
- d. Jewelry worn for personal enhancement
- e. Appearance and grooming standards
- f. Completeness of vehicle registration and equipment
- g. Official inventories
- h. Firearms permits
- i. Drug use
- j. Attendance verification through the POLDA Central Java Attendance Application

To support these primary duties, the Indonesian National Police is also responsible for additional tasks as outlined in Article 14, paragraph (1) of Law No. 2 of 2002 concerning the Indonesian National Police. These tasks include:

- a. Regulating, guarding, escorting, and patrolling public and governmental activities as necessary
- b. Ensuring the security, order, and smooth flow of traffic
- c. Fostering public participation, legal awareness, and compliance with laws and regulations
- d. Participating in national legal development
- e. Maintaining public order and ensuring general security
- f. Coordinating, supervising, and providing technical guidance to specialized police units, civil servant investigators, and civilian security forces
- g. Investigating and prosecuting criminal offenses in accordance with criminal procedure laws and other relevant regulations
- h. Operating police identification, forensic, and psychological services for law enforcement needs
- i. Protecting human life, property, public welfare, and the environment from disturbances and/or disasters, while respecting human rights
- j. Serving the immediate needs of citizens until they are handled by the relevant authorities
- k. Providing services to the public within the scope of police duties
- l. Carrying out other duties as prescribed by law

The primary role of the police in law enforcement is closely tied to their function as part of the criminal justice system in Indonesia. To fulfill these duties, the police are authorized to:

- a. Make arrests, detain individuals, conduct searches, and seize evidence
- b. Prevent individuals from entering or leaving crime scenes for investigative purposes
- c. Bring suspects before investigators
- d. Stop and question suspected individuals, including checking identification
- e. Conduct document searches and seizures
- f. Summon individuals to testify as witnesses or suspects
- g. Call upon experts for assistance during investigations
- h. Terminate investigations when necessary
- i. Submit case files to prosecutors

The purpose of disciplinary punishment is to reform and educate police officers who commit disciplinary violations. Therefore, each supervisor (Ankum) is required to carefully examine the actions of officers who have violated discipline. Disciplinary punishments should be commensurate with the violations committed, ensuring that they are fair and just. Supervisors must also consider the officer's emotional state, the environment, and avoid excessive or disproportionate use of authority, which could damage the credibility of the Indonesian National Police. Although disciplinary regulations have been well-established, the success of their implementation depends on the commitment of all police officers to uphold discipline, with an emphasis on the successful execution of duties in alignment with public expectations and trust.

CONCLUSION AND SUGGESTION

Conclusion

1. The strategy for enforcing disciplinary law on Police Members as a realization of the fulfillment of human rights is as follows:
 - a. Conducting socialization of Law No. 2 of 2002 concerning the Indonesian National Police (Polri), which includes the main duties, authority, obligations, and prohibitions for Police Members.
 - b. Implementing activities for maintaining order and discipline among Police Members by imposing disciplinary actions for minor violations and disciplinary punishments for medium and severe violations.
2. The challenges in enforcing disciplinary law on Police Members as a realization of the fulfillment of human rights are as follows:
 - a. Frequent changes in internal regulations and policies within the Police, often neglecting the applicable laws.
 - b. Difficulty in obtaining accurate witnesses who are willing to provide factual and trustworthy testimonies.
 - c. Psychological factors influencing internal Police leadership in administering discipline or punishment due to emotional connections between the parties involved.
3. The efforts made to overcome the challenges in enforcing disciplinary law on Police Members as a realization of the fulfillment of human rights are as follows:
 - a. Preventing Police Members from committing disciplinary violations by providing periodic mental guidance, which has been outlined in the Police Work Plan.

- b. Providing direction and guidance to Police Members during the Morning Roll Call, as well as before, during, and after duty, to serve as a reference and minimize the occurrence of disciplinary violations.
- c. Prioritizing law enforcement in accordance with the established regulations to create a deterrent effect for Police Members who commit disciplinary violations.
- d. Proposing and implementing binding regulations regarding Police Members' violations, ensuring that leaders or members involved follow disciplinary actions and punishments according to the existing regulations without intimidation or abuse of authority.

B. Suggestion

1. The police institution is expected to develop programs focused on the development of its members to minimize disciplinary violations and cultivate officers who align with the ideals of the police force. This will contribute to the establishment of a good and clean image of the police. The implementation of awards and punishments should be carried out seriously, with a focus on improving human resources through education, regular spiritual guidance, and ensuring that the recruitment of new members is free from corruption, collusion, and nepotism (KKN).
2. Regulations or rules should be firm and clear, free from multiple interpretations, and create legal certainty that ensures every disciplinary violation is clearly outlined with light, medium, and severe sanctions. The principles of *Tri Brata* and *Catur Prasetya* should not only be spoken but also actively practiced, ensuring the success of the police as law enforcers trusted by the public, with one of the key indicators being minimal disciplinary violations.
3. Improving the facilities and infrastructure to support the duties of Police Members and empower the community to oversee the performance of the Police Members.

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Nazarudin Latif
Faculty of Law,
Darul Ulum Islamic Centre Sudirman University
Tentara Pelajar No 13 Street, Ungaran, Semarang Regency, Central Java, Indonesia
e-mail: nazarudinlatif@gmail.com

Mohammad Tohari
Faculty of Law,
Darul Ulum Islamic Centre Sudirman University
Tentara Pelajar No 13 Street, Ungaran, Semarang Regency, Central Java, Indonesia
e-mail: mohamadtohari@gmail.com