

THE URGENCY OF ESTABLISHING AN HONORARY COUNCIL THAT CARRIES OUT JUDICIAL FUNCTIONS IN THE INDONESIAN NATIONAL POLICE

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Abstract

This study aims to analyze (1) urgency of the Honorary Council that carries out the functions of the Judiciary in the Indonesian National Police; (2) implementation of the judicial function in the Indonesian National Police; (3) Ideal institution of the Honorary Council that carries out judicial functions in the Indonesian National Police. The method used is a normative juridical method with a statutory approach, concept approach, and case studies. The results showed that (1) The urgency of forming an Honorary Council that carries out judicial functions in the Indonesian National Police is needed because of violations of the professional code of ethics by members of the Republican Police caused by (a) law enforcement factors, (b) community factors, (c) cultural factors as a benchmark for the effectiveness of law enforcement of the Indonesian Police Professional Code of Ethics. (2) The implementation of judicial functions in the Indonesian National Police that is currently running is carried out based on the policy of sanctioning violations of the Code of Professional Ethics with 7 types of sanctions for violators, namely; a) written reprimand; b) delay in attending education for a maximum of 1 (one) year; c) postponement of periodic salary increases; d) postponement of promotion for a maximum of 1 (one) year; e) demotion mutations; f) release from office; g) placement in a special place and heavy expenditure is carried out Dishonorable Dismissal. (3) The Honorary Council (Commission on the Code of Ethics) as an ideal institution that carries out judicial functions is carried out based on, 1) Membership of judges of the Indonesian Police Code of Ethics Commission in accordance with position and rank, 2) Trials carried out within the Indonesian National Police are subject to general judicial justice ; 3) The Indonesian Police Code of Conduct Commission is the same as the Panel of Judges and is defined as a Judge; 4) The function of the Judiciary requires a balancing element from academics, community elements, and retired high-ranking elements of the Indonesian National Police; 5) The decision of the Police Code of Ethics Commission / Honorary Council must be objective, independent, normative, jurisprudence, meet the sense of justice and legal certainty.

Keywords: Urgency, Honorary-Council, Judicial-Functions, Indonesian National Police.

A. INTRODUCTION

The Indonesian National Police (Poles Republik Indonesia) builds leadership 2021-2024 with the tagline of transforming the Precision Indonesian National Police which is an abbreviation of Predictive, Responsibility, and Transparency with Justice. This concept is a further phase of the Indonesian National Police Promoter (PROfesional, MODern, and TERtrusted) that has been used in the previous period, with a problem-oriented policing approach. In the leadership of the Precision Indonesian National Police, it is emphasized the importance of the ability of predictive policing approaches so that the Indonesian National Police is able to measure the

level of disturbances in public security and order (kamtibmas) through analysis based on knowledge, data, and appropriate methods so that they can be prevented as early as possible (Irsan, 1998).

The words responsibility and transparency with justice accompany the predictive policing approach which is emphasized so that every Bhayangkara person is able to carry out the duties of the Indonesian National Police quickly and precisely, responsive, humane, transparent, responsible, and fair (Kristanto & Soeling, 2022). To bring about this pace of change, the leadership of the Indonesian National Police requires the application of transformation management or change as an institutional choice to prepare, complement and support institutional needs in responding to developing challenges and opportunities (Rahardjo, 1988).

The transformation process, absolutely must be internalized in every Bhayangkara person who will determine the success of the Indonesian National Police organization through the transition phase from the current condition to the new condition of PRECISION through measurable policing in solving problems as expected by the community (Redaksi, 2022).

Related to internal supervision, the Indonesian National Police has an inspectorate function through the General Supervision Inspectorate (Itwasum) and professional and security functions (Propam). For the function of Propam, one of the main tasks of this function is to handle public complaints regarding the performance, abuse of authority or behavior of members of the Indonesian National Police in daily life. The behavior of members of the Indonesian National Police must be in accordance with the code of *conduct*, namely how to behave in accordance with the rules applied, and the *code of ethics*, namely how members of the Indonesian National Police are ethical both in their capacity as state officials, and in their position as members of the community (Syamsuddin, 2008).

The regulation *regarding this code of conduct* in the institution of the Indonesian National Police is elaborated through the formulation and ratification of PP Number 2 of 2013 concerning Disciplinary Regulations for Members of the Indonesian National Police which mandates that members of the Indonesian National Police in carrying out its main duties and functions, it must be based on a rule of conduct in behaving both on duty and outside official hours. Discipline is an honor, which is closely related to credibility and commitment, therefore the regulations regarding the discipline of members of the Indonesian National Police aim to increase and maintain credibility and commitment as members of the Indonesian National Police, which in this case is as a consequence of the accountability of members of the Republic Police Indonesia is given the duty and authority to protect, protect, and serve the community, enforce the law, and maintain security (Pribadi, 2020).

Similarly, with the code of ethics for members of the Indonesian National Police, the code of professional ethics is a system of norms, values, and rules that expressly state what is right and good, and what is not right and not good. The code of ethics states what actions should be done and what should be avoided. Code of ethics can also be interpreted as a pattern of rules, ordinances, signs, ethical guidelines in carrying out an activity or work, and is a pattern of rules or procedures as a code of conduct (Raharjo & Angkasa, 2011).

The professional code of ethics of the Indonesian National Police has been elaborated with the Regulation of the Head of the Indonesian National Police Number 14 of 2011, which is a regulation of norms for behavior of members of the Indonesian National Police in carrying out their duties, authorities, and responsibilities in accordance with the basic values contained in Tribrata and Catur Prasetya (Theodorus Sihombing, 2021).

The professional code of ethics of the Indonesian National Police is a guarantee for the achievement of professional, proportional, and procedural performance of members of the Indonesian National Police, in accordance with the mandate of the constitution and Law Number 2 of 2002 concerning the Indonesian National Police.

Regulated through the Regulation of the Head of the Indonesian Police Number 19 of 2012 concerning the Organizational Structure and Work Procedures of the Commission on the Code of Ethics of the Republic of Indonesia Police. With this regulation regarding KKEP, it is hoped that the handling of violations of the professional code of ethics of the Indonesian National Police can be carried out objectively, honestly, fairly, transparently and accountably, so as to accommodate the rights of suspected violators / violators in the process of enforcing the professional code of ethics of the Indonesian National Police (Runtutahu, 2016).

Although a system of surveillance tools has been established and rules that bind norms, behavior and ethics have been realized through Government Regulations and Regulations of the Indonesian National Police as described above, at the level of implementation of the duties of Members of the Indonesian National Police In the field, there are many violations of both discipline and ethics and commit acts that are categorized as criminal acts. The form of violations committed by members of the Indonesian National Police is a form of deviation from the ethical and disciplinary norms of the Indonesian National Police such as members of the Indonesian National Police extortion, humiliation, desertion, sexual harassment, robbery, theft, fraud, embezzlement, dereliction of duty, disobedience to the oath of promise to become a member of the Indonesian National Police, following heresy, and many police acts that hurt the hearts of the people and cause great harm to society (Kelana, 1981).

