

THE ROLE OF THE LEGAL SECTION OF THE CITY POLICE DEPARTMENT AND THE LEGAL DIVISION OF THE REGIONAL POLICE DEPARTMENT IN ASSISTING WITH DISCIPLINARY CODE OF ETHICS VIOLATIONS AND CRIMINAL ACTS BY POLICE OFFICERS IN BENGKULU

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ABSTRACT

The issue examined in this thesis is the role of the legal section of the city police department and the legal division of the regional police department in assisting police officers who commit disciplinary violations, ethical code breaches, and criminal acts, as well as the challenges faced by these legal sections in providing such assistance. The research method used is empirical legal research, also known as field research, which examines the applicable legal provisions and what occurs in reality within society. The findings indicate that the Legal Section of the City Police Department and the Legal Division of the Regional Police Department play a crucial role in supporting police officers who commit disciplinary violations, ethical breaches, and criminal acts. This support, provided based on orders from the heads of the city and regional police departments, ensures that the rights of problematic police officers are not neglected. In practice, the legal sections have been quite effective in providing legal assistance, despite facing various internal and external challenges in fulfilling their roles.

Keywords: *Legal Assistance, Disciplinary Violations, Code of Ethics, and Criminal Acts*

INTRODUCTION

The National Police of the Republic of Indonesia is one of the law enforcement agencies that plays a crucial role in the country. As a law enforcement institution, the police are tasked with maintaining internal security and order, as well as having the authority to conduct investigations and inquiries in matters

related to the enforcement of laws concerning criminal acts.¹

Members in their profession should ideally serve as exemplary figures to the community in upholding the law, thereby creating security and reducing crime. However, in reality, this does not always ensure the growth of professionalism in

¹ Warsito Hadi Utomo, 2005, *Hukum Kepolisian Di Indonesia*, Jakarta: Prestasi Pustaka, p. 16.

carrying out their duties and authorities as law enforcement officers. Some individuals within the Indonesian National Police (henceforth Polri - *Polisi Republik Indonesia*) instead abuse their authority by engaging in various types of crimes. These deviations in behavior not only violate ethical codes but also breach disciplinary regulations. As law enforcers, members of the Polri should uphold the honor and dignity of the State, Government, and the Indonesian National Police, and are obliged to adhere to all applicable laws and regulations, including the Criminal Code (henceforth KUHP - *Kitab Undang-Undang Hukum Pidana*).²

It can be observed that along with the formal legality, the rights of members of Polri are often overlooked and receive insufficient protection, seemingly disappearing and vanishing due to their professional obligations as law enforcers, protectors, caregivers, and servants of the community. The boundaries of fulfilling

professional obligations have been regulated in legislation, yet the rights of protection for professionals are sidelined, resulting in a lack of balance between legal protection and obligations in carrying out their profession.

There are several legal instruments that regulate the provision of protection for members of Polri in carrying out their profession. However, these legal instruments are inconsistently enforced, as evidenced by the fact that many Polri members have their duties and authorities under the law overridden and encroached upon by others. Even the norms within the law seem powerless, as they are often overshadowed by the interests of society. For Polri members involved in certain criminal acts, they may receive legal assistance provided by the Polri institution. This is because Polri members are part of a professional organization, namely the Polri organization whose job types are defined in the main tasks of Polri. The professionalism of a police professional is

² H.Pudi Rahardi, M.H, 2007, "*Hukum Kepolisian, Profesionalisme dan Reformasi Polri* " Surabaya: Laksbang Mediatama, p. 146.

essential in carrying out their duties and obligations as law enforcers. The requirements for carrying out the profession are met, and they are shielded from actions that may lead to maladministration, meaning that a Polri member does not commit errors, abuse of authority, arbitrariness, etc., in carrying out their duties and roles.³

Identification of Problems

Based on the aforementioned background, the author can formulate the issues as follows:

1. What is the role of the legal section of the city police department (henceforth Polresta - *Kepolisian Resor Kota*) and the legal division of the regional police department (henceforth Polda - *Kepolisian Negara Republik Indonesia Daerah*) in assisting police officers who commit disciplinary

violations, breaches of ethical codes, and criminal acts?