Law enforcement in the form of professional code of ethics hearings of the Indonesian National Police and disciplinary hearings of members of the Indonesian National Police every week are carried out but violations still occur, complaints to the Indonesian National Police institution from year to year increase so that it is necessary to review what is the main root of the problem so that member violations The Indonesian National Police continues to occur and is increasing. What really happened? Whether the recruitment is wrongly processed, the instrument is wrong, the coaching is wrong, the supervision is weak, the structure is not right, the enforcement mechanism is not appropriate, or the sanctions decision system does not reflect justice and legal certainty (Polri, 1999). The results of disciplinary violations and the code of ethics of the Indonesian National Police have so far still ignored the norms in the judiciary as well as legal advice and opinions. For a violation of the same code of ethics or discipline in the same unit can result in a very different decision of superiors who have the right to punish (ankum). This is because the decision comes from the policy subjectivity of the ankum alone. Between previous leaders and current leaders can differ in the way decisions are made. This difference

in decision making often causes lawsuits by the families of violators to the Indonesian National Police institution because the results of the verdict have not met legal certainty and the principle of justice. Increased crime as a side effect of national development. National Development in an effort to reduce crime in Indonesia is basically the obligation of all levels of the bureaucracy and the Indonesian National Police, which then its implementation is carried out jointly and continuously in a predetermined design and designed in accordance with the capabilities of the State. As is known that, the amendment of the 1945 Constitution has eliminated the State Direction Outline (GBHN) and changed the Presidential election system through a mechanism directly elected by the people.

Furthermore, as an implication of the amendment to the 1945 Constitution, the paradigm of national development planning has also changed. Before the amendment of the 1945 Constitution, GBHN was a document that became a guideline in the framework of national development planning. However, with the amendment of the 1945 Constitution, changes in the national development planning system were then marked by the enactment of Law Number 17 of 2003 concerning State Finance and Law Number 25 of 2004 concerning the National Development Planning System (SPPN). These two laws are an umbrella to harmonize and coordinate development planning and budgeting in order to realize state goals as stated in the Preamble to the 1945 Constitution. In an effort to implement these 2 (two) laws, the United Indonesia Cabinet, which was formed by the President-elect of the 2004 elections, has enacted Presidential Regulation Number 7 of 2005 concerning the National Medium-Term Development Plan (RPJM) for 2004-2009, which is basically an elaboration of the vision and mission of the President-elect.

The vision contained in the RPJM consists of three things, namely: (1) the realization of a safe, united, harmonious and peaceful life of the community, nation and state; (2) the realization of a society, nation, and state that upholds law and equality and human rights; and (3) the realization of an economy capable of providing decent employment and livelihood opportunities and providing a solid foundation for sustainable development (Faal, 1991). Furthermore, to achieve the development vision, three missions are carried out, namely: (1) realizing a safe and peaceful Indonesia; (2) realizing a just and democratic Indonesia; and (3) realizing a prosperous Indonesia. To realize this medium term, 2 (two) main development strategies will be pursued, namely: (1) Indonesia's Realignment Strategy and (2) Indonesia's Development Strategy (Djamin, 1995).

Based on the background explanation described above, the problem to be formulated is as follows:

1. What is the urgency of the Honorary Council that carries out the functions of the Judiciary in the Indonesian National Police?
2. What is the current implementation of the judicial function in the Indonesian National Police?
3. What is the ideal institution of the Honorary Council that carries out judicial functions in the Indonesian National Police?

B. METHODS

This type of dissertation writing uses normative juridical, that is, using laws and regulations (Marzuki & Mahmud, 2011). The emphasis of normative juridical research, in accordance with the distinctive character of legal scholarship, lies in the study and study of positive law, especially in the Law (Ali, 2021). Meanwhile, at the level of legal theory, a study of the theories that can be used is carried out (Rahayu et al., 2020). This type of dissertation is a normative juridical writing that critically and comprehensively examines legal studies in the establishment of the Honorary Court of the Indonesian National Police.

The research uses 3 approaches as follows: (1) *statute* approach, (2) case approach, (3) *conceptual approach* that is relevant to the regulation in the subject matter of change and / or renewal of the establishment of the Honorary Council of the Indonesian National Police and identification of problems in research (Soekanto, 1986).

Data analysis techniques are carried out by first identifying the collected legal material, then *describing, systematizing* it based on the concept of legal science (Muhammad, 2004). A legal material analysis used in this writing is qualitative juridical analysis, which is an analysis that bases or relies on legal *reasoning*, legal *interpretation* and *legal argumentation* (Susanti, 2015)

C. DISCUSSION

1. The Urgency of the Honorary Council that Performs Judicial Functions in the Indonesian National Police

Police officers who are dragged into criminal acts are carried out in the process of enforcing the Code of Ethics in the police which contains regulations in "Perkap Number 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police (PERKAP KEPP)." In "Article 17 paragraph 1 of Perkap Number 14 of 2011 concerning the Code of Professional Ethics.

Enforcement of the code of ethics is carried out by the Propam of the Indonesian National Police, the Professional Code of Ethics Commission (KKEP), the Appeals Commission, the Development of Legal Functions of the Indonesian National Police, the Human Resources of the Indonesian National Police (Yulianti Nurnisya et al., 2022).

The Police Professional Code of Ethics is regulated in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 14 of 2011 concerning the Police Professional Code of Ethics. Police institutions have their own professional ethics in carrying out their duties and authorities in order to achieve the duties and functions of government from the police.

Police ethics aims to build a police force that is professional, has credibility and has good qualities. Which is regulated in Article 34 paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia which reads as follows: "the attitude and behavior of police officials of the Republic of Indonesia are bound by the Code of Professional Ethics of the Republic of Indonesia".

In contact with the community, some members of the police also abuse their authority, namely by committing excessive actions and committing violations in carrying out their duties and authority in the field (Sadjijono, 2008). The professional code of ethics of the Indonesian National Police contains guidelines in the behavior of every member of the Indonesian National Police in dealing with the community, both when carrying out their duties and authorities and when not carrying out their duties and authorities in the midst of the community. The norms contained in the professional code of ethics of the Indonesian National Police are explained in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police which has binding force and becomes the view of members of the Indonesian National Police to act in accordance with moral values. The purpose of the police code of ethics is to try to establish police ethics professionally in relation to the community. Especially police members try to provide confidence that they have correct, good and strong police ethics (Suyono, 2013).

The Indonesian National Police has a Propam team (professional and security sector) which is tasked with receiving reports and making investigations into violations and crimes committed by police members and will then be processed with a police code of ethics commission hearing. Investigation of members of the Indonesian National Police who violate the Indonesian National Police Code of Ethics, namely SIPROPAM which is a unit in the police. The propam unit will have an impact on the enforcement of the police code of ethics. The professionalism carried out by members of the Indonesian National Police is not only desired by the task force. But also by all Indonesian people (Trček, 2018).

Police professional ethics is a manifestation of the values contained in Tri Brata and Catur Prasetya which are based on Pancasila and summarized as a guideline for life for members of the Indonesian National Police and become the professional code of ethics of the Indonesian National Police. Enforcement of the police professional code of ethics must really be carried out because the police apparatus is one of the professions in the legal world. So it takes professionalism and hard work in carrying out its duties (Putri, 2020).

The following is the content of the tri brata and catur prasetya of the Indonesian National Police as follows:

"We Indonesian police are devoted to Nusa and the nation with full piety to God Almighty, uphold truth, justice and humanity in upholding the laws of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution and always protect, protect, and serve the community with sincerity to realize security and order."

While Catur Prasetya reads as follows:

"As a bhayangkara person, my honor is to sacrifice for the sake of society, nation and state to eliminate all forms of security disturbances, maintain the safety of body and life, property and human rights, ensure certainty based on law and maintain peace and peace".