2. What are the challenges faced by the legal section of Polresta and the legal division of Polda in assisting members of Polri who commit disciplinary violations, breaches of ethical codes, and criminal acts?

RESEARCH METHODOLOGY

Research Type

This study is an empirical legal research, also known as field research, which examines the applicable legal provisions and what happens in reality within society. In other words, it is a study conducted on the actual conditions or real situations that occur in society with the aim of understanding and discovering the facts and data needed. Once the necessary data is collected, the study progresses to identify the

³ Dwi Indah Widodo, “*Penegakan Hukum Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika Dan Psikotropika*”, Jurnal Hukum Magnum Opus, Vol. I, No. August 1st, 2018

issues, ultimately leading to problem-solving.⁴

Data Collection

The data collection referred to involves obtaining, gathering, processing, working on, and utilizing data through interview methods to obtain information through question-and-answer sessions with sources, in this study, the members of the legal section and legal division. The author will take notes and endeavor to gather information about the conditions of a phenomenon occurring during the research.⁵

Data Analysis

a. Editing (Data Checking) involves examining the data that has been obtained, especially focusing on the completeness of answers,

legibility of writing, clarity of meaning, and the consistency and relevance with other data.⁶

b. Coding is the process of categorizing all data (Classification), whether derived from interviews with research subjects, direct observations and field notes, or observations. All acquired data is thoroughly read and examined, then classified according to needs.⁷

After all the data, both primary and secondary, have been obtained and collected, they are then grouped according to their types, based on the two main problems being studied. Data obtained from interviews are presented in the form of sentence descriptions. Then, they are processed and presented by

⁴ Bambang Waluyo, 2002. *Penelitian Hukum Dalam Praktek*. Jakarta: Sinar Grafika, p. 15

⁵ *Ibid*, p. 57.

⁶ Abu Achmadi dan Cholid Narkubo.2005. *Metode Penelitian*, Jakarta: PT. Bumi Aksara, p. 153

⁷ *Ibid*, p. 154

comparing the field data with the opinions of experts or with legal regulations that serve as the juridical basis for the research. Subsequently, the author draws conclusions using the inductive method, which entails drawing conclusions from specific matters to general ones.⁸

RESULTS AND DISCUSSION

The Role of the Legal Section and Legal Division in Assisting Members Who Commit Disciplinary Violations, Ethical Code Breaches, and Criminal Acts

Based on the data obtained through interviews with the Legal Section of the Polresta above, the Author obtained data for the period from 2021 to 2023, namely disciplinary violations that were accompanied by the Polresta legal section, totaling 14 cases. In these cases, police officers who commit

disciplinary violations will face consequences according to the rules and procedures applicable within the police institution. Disciplinary violations can encompass various matters, ranging from violations of police code of ethics, violations of regulations, to violations of applicable laws. For instance, the data shows that the consequences for police officers who commit disciplinary violations can vary, depending on the severity of the violation and internal policies of Polri.

1. Some consequences faced by police officers who violate discipline include:
2. Disciplinary action;
3. Suspension;
4. Transfer.⁹

From the data obtained, violations of the police code of ethics accompanied by the legal section in

⁸ Lexy J. Moleong. 1993. *Metode Penelitian Kualitatif*, Bandung: PT. Remaja Rosdakarya, pp. 296-298.

⁹ Interview results with Aipda Sofar Napitu, S.H, Head of the Legal Aid Subdivision at the Polresta in Bengkulu, on Thursday, April 18th, 2024, at 11:00 AM WIB.

Polresta in Bengkulu also amounted to 7 cases. It is known that breaches of the police code of ethics will lead to consequences according to the procedures established in the Polri regulations. The code of ethics consists of a set of principles and rules that govern the behavior and actions of police officers in carrying out their duties. Violations of the code of ethics can include various issues, ranging from abuse of power, bribery, unprofessional behavior, to violations of human rights. However, even in such cases, violators of the code of ethics must still receive their rights.