Vision: The realization of Internal Security, enforcement of order, discipline and law enforcement as well as the development and implementation of Professional accountability so as to minimize deviations in the behavior of members / civil servants of the Indonesian National Police (Satyayudhadananjaya, 2014).

Mission: Based on the Vision as mentioned above, it is further described in the form of the Bidpropam Mission in the future in carrying out its main duties, both in the field of strength building, strength building and operational activities, namely:

1. Carrying out service functions for public complaints / reports about attitudes, behaviors and deviations of members of the Indonesian National Police.
2. Organizing and Internal Security, including the Security of Material Personnel, Activities and Information Materials within the Indonesian National Police including investigations into cases of alleged violations and irregularities in the implementation of the duties of the Indonesian National Police.
3. Provide protection, protection and service to the community for performance and professionalism.
4. Enforce the law professionally and proportionately by upholding the rule of law and human rights by resolving cases and handling problematic Indonesian National Police personnel in order to obtain legal certainty and a sense of justice.
5. Increase internal consolidation efforts (Internal Bidpropam) as an effort to equalize the Vision and Mission of Bidpropam Polda in the future.
6. Improve the ability and skills of personnel to improve the implementation of duties.

Bidpropam is a supervisory element and assistant leader/servant who is responsible to the Chief of Police, and in carrying out daily duties under the control of the Wakapolda. Bidpropam is tasked with fostering and implementing internal security, enforcement of discipline, order, and professional accountability within the Polda, including the service of public complaints regarding alleged irregularities in the actions of civil servants at the Indonesian National Police and rehabilitation in accordance with the provisions of laws and regulations (Sitorus, 2022).

The composition and position of the Indonesian National Police is a non-departmental state institution that plays a role in maintaining security, led by a Chief of the Indonesian National Police and directly under the President.

The implementation of operational activities and capacity building of the Indonesian National Police is carried out by all functions of the Indonesian National Police in stages ranging from the central level to the lowest regional level, namely the Police Post.

For responsibility for the implementation of duties and authorities of the Indonesian National Police in a hierarchical manner starting from the lowest level to the central level, namely the Head of the Indonesian National Police, then the Head of the Indonesian National Police hold it accountable to the President of the Republic of Indonesia (Setyadi et al., 2016).

This is because based on the provisions of Article 11 paragraph (1) of the Police Law, it is stipulated that the Head of the Indonesian National Police is appointed and dismissed by the President with the approval of the House of Representatives of the Republic of Indonesia (DPR RI). Based on the provisions of Article 7 of the Police Law, Presidential Regulation Number 52 of 2010 concerning the Organizational Structure and Work Procedures of the National Police of the Republic of Indonesia was formed. The Indonesian National Police Organization consists of the Indonesian National Police Headquarters, Regional Police, Resort Police, and Sector Police (Omelchuk et al., 2022).

The organizational structure of the Indonesian National Police Headquarters is:

- 1) The leadership elements are Kepala of the Indonesian National Police and Wakil Chief of the Indonesian National Police;
- 2) Supervisory elements and assistant leaders are the general supervision inspectorate, assistant to the Indonesian National Police in the field of operations, assistant to the Indonesian National Police in general planning and budget, assistant to the Indonesian National Police in human resources, assistant to the Indonesian National Police facilities and infrastructure, professional and security division, legal division, public relations division, international relations division, police information technology division, and expert staff of the Indonesian National Police;
- 3) The main task force elements are the security intelligence agency, the security maintenance agency, the criminal investigation agency, the traffic corps, the mobile brigade corps, and the special detachment 88 anti-terror.
- 4) Supporting elements are police education institutions, research and development centers, financial centers, medical and health centers, and historical centers.

The Professional and Security Division or commonly abbreviated as Div Program (PROPAM) is one of the supervisory elements and assistant leaders in the field of professional development and security in the internal environment of the Police organization

2. Implementation of the Judicial Function in the Indonesian National Police that is currently running

The Indonesian National Police is subject to the powers of the general judiciary just like civilians in general. In Article 29 paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia ("Police Law"). This indicates that members of the Indonesian National Police ("POLRI") are civilians and are not subject to military law.

Members of the National Police include civil society, but members of the National Police will also accept the provisions of the Disciplinary Regulations and the Code of Professional Ethics if they commit violations. General Court, just like other Civil Societies, the general judicial process is conducted in the General Court. Public Prosecutor (Public Prosecutor), and Judge Court Leader (case breaker). After the hammer / verdict is received, the execution is carried out in the General Penitentiary. After the completion of the general judicial sentence, the internal police court is then conducted (Quah, 2020).

Members of the National Police who commit crimes will carry out a Police Disciplinary Court Hearing or directly carry out a Police Code of Ethics Hearing. Unlike the general court, where the Public Prosecutor (Kasi Unit Protram), and the Chief of Police and/or the Head of SPN Sampali (case breaker), but different from the Disciplinary Court Hearing, the Code of Ethics Hearing is received to members of the National Police who commit crimes, the Chief of Police and/or as a judge makes a letter of recommendation submitted to the Ankum (KAPOLDA) to decide the case/impose a verdict "whether a member of the National Police is still fit or unfit". If still eligible, a member of the National Police will be retained with sanctions of demotion, salary deduction, and confinement. And if it is no longer fit, a member of the National Police will be honorably or dishonorably discharged (Wijaya et al., 2023).

The profession of members of the National Police is also subject to the Disciplinary Regulations and Code of Professional Ethics regulated in Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the National Police of the Republic of Indonesia "Government Regulation number 2 of 2003". The police Code of Ethics is regulated in Perkapolri Number 14 of 2011 concerning the Code of Professional Ethics of the National Police of the Republic of Indonesia. Although members of the National Police are said to be civil servants and are subject to the power of the general judiciary, the judicial process is different from that of civil society, because members of the National Police are still subject to judicial discipline and code of ethics, where civil society is only subject to the general judiciary. Members of the National Police also have the privilege of investigating cases involving civil society and members of the National Police in armed like the military. Basically, the National Police must uphold the honor and dignity of the State, the Government, and the National Police of the Republic of Indonesia in Article 3 letter c of Government Regulation number 2 of 2003 and/or comply with applicable laws and regulations, both related to official duties and those generally applicable (Article 3 letter g of Government Regulation number 2 of 2003).

By committing a criminal offence, this means that the National Police violated disciplinary regulations. Violation of Disciplinary Regulations is the speech, writing, or conduct of members of the National Police of the Republic of Indonesia who violate disciplinary regulations (Article 1 point 4 PP 2 of 2003). Members of the National Police of the Republic of Indonesia who are found to have violated the Disciplinary Regulations Members of the National Police of the Republic of Indonesia are sanctioned in the form of disciplinary action and/or disciplinary punishment (Article 7 PP 2 of 2003). Disciplinary action in the form of verbal reprimands and/or physical actions (Article 8 paragraph (1) of Government Regulation number 2 of 2003). Such disciplinary action does not remove the authority of the superior who has the right to punish ("Ankum") to impose disciplinary punishment. The disciplinary punishment is in Article 9 of Government Regulation number 2 of 2003, namely: 1. written reprimand; 2. delay in attending education for a maximum of 1 (one) year; 3. postponement of periodic salary increases; 4. postponement of promotion for a maximum of 1 (one) year; 5. demotion mutations; 6. Release from office; 7. Placement in a special place for a maximum of 21 (twenty-one) days.