Here are several steps typically taken in handling police officers who violate the code of ethics:

- 1 Internal Investigation;
- 2 Disciplinary Examination;
- 3 Ethics Hearing;
- 4 Imposition of sanctions;
- 5 Defense Efforts

That in the process of enforcing the code of ethics within the Polri, it must be carried out transparently, fairly, and in accordance with the principles of justice. It also requires the role of police legal assistance, in this case, the legal section at the district level and the legal division at the provincial level, so that police officers accused of violating the code of ethics still have the right to fair treatment and a process that complies with applicable regulations.¹⁰

From the above data, it can be observed that the number of legal assistance provided by the legal division of the Polda amounted to 17 cases throughout the period of 2021-2023. Wherein the legal division, especially the sub-division of legal assistance, has fulfilled its role as legal assistance to problematic police officers. Police officers who commit

¹⁰ Interview results with Aipda Sofar Napitu, SH, Head of the Legal Aid Subdivision at the Polresta in Bengkulu, on Thursday, April 18th, 2024, at 10:30 AM WIB.

criminal violations will be pursued according to the legal procedures applicable in Indonesia. Like any other citizens, police officers are also subject to the law and must be accountable for their actions.

Steps taken when a police officer is suspected of committing a criminal offense:

- 1 Police Investigation;
- 2 Prosecution
Investigation;
- 3 Court Trial;
- 4 Internal Disciplinary
Actions;
- 5 Reputation
Restoration.¹¹

Although the legal division has fulfilled its role in accompanying criminal offenders from the initial process to

completion, including appeals, law enforcement against police officers who commit criminal violations must be conducted transparently, fairly, and impartially. Such actions are part of efforts to maintain the integrity and professionalism of the Polri and ensure that the law is upheld fairly and justly for all citizens.

From the various descriptions above, it can be seen that the role of the Legal Section of Polresta and the Legal Division of the Polda in Bengkulu has been maximized, as regulated in Regulation of the Chief of Police Number 2 of 2017 concerning Procedures for the Provision of Legal Assistance by the Polri, which is stipulated in Article 1 paragraph (3) that Legal Assistance (henceforth *bankum - bahan hukum*) is any effort, attempt, or activity aimed at helping resolve

¹¹ Interview Results with Penata Tk I Ansori, S.H, Member of the Legal Aid Subdivision of the Polda in Bengkulu on Tuesday, April 23rd, 2024, at 10:30 AM WIB.

legal issues through legal proceedings or outside of legal proceedings. Indeed, in all the cases mentioned above, the Legal Section and Legal Division have played a full role in providing assistance related to legal issues faced by police officers. Based on interviews with officers involved in legal issues, it is also acknowledged that they greatly benefited from the legal assistance provided by the legal section and legal division.

The challenges faced by the Legal Section of the Polresta and the Legal Division of the Polda in assisting members of the Polri who commit disciplinary violations, breaches of ethical codes, and criminal acts.

Through these roles, the Legal Section of the Polresta and the Legal Division of the Polda have significantly contributed to

maintaining the professionalism, integrity, and accountability of police officers, as well as ensuring that the legal process is conducted fairly and justly. However, in practice, there are several challenges faced by the legal section in Polresta and the legal division in Polda in assisting troubled police officers. Some of these include:

- 1 Resource Limitations, one of the main constraints is the limitation of human and financial resources. The Legal Section of the Polresta and the Legal Division of the Polda may have limited staff to handle the number of cases received, thus hindering efficiency in providing optimal assistance.
- 2 Internal and External Pressures. Sometimes,

- pressure from internal or external parties can influence the independence and objectivity of the Legal Section of the Polresta and the Legal Division of the Polda. Pressure from superiors or colleagues can hinder the process of fair and transparent investigation or law enforcement.
- 3 Regulatory Uncertainty. Ambiguity or lack of clarity in legal regulations or police ethical codes can hinder the process of legal assistance and law enforcement against troubled police officers. This can lead to subjective legal interpretations and delay case resolution.
- 4 External resistance from lawyers or attorneys often protest against the involvement of the legal field in public courts to assist troubled police officers. They consider that legal assistance is less appropriate for involvement in public courts.
- 5 Collaboration with external legal institutions such as the prosecutor's office or other law enforcement agencies is often crucial in handling cases involving police officers. Sometimes, the lack of communication, cooperation, or coordination with external parties can hinder the investigation and law enforcement process.
- 6 Different Levels of Protection, police officers involved in legal issues have a higher level of protection compared to

ordinary citizens. This can create an impression of injustice in the eyes of the public and hinder the process of fair and transparent law enforcement.