For violations of police discipline, disciplinary punishment is decided at a disciplinary hearing in Article 14 paragraph (2) of Government Regulation number 2 of 2003, that: "Acts that are repeated and contrary to decency committed inside or outside the service." That the police who committed criminal acts such as rape, torture, and murder (shooting) of civilians as you call them, then the police have not only committed a criminal offence, but have also violated the discipline and code of ethics of the police profession. As explained in the legal process of police officers who commit criminal acts, violations of disciplinary rules and codes of ethics will be investigated and if proven will be sanctioned. The imposition of disciplinary sanctions and sanctions for violations of the code of conduct does not eliminate criminal charges against the police member concerned (see Article 12 paragraph (1) PP 2 of 2003 jo. Article 28 paragraph (2) of Perkapolri 14 of 2011).

Therefore, police who commit these crimes will still be processed criminally even though they have undergone disciplinary sanctions and sanctions for violations of the code of ethics. The criminal justice process for members of the National Police of the Republic of Indonesia is generally carried out according to the procedural law applicable in the general judicial environment. This is regulated in Article 2 of Government Regulation Number 3 of 2003 concerning the Technical Implementation of General Judicial Institutions for Members of the National Police of the Republic of Indonesia ("PP 3 of 2003"). Then the code of conduct hearing needs to be known. The POLRI code of ethics commission session ("KKEP Session") is a hearing to examine and decide cases of violations of the National Police Professional Code of Ethics ("KEPP") committed by members of the National Police as referred to in Article 1 number 7 of Perkapolri 14 of 2011.

In addition, the KKEP trial was also conducted for violations of Article 13 PP 2 of 2003. Article 13 PP 2 of 2003 namely: Members of the National Police of the Republic of Indonesia who are sentenced to discipline more than 3 (three) times and are considered no longer worthy of maintaining their status as members of the National Police of the Republic of Indonesia, may be honorably or dishonorably dismissed from the service of the National Police of the Republic of Indonesia through the Commission Hearing of the Professional Code of Ethics of the National Police of the Republic of Indonesia. Furthermore, the judicial process for the police who committed the crime will undergo a KKEP hearing, disciplinary hearing or hearing in the general court first. As described above, the imposition of disciplinary sanctions and sanctions for violations of the code of conduct does not eliminate criminal charges against the police member concerned (see Article 12 paragraph (1) PP 2 of 2003 jo. Article 28 paragraph (2) of Perkapolri 14 of 2011).

Regarding disciplinary hearings, there are no rules that explicitly specify which is done first, disciplinary hearings or hearings in general courts. It is only stipulated that the disciplinary hearing be held no later than 30 (thirty) days after Ankum receives the file of the Preliminary Examination List (DPP) of disciplinary violations from the provos or other officials appointed by Ankum [Article 23 PP 2 of 2003 and Article 19 paragraph (1) of the Decree of the Chief of the National Police of the Republic of Indonesia No. Pol.: Kep / 44 / IX / 2004 concerning Procedures for Disciplinary Hearings for Members of the National Police of the Republic of

Indonesia ("Perkapolri 44 of 2004"). Meanwhile, for the KKEP session, if the administrative sanction to be imposed on the KKEP violator is in the form of a recommendation for Dishonorable Dismissal ("PTDH"), then it is decided through the KKEP Session after first proving the criminal violation through the general court process until the court decision that has permanent legal force (Article 22 paragraph (2) of Perkapolri 14/2011).

Administrative sanctions in the form of PTDH recommendations are imposed through the KKEP Session against: (see Article 22 paragraph (1) of Perkapolri 14/2011) (1) violators who intentionally commit a criminal offense with a penalty of imprisonment of 4 (four) years or more and have been terminated by a court with permanent legal force; and violators who commit violations as referred to in Article 21 paragraph (3) letter e, letter g, letter h, and letter i.

Regarding criminal acts committed by members of the National Police, for example, we see the provisions regarding criminal law related to murder in Article 338 of the Criminal Code, where murder is punishable by a criminal penalty of 15 years in prison (more than 4 years), then of course a general judicial process must be carried out first before the KKEP trial. Members of the National Police of the Republic of Indonesia, hereinafter referred to as members of the National Police, are civil servants in the National Police of the Republic of Indonesia (Lubis et al., 2020).

The National Police Professional Code of Ethics is based on norms or rules that constitute a unity of ethical or philosophical foundations with rules of conduct and speech regarding things that are required, prohibited or inappropriate to be done by members of the National Police. Police Professional Ethics is a crystallization of Tribrata values based and imbued by Pancasila and reflects the identity of each member of the National Police in the form of moral commitment which includes personality ethics, statehood, institutions and relations with the community (Batilmurik, 2019).

The Police profession is a profession related to the duties of the Police both in the operational field and in the field of guidance as referred to in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Professional Development of Police members which is held through education and training as well as tiered assignments in the technical field of the police. Personality ethics in each member of the National Police towards their profession is based on the call to worship as religious people. Members of the National Police who uphold the ideological and constitutional foundation of the Republic of Indonesia, namely Pancasila and the 1945 Constitution of the Republic of Indonesia ("The Authority of Police Discretion in Actualizing the Repressively Fair Law Enforcement in Indonesia," 2019).

Institutional Ethics is the moral attitude of members of the National Police towards institutions that are a forum for service and should be upheld as the inner and outer bonds of all Bhayangkara people with all their dignity and honor. Ethics in relations with the community is the moral attitude of members of the National Police who always provide the best service to the community. The National Police Code of Ethics Commission, a forum established within the National Police, is tasked with carrying out investigations in the trial of violations of the

National Police Professional Code of Ethics and other violations as stipulated in laws and regulations (Hayqal, 2022).

Any violation of the Code of Professional Ethics is subject to moral sanctions submitted in the form of a decision of the Police Code of Ethics Hearing in writing to the examiner (Article 11 paragraph 3 and Article 12 paragraph 1 of the Police Code of Professional Ethics). The form of moral sanction imposed can be in the form of a statement of judgment stating that it is not proven or a statement of judgment stating that the examined person is proven to have violated the Police Professional Code of Ethics (Jones & Lasthuizen, 2018).

The form of moral sanctions as stipulated in Article 11 paragraph 2 (a, b and c) is a form of moral sanctions that are absolute and binding. This means that the moral sanction is formulated at the lightest level of sanctions to the toughest level of sanctions according to violations of examined behavior that can be proven in the Commission Hearing Committing acts and behaviors that can harm the National Police service (Fisher & Geiselman, 2010).

If the level of violation of the Police Professional Code of Ethics is included in the qualification of serious violations and is committed repeatedly, then the examiner can be sanctioned to be declared unfit to carry out the profession / function of the police. According to Article 12 (4) of the National Police Code of Professional Ethics, the sanction is an administrative sanction in the form of a recommendation to: (a) be transferred to a different position; (b) transferred to a different territory; (c) honorable dismissal; or (d) dishonorable dismissal. Administrative sanctions (a) and (b) are mutations to members who are proven to violate the National Police Professional Code of Ethics, either position mutation, which is transferred to a different position (can be degraded), or regional / place mutation, which is moved to another place / area (can be to remote areas). While administrative sanctions (c) and (d) are dismissal actions against members of the National Police who are proven to violate the Police Professional Code of Ethics, either in the form of honorable dismissal or dishonorable dismissal (Gaines, 2018).