Addressing these challenges requires a joint effort between the legal section, the legal department at the Polda, and other relevant parties to enhance effectiveness in supporting problematic police officers and to ensure fair and just law enforcement.

CLOSING

Based on the research description and analysis conducted by the author, it can be concluded that the Legal Section of the Polresta and the Legal Division of the Polda play an important role in assisting police officers who commit disciplinary violations, breaches of ethical codes, and

criminal acts. The legal assistance provided by the legal section and legal division is based on orders from the chief of the city and provincial police to accompany and ensure the rights of troubled police officers are not disregarded. Based on the data obtained, the number of cases accompanied by the legal section of the Polresta in Bengkulu amounted to 14 disciplinary violations and 7 breaches of the code of ethics, while the legal division assisted in 17 cases involving criminal violations.

With clear roles and good coordination between the Legal Section of the Polresta and the Legal Division of the Polda, the handling of cases involving disciplinary violations, breaches of ethical codes, and criminal acts by police officers has been carried out effectively, fairly, and in accordance with principles of

justice and legal compliance. The rights of the officers are ensured. However, there are also challenges in assisting police officers who commit disciplinary violations, breaches of ethical codes, and criminal acts, namely Resource Limitations, Internal and External Pressures, Regulatory Uncertainty, Internal Resistance, External Resistance, and Cooperation with External Legal Institutions.

Suggestion

Some suggestions for police legal assistance include: it is about the enhancement of Training: Continuous and comprehensive training programs should be provided to police officers to ensure a good understanding of the law, ethics, and law enforcement procedures. This will help them avoid legal violations and understand the importance of fair and transparent legal processes. Also, it is about the availability of Counseling Services: Trained counseling and psychological support

services can help police officers overcome emotional and psychological challenges they may face. Additionally, it is about the Development of Rehabilitation Programs: These programs should be designed to help them understand their mistakes, improve their behavior, and prevent similar incidents in the future. Also, it is about the collaboration with External Legal Institutions: Collaboration with external legal institutions, such as legal agencies, other government institutions, and civil society organizations, can enhance the effectiveness of police legal assistance. This could include resource sharing, information exchange, and cooperation in education and training programs.

REFERENCES

- Abu Achmadi dan Cholid Narkubo.2005. *Metode Penelitian*, Jakarta: PT. Bumi Aksara.
- Bambang Waluyo, 2002. *Penelitian Hukum Dalam Praktek*. Jakarta: Sinar Grafika.
- Dwi Indah Widodo, “*Penegakan Hukum Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika Dan Psikotropika*”, Jurnal Hukum

- Magnum Opus, Vol. I, No. August 1st, 2018.
- H.Pudi Rahardi, M.H, 2007, “*Hukum Kepolisian, Profesionalisme dan Reformasi Polri* ” Surabaya: Laksbang Mediatama.
- Lexy J. Moleong. 1993. *Metode Penelitian Kualitatif*, Bandung: PT. Remaja Rosdakarya.
- Warsito Hadi Utomo, 2005, *Hukum Kepolisian Di Indonesia*, Jakarta: Prestasi Pustaka.
- Interview results with Aipda Sofar Napitu, S.H, Head of the Legal Aid Subdivision at the Polresta in Bengkulu, on Thursday, April 18th, 2024, at 11:00 AM WIB.
- Interview results with Aipda Sofar Napitu, SH, Head of the Legal Aid Subdivision at the Polresta in Bengkulu, on Thursday, April 18th, 2024, at 10:30 AM WIB.
- Interview Results with Penata Tk I Ansori, S.H, Member of the Legal Aid Subdivision of the Polda in Bengkulu on Tuesday, April 23rd, 2024, at 10:30 AM WIB.