Based on the Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian State Police, it is determined that the Indonesian State Police is subject to the regulations of the National Police discipline. Disciplinary regulations for members of the Indonesian State police are basically a series of norms to foster, enforce discipline and maintain the order of life of members of the Indonesian State police. If a member of the National Police violates human rights and is related to those listed in Article 7 and Article 8 of the Police disciplinary law, then the member of the National Police is subject to disciplinary punishment. Article 7 of the Government Regulation of the Republic of Indonesia Number 2 of 2003 namely: "Members of the National Police of the Republic of Indonesia who are found to have violated the Disciplinary Regulations Members of the National Police of the Republic of Indonesia shall be sanctioned in the form of disciplinary actions and/or disciplinary punishments".

Article 8 of the Government Regulation of the Republic of Indonesia Number 2 of 2003 namely: (1) Disciplinary action in the form of verbal reprimands and/or physical actions. (2) The disciplinary action in Subsection (1) does not remove the authority of Ankum to impose

disciplinary punishment. The purpose of imposing disciplinary punishment is to correct and guide members of the National Police who commit disciplinary violations. Therefore, every superior who has the right to punish (ankum) must first carefully examine the members of the National Police who commit disciplinary violations (Heydon, 2012). The rules for the National Police code of ethics hearing are contained in National Police Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on the Code of Ethics of the National Police of the Republic of Indonesia.

Quoting *PP No.7 of 2022*, the code of ethics hearing consists of: 1. Hearings with expeditious examinations, for minor violations of the code of conduct 2. Hearings with regular Examination events, for gross violations of the code of ethics

The categories of violations are divided into light, moderate, and severe categories, namely:

- Light Category: Done due to negligence, not for personal interests, and has no impact on other parties including the state.
- Medium Category: Done intentionally and on the basis of personal interests or certain parties.
- Weight Category: With criteria including being carried out intentionally on certain interests, the existence of evil consensus, impacting the family to the state, being of public concern, and including criminal acts with a permanent legal decision.

The KKEP trial was conducted to prove violations committed by police officials. The trial consists of three stages; KKEP Hearing, KKEP Appeal Session, and/or KKEP PK Session. The Chief of National Police became the prosecution party in the KKEP Session for the Police Headquarters level session. Then, the Chief of Police for the Polda level session. As well as the Chief of Police for the Polres level session

Time, Place, Implementation of Code of Ethics Hearings

The hearing shall be held no later than 14 working days from the issuance of the decision on the establishment of the National Police Code of Ethics Commission (KKEP). The venue of the trial is in the courtroom of the Police Headquarters, unless KKEP specifies otherwise. Alleged Offenders are required to attend the hearing. If absent from two formal summons, the hearing will be held without the Alleged Offender present. The KKEP session must hand down a decision no later than 30 (thirty) working days. In the event that the KKEP Session does not find evidence of a violation of the Code of Ethics, the alleged violator is acquitted.

Police Code of Conduct Hearing Mechanism

KKEP trial with a quick examination event, for minor category violations, mechanism:

- a. The Prosecution, Secretary and Alleged Offender were already in the courtroom before the trial began
- b. Chairman of KKEP opens proceedings
- c. The prosecution read out the charges
- d. The chairman of KKEP read out the verdict.

3. Honorary Council (Commission Code Etik) as an ideal institution that carries out judicial functions in the Indonesian National Police

The National Police Professional Code of Ethics or KEPP contains norms or rules that are a unity of ethical or philosophical foundations relating to behavior and speech regarding things that are required, prohibited, appropriate, or inappropriate to be done by members of the National Police in carrying out the duties, authorities, and responsibilities of the position. To resolve alleged violations of the National Police's professional code of ethics, the examiner uses regulations in the form of Perkap Number 14 of 2011 concerning the Police Professional Code of Ethics, as a material law, whose scope is on State Ethics, Institutional Ethics, Community Ethics and Personality Ethics (Muniroh & Heydon, 2022).

The implementation procedures are guided by Perkap Number 19 of 2012 concerning the Organizational Structure and Work Procedures of the Police Professional Code of Ethics Commission as its procedural law (formal). Meanwhile, technically the implementation of enforcement of violations of the National Police professional code of ethics uses rules in the form of a Circular Letter of the Chief of Police Number SE / 9 / V / 2021, dated May 18, 2021 concerning Guidelines for Standards for the Implementation of Violations of the Police Professional Code of Ethics. Articles 9 and 10 of the Regulation of the Chief of Police (Perkap) No. 19 of 2012 concerning the Organizational Structure and Work Procedures of the Police Code of Ethics Commission contain the requirements for the composition of the membership of the Police Code of Ethics Commission to examine alleged violations of the Police Professional Code of Ethics at the Polda and Polres levels only based on position and rank.

This is further strengthened by the sound of Article 7 that Police Officers appointed as members of the KKEP have the same rank or higher level as the rank of Suspected Offender. This means that the trial in enforcing violations of the professional code of ethics of the National Police, as a member of the Police Code of Ethics Commission is only based on the leader's order, without requiring certain formal education (bachelor's degree), this is very contrary to trials in the General Court, Military Court and other Courts, that the trial apparatus always prioritizes certain formal education (bachelor's degree) in this case is the Bachelor of Law (S.H.), Besides there are other supporting requirements such as an age limit, training / education that must be undertaken and pass the exam (Dando et al., 2008).

Regarding undergraduate degrees that are not a consideration in the requirements to become a Police Code of Ethics Commission, in fact there is a KKEP session where as Representatives and Members of the Police Code of Ethics Commission hold Social Studies (S.Sos.), Bachelor of Economics (S.E.), Bachelor of Agriculture, Master of Management (S.P., M.M.) and some even have no bachelor's degree at all (high school graduates) while those examined as Alleged Offenders hold a Bachelor of Law (S.H.) and even a Master's degree Law (M.H.).

As required in Article 9 paragraph (2) of Perkap No. 19 of 2012 concerning the Police Professional Code of Ethics, only the Chairman of the KKEP is qualified to lead the KKEP Session for Alleged Offenders of all First Police Officers and Police Brigadiers and below at the Polda level, namely the Head of Propam/Intermediate Police Officer.

Sanctions for violations of the KEPP, the verdict has been determined, in the form of:

- a. the behavior of the Offender is declared to be reprehensible;
- b. the obligation of violators to apologize orally before the KKEP Session and/or in writing to the leadership of the National Police and the aggrieved party;
- c. the obligation of the Offender to participate in mental development of personality, psychology, religion and professional knowledge, at least 1 (one) Week and a maximum of 1 (one) Month;
- d. assigned to a different position that is demotion for at least 1 (one) year;
- e. transferred to a different function that is demotion for at least 1 (one) Year;
- f. assigned to different areas that are demotion for at least 1 (one) year; and/or
- g. PTDH as a member of the National Police.

In order to enforce the National Police Professional Code of Ethics, it is necessary to establish an independent or *ad hoc* code of ethics enforcement agency with a composition of membership not only from within the members of the National Police, but also a balancing element from academics, community elements, and retired high-ranking elements of the National Police. The balancing element from outside the National Police is intended to make the Police Code of Ethics Commission more empowered, independent, and fair in making decisions that will have an impact on maintaining the authority of the National Police institution (Riyadi et al., 2020).

The Supreme Court is the highest state court of all judicial bodies, which in the performance of its duties is free from interference. Article 24A of the Constitution of the Republic of Indonesia Year 1945, by stating that the Supreme Court is the highest State Court of all judicial environments, which in carrying out its duties is independent of government influence and other influences Law Number 48 of 2009 concerning Judicial Power regulates the perpetrators of judicial power, carried out by a Supreme Court and judicial bodies subordinate to it within the general judicial environment, religious courts, military courts, administrative courts, and a Constitutional Court. The judicial system in Indonesia is the entire court case in a country that is different from each other but interrelated or related so that a mechanism is formed and can be applied consistently (Marpaung, 2010).

In the justice system in Indonesia, there are several elements / parties involved in it including:

- 1) Investigator (Article 1 point 1 of the Code of Criminal Procedure). •
- 2) Public Prosecutor (Article 1 number 6 letter a and b of the Code of Criminal Procedure).
- 3) Judge (Article 1 number 8 of the Code of Criminal Procedure).
- 4) Legal Advisor (Article 1 number 13 of the Code of Criminal Procedure).
- 5) Justice Seeker/Lawyer/Advocate (Article 1 point 1 of Law No. 18 of 2003 concerning Advocates).

3.1. Membership of Judges of the National Police Code of Ethics Commission (Honorary Panel)

Judge; Dutch: *Rechter*) was the official who presided over the trial. The term "judge" comes from Arabic (*hakima*) meaning "rules, regulations, powers, government". He decides the punishment for the prosecuted party. Judges must be respected in the courtroom. And violation of this can lead to punishment. Judges usually wear black. Its power varies in different countries (Djanggih & Ahmad, 2017).

Judges are State Officials, in Indonesia in accordance with the Law on Judicial Power, Judges consist of Judges in the Supreme Court of the Republic of Indonesia and its subordinate courts and Judges in the Constitutional Court. Currently there are 4 judicial bodies under the Supreme Court so that the judges of the judicial body under the Supreme Court consist of General Court Judges, Religious Court Judges, State Administrative Court Judges and Military Court Judges, who have the authority to try different cases. Meanwhile, membership of the National Police Code of Ethics Commission can be interpreted as a member of the National Police who, because of his position and rank, can be appointed by the KKEP former to conduct a KKEP hearing against members of the National Police who commit KEPP violations, either as Chairman, Vice Chairman, or Member, which is at least 3 (three) odd in number and at most (five) who are of the same rank or higher than the Alleged Offender. Judges basically have the main task, resolving legal disputes finally and openly, indirectly judges affirm the existence of the rule of law (Setio, 2023).

Judges as state officials have significant powers in government. Meanwhile, the membership of the Police Code of Ethics Commission is tasked with examining alleged violations of KEPP committed by members of the National Police in a forum called the Police Code of Ethics Commission (KKEP) through the mechanism of the KKEP session which is tasked with carrying out examinations in court, making legal considerations, and deciding cases of KEPP violations committed by members of the National Police against: a. Violations of Articles 6 to Article 16 of the Chief of Police Regulation Number 14 of 2011 concerning the Police Professional Code of Ethics; b. Violation of Article 12, Article 13 and Article 14 of Government Regulation Number 1 of 2003 concerning the Dismissal of Police Members; and/or c. Violation of Article 13 of Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Police Members.

In its implementation, the National Police Code of Ethics Commission acts as a judge, because it carries out its work to examine and decide cases of violations of the National Police professional code of ethics committed by members of the National Police. However, in carrying out their duties, they are formed only based on position and rank, without having special skills as required as judges in the General Court or Military Court.

In order to enforce the National Police Professional Code of Ethics, it is necessary to establish an independent or *ad hoc* code of ethics enforcement agency with a composition of membership not only from within the members of the National Police, but also a balancing element from

academics, community elements, and retired high-ranking elements of the National Police. The balancing element from outside the National Police is intended so that the Code of Ethics Commission or the Honorary Council of the National Police is more empowered, independent, and fair in making decisions that will have an impact on maintaining the authority of the National Police institution.

3.2. Judiciary and Session of the National Police Code of Ethics Commission (Honorary Council)

Judiciary is a process carried out in court that deals with the task of examining, deciding and trying cases. While the court is an official body or institution that carries out the judicial system in the form of examining, prosecuting, and deciding cases. The enforcement of the National Police professional code of ethics is carried out based on Article 17 paragraph (1) and paragraph (2) of the Chief of Police Regulation Number 14 of 2011 concerning the Police Professional Code of Ethics, by: Propam Polri for Professional Accountability (Wabprof); Police Code of Ethics Commission; Commission on Appeals; Carrying out the legal functions of the National Police; National Police Human Resources; and the National Police Propam in the field of personnel rehabilitation.

Meanwhile, enforcement of violations of the National Police Professional Code of Ethics is carried out through: Preliminary examination; Police Code of Ethics Commission Hearing; Appeals Commission hearing; Determination of the administration of sentencing; Supervision of the implementation of judgments; and Rehabilitation of personnel.

1) Implementation of the duties and authorities of the National Police code of ethics commission

The National Police Code of Ethics Commission is tasked with conducting investigations in court, making legal considerations, and deciding cases of violations of the Police Professional Code of Ethics committed by members of the National Police.

2) Judicial proceedings outside the internal police code of conduct commission

The hearing of the Police Code of Ethics Commission against members of the National Police who commit criminal acts can be carried out, if there has been a decision from a general court that has permanent legal force (*inkracht*) after proving the criminal violation first, because if the Code of Ethics Commission Hearing is held first before the hearing in the general court, then the decision from the Police Code of Ethics Commission hearing will be legally flawed. The National Police Code of Ethics Commission means:

- 1) KKEP has the authority to adjudicate, namely examining and deciding cases in court, in this case the trial of violations;
- 2) KKEP has the authority to prosecute, namely examining and deciding cases of KEPP violations committed by members of the National Police based on rank

The judiciary carried out internally by the National Police is different from other judicial environments, although in the provision that the National Police is subject to the general court,

but internally, the National Police also has procedures for enforcing violations by conducting their own trials, in the form of Disciplinary Hearings and Police Professional Code of Ethics Hearings. So that if there are members of the National Police who violate the law, both civil, criminal and others, in addition to having to undergo justice according to the law they violated, they must face an internal hearing in the form of a disciplinary hearing or Code of Ethics. Violations of the law, both civil, criminal and others, should be processed in the Honorary Council of the National Police as a Police Court as applicable Military Courts

3.3. Authority of Judges and the Commission on the Code of Ethics (Honorary Panel) of the National Police

The sentence in examining and deciding cases in court can be equated with adjudicating, which is the authority of the judge. In other words, the duties and authorities of the National Police Code of Ethics Commission in hearing cases are the same as the duties and authorities of judges. Or it can be said that the Police Code of Ethics Commission means the same as the Panel of Judges and membership of the Police Code of Ethics Commission can be interpreted as a Judge.

If we observe, that the code of ethics and code of conduct of judges are prepared with the awareness that an independent, neutral (impartial), competent, transparent, accountable and authoritative court, capable of upholding legal authority, legal protection, legal certainty and justice is a *conditio sine qua non* or absolute requirement in a country based on law.

The authority and duties of judge's demand high responsibility, so that court decisions pronounced with the *irah-rah* "For Justice Based on the One and Only God" show that the obligation to uphold law, truth and justice must be accounted horizontally to all humans and vertically accountable to God Almighty.

In the concept of Constitutional Law, authority or authority is described as "*rechtsmacht*" (legal power). In public law, authority relates to power. Authority in the field of judicial power or adjudicating power is commonly called competence or jurisdiction. Authority is the right and power you have to do something. In essence, authority is the power given to state equipment to run the wheels of government. Authority is the right to do something or command others to do or not to do something in order to achieve a certain goal. Authority is usually associated with power. The judicious use of authority is a critical factor for organizational effectiveness. Authority is used to achieve the goals of the authorities. Therefore, authority is usually associated with power.

This definition, does not appear to be the notion of authority theory. So it can be concluded that *authority* theory is a theory that examines and analyzes about: "The power of government organs to exercise their authority, both in the field of public law and private law". The Chief of Police as a Police Professional Coach is authorized to form a Police Code of Ethics Commission at all levels of the organization, which then functions to assess and examine violations committed by members of the National Police against the provisions of the Police Professional Code of Ethics.

3.4. Qualifications and Competencies possessed by the Professional Code of Ethics Commission (KKEP/Honorary Council) of the National Police

In enforcing violations of the National Police Code of Professional Ethics through the Police Code of Ethics Commission Session by the Police Code of Ethics Commission formed by the KKEP Establishment based on Position and Rank alone, this will certainly raise the question, Does the Police Code of Ethics Commission apparatus formed have the qualifications and competence to carry out enforcement of KEPP budgets?

Literally, competence comes from the word competence which means proficiency, ability, and authority. As for etymology, competence is defined as a behavioral dimension of expertise or excellence of a leader or staff who has good skills, knowledge, and behavior. Competence contains the notion of possessing knowledge, skills, and abilities demanded by certain positions. That competence is a number of abilities that must be possessed by a person, especially employees, to reach the level of professional employees.

Thus, competence indicates skills or knowledge characterized by professionalism in a particular field as something important, as the flagship of a particular field, with indicators are: 1) *Knowledge* 2) *Skills* 3) *Attitude*. That the establishment of membership of the Police Code of Ethics Commission is only based on position and rank, without requiring a bachelor's degree in this case a Bachelor of Law (S.H.) or other requirements such as age limit, having training / education and passing the judge's examination, this is certainly very different from the requirements to become a judge in other courts, that the requirement for a Bachelor of Law degree is a must in addition to education or training and passing the judge exam. Meanwhile, the establishment of the National Police Code of Ethics Commission is only temporary or at any time. In enforcing the Police Professional Code of Ethics through the Police Code of Ethics Commission Session, in addition to involving Victims/Whistleblowers, Witnesses and/or Experts, the trial (Police Code of Ethics Commission Session) is carried out by a hearing apparatus consisting of:

1. Police Code of Ethics Commission Hereinafter abbreviated as KKEP is a forum formed within the National Police which is tasked with examining and deciding cases in the trial of KEPP violations in accordance with the rank level.
2. Secretary Is a Wabprov function of the National Police personnel who are in charge of preparing the place of hearing, administering the trial and recording the course of the trial in accordance with the rank of the Alleged Offender based on a warrant.
3. Prosecutor Is a personnel who carries out a preliminary examination, or a member of the National Police carrying out the function of Propam who serves as a prosecutor in cases of KEPP violations based on a warrant.
4. Companion (Alleged Offender) Is a Public Servant at the National Police who is requested by the Offender or the violator's superior or accreditor to accompany the Alleged Offender in the preliminary examination at the examination stage and KKEP hearing based on a warrant.

The Police Code of Ethics Commission Hearing Tool certainly has the ability and expertise in their respective fields, competence is an ability to carry out or perform a job or task based on skills and knowledge and supported by the work attitude required by the job. Competence contains the notion of possessing knowledge, skills, and abilities demanded by certain positions. From some of the opinions above, it can be concluded that competence is a number of abilities that must be possessed by a person, especially employees to reach the level of professional employees.

Likewise, the authority given by the Regulation of the Chief of Police that has been determined by anyone who has duties and responsibilities in enforcing violations of the Police Professional Code of Ethics is very clear.

However, in this case, to realize the Honorary Council that carries out the Judicial Function of the National Police, a balancing element should also be needed from academics, community elements, and retired high-ranking police officers. The balancing element from outside the National Police is intended to make the Police Code of Ethics Commission more empowered, independent, and fair in making decisions that will have an impact on maintaining the authority of the National Police institution.

3.5. The Decision of the National Police Code of Ethics Commission (KKEP/Majkelis Kehonoran) in enforcing the Police Professional Code of Ethics Meets the Sense of Justice and Legal Certainty

The decision of the National Police Code of Ethics Commission (KKEP/Majkelis Kehonoran) in enforcing the Police Professional Code of Ethics Meets the Sense of Justice and Legal Certainty as follows:

1) Objective decision of the National Police code of ethics commission

According to the Big Indonesian Dictionary (KBBI), objective is about the actual situation without being influenced by personal opinions or views. An objective attitude is one that is more definitive, it can be believed to be valid, but it can also involve it.

Objective in the Verdict is Objective has a point of view in terms of the original conditions that occurred in an event, so that it can be accounted for. Making decisions objectively has the aim that the decisions taken, are really right and do not harm anyone. In a trial, of course, it will always end with a verdict.

The decision here is made by the Judge in the General Court or in this case by the Police Code of Ethics Commission on the enforcement of violations of the Police Professional Code of Ethics by members of the National Police.

To decide a case, of course, the Police Code of Ethics Commission, if referring to the General Court, should be based on evidence presented in the trial and facts that can be unearthed during the trial, without looking at other facts obtained outside the trial. This is intended to achieve an objective word or predicate in giving the verdict.

2) Decision of the independent National Police code of conduct commission

Departing from the objectivity of the judge, of course, cannot be separated from the word independent that he has as well. Because the judge's decision must reflect the principle of expediency, the principle of legal certainty and the principle of justice, so in his decision the judge must be independent, transparent, objective, honest and independent. Independent here means that the KKEP Session in making decisions is neutral, independent, free from pressure, orders or entrustment of other parties in deciding cases of violations of the Police Professional Code of Ethics committed by members of the National Police, so that the decision is objective, fair and transparent.

But at first glance it can be illustrated that currently the Police Code of Ethics Commission is formed by the Head of the National Police, both at the Central and Regional Levels based on a warrant against someone who because of his position and rank meets the requirements, meaning that the Police Code of Ethics Commission is carried out by someone who has a structural position within the scope of duties of the National Police who is still subject to the orders of the National Police leadership (PemFormer KKEP), so that to answer between independent or not in the decision, it depends on the leadership of the National Police forming the Police Code of Ethics Commission and whether there is an interest in enforcing violations of the Police Professional Code of Ethics

3) The decision of the National Police code of conduct commission satisfies the sense of justice

Fair primarily implies that decisions and actions are based on objective norms. Justice is basically a relative concept, everyone is not equal, fair according to one is not necessarily fair to the other, when a person affirms that he is doing justice, it must certainly be relevant to the public order in which a scale of justice is recognized.

The judge's decision, for example, is as much as possible a resultant of expediency, justice and legal certainty. Nevertheless, there are still those who argue that among the three purposes of the law, justice is the most important goal of law, some even argue that justice is the only goal.

In the author's opinion that fair is something relative or relative, depending on who feels. It is usually fair to be delivered by the weak to the stronger, because the weak cannot defeat the strong. An example of a poor person will definitely feel unfair to see a richer person, why not he (the poor) who becomes rich. It is not the other way around that the rich feel unfair because he is rich by saying why I am rich, not the poor who are rich. The imposition of sanctions or sentences in the KKEP Session is clear about the type of punishment, based on Article 21 of Perkap No. 14 of 2011 there are (seven) types of punishments that can be used as sanctions or punishments imposed by the KKEP Session.

The National Police Code of Ethics Commission does not have the right to impose other alternatives according to the consideration of the Police Code of Ethics Commission, so this is what according to researchers that the decision of the Police Code of Ethics Commission Hearing in enforcing the Police Code of Ethics does not meet the sense of justice. The

unfairness of the decision handed down by the KKEP Session is not because the Police Code of Ethics Commission cannot be fair or partial to one party, but because of the type of sanctions that have been determined by regulations, forcing the Police Code of Ethics Commission to decide on sanctions that have been determined by the Chief of Police Regulation without any other choice or alternative sanctions.

4) Normative decision of the National Police code of ethics commission

The normative decision of the National Police code of ethics commission is regarding real problems or matters that are directly related to the implementation of the duties and authorities of the Police Code of Ethics Commission, which for regulations regarding the professional code of ethics of the National Police is contained in the Regulation of the Chief 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.

An absolute penalty or sanction must be imposed on violators found guilty regardless of the type of violation, and may not impose other judgments beyond those stipulated in Article 21 of Perkap No. 14 of 2011 concerning the Police Professional Code of Ethics. The sanction decision is cumulative and/or alternative in accordance with the assessment and consideration of the Police Professional Code of Ethics Session.

5) The decision of the National Police code of ethics commission recognizes jurisprudence

With the issuance of the Circular Letter of the Chief of Police Number: SE/9/V/2021 concerning Guidelines for Standards for the Implementation of Enforcement of Violations of the Police Professional Code of Ethics, removing confusion or uncertainty in the enforcement of violations committed by members of the National Police, between resolved by disciplinary hearings or with KKEP sessions due to multiple interpretations in determining the nature of the enforcement of laws and regulations that are within the scope of the authority of KEPP violation enforcement and the many norm provisions regulated in the articles in PP Nornor 1 of 2003, PP Nornor 2 of 2003, and Perkap Number 14 of 2011 that overlap or overlap.

However, in the enforcement of violations of the National Police Professional Code of Ethics, there is no provision that orders or indicates that the punishment or sanction is guided by jurisprudence or the decision of the previous Code of Ethics Commission Hearing or the decision of the Commission Session carried out by a higher unit.

6) The decision of the National Police code of conduct commission reflects legal certainty

Legal certainty is the implementation of the law according to its sound, so that the community can ensure that the law is implemented. In understanding the value of legal certainty, what must be considered is that the value has a close relationship with positive legal instruments and the role of the state in actualizing them in positive law. In enforcing violations of the National Police Professional Code of Ethics through the Police Code of Ethics Hearing, of course, it is hoped that it can be carried out to fulfill the objectives of the law, especially regarding legal

certainty. Based on the provisions in Perkap 14 of 2011 concerning the Police Professional Code of Ethics, it is explained in Article 20 paragraphs (1) and (2) stating that members of the National Police who are suspected of violating obligations and / or prohibitions are declared as Suspected Violators. Suspected violators are declared as violators after an examination and obtaining a verdict through the KKEP Session. Then Article 29 paragraphs (1) and (2) read: In the event that the KKEP Session does not find evidence of KKEP violations, the Alleged Violator is terminated freely.

Suspected offenders who are acquitted must be rehabilitated and have their rights restored. So it is very clear that the verdict or imposition of sanctions by the Police Code of Ethics Commission Session if guilty and rehabilitated and restored to their rights if innocent after being proven through the KKEP Session mechanism reflects the existence of Legal Certainty. The principle of legal certainty is a guarantee that a law must be carried out in a good or appropriate manner. Certainty is essentially the primary goal of law.

D. CONCLUSION

The urgency of establishing an Honorary Council that carries out judicial functions in the Indonesian National Police is needed because of violations of the professional code of ethics by members of the Indonesian National Police, both criminal offenses, violations of oaths / promises, or abandonment of duty or other violations. The factors causing violations of the professional code of ethics of the Indonesian National Police include; law enforcement factors, community factors in this case members of the Indonesian National Police as objects of law enforcement of the Indonesian National Police Professional Code of Ethics and cultural factors in the organization of the Republic Police Indonesia and in society in general, and to find out the extent of these five factors as a benchmark for the effectiveness of law enforcement of the Code of Professional Ethics of the Indonesian National Police.

The current implementation of judicial functions in the Indonesian National Police is carried out based on the policy of sanctioning violations of the Code of Professional Ethics of the Indonesian National Police and sanctions for violations of the Indonesian National Police Discipline in Perkap No. 14 of 2011 concerning the Code of Professional Ethics of the Indonesian National Police as stipulated in Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police i. There are 7 types of sanctions for violating the Professional Code of Ethics of the Indonesian National Police, namely; 1) written reprimand; 2) delay in attending education for a maximum of 1 (one) year; 3) postponement of periodic salary increases; 4) postponement of promotion for a maximum of 1 (one) year; 5) demotion mutations; 6) release from office; 7) placement in a special place for a maximum of 21 (twenty-one) days. Serious violations are carried out Dishonorable Dismissal (PDTH).

The Honorary Council (Commission Code of Ethics) as an ideal institution that carries out judicial functions is carried out based on Article 9 and Article 10 of the Regulation of the Police Chief of the Republic of Indonesia Number 19 of 2012 concerning the Organizational Structure and Work Procedures of the Police Code of Ethics Commission, as follows, 1) Membership

of Judges of the Police Code of Ethics Commission (Honorary Council) The Republic of Indonesia is in accordance with the position and rank, but KKEP does not have the qualifications because it does not have a Bachelor of Law academic degree, judge training/education and passes the judge examination as a requirement, as judges in the General Court and judges in the Military Court. 2) Courts conducted within the Indonesian National Police are subject to the general judiciary, but internally, The Indonesian National Police conducts its own trials, in the form of Disciplinary Hearings and Professional Code of Ethics Hearings of the Indonesian National Police. So that if there are members of the Indonesian National Police who violate the law, both civil, criminal and others, in addition to having to undergo justice according to the law they violated, they must face an internal hearing in the form of a disciplinary hearing or Code of Ethics; 3) The Indonesian Police Code of Ethics Commission means the same as the Panel of Judges and the membership of the Republic Police Code of Ethics Commission Indonesia can be interpreted as a Judge; 4) The qualifications and competencies possessed by the Professional Code of Ethics Commission (KKEP/Majelis Kehormatan) of the Indonesian National Police are very clear in their arrangements, but in this case to realize an Honorary Council that carries out the Judicial Functions of the Indonesian National Police, there should also be a balancing element needed from academics, community elements, and retired high-ranking officers of the Indonesian National Police; 5) The decision of the Indonesian Police Code of Ethics Commission (KKEP/Majelis Kehormatan) in enforcing the Indonesian Police Professional Code of Ethics must be objective, independent, normative, *Jurisprudence*, Fulfilling a Sense of Justice and Legal Certainty

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