

# **Enforcement of the Code of Ethics Against Polri Members Involved in Criminal Cases Due to the Discount Actions of Their Boss (Case Study of The Murder of Brigadier J) Based on Police Regulation of the Republic of Indonesia No 7 of 2022**

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**Abstract.** The General set of principles for the Police Calling and the Commission the Morals Code for the Police is managed by Perpol 7 of 2022 concerning KEPP and KKEP. This Police Guideline affirms the foundation of its distribution that each authority of the Indonesian Public Police in doing their obligations and specialists should have the option to mirror the character of the state Bhayangkara overall, appreciate and vitalize the expert morals of the police which is reflected in their perspectives and conduct in the expert set of principles of the Indonesian Public Police as the crystallization of the qualities contained in Tribrata and Catur Prasetya which depend on and roused by Pancasila. Perpol 7 of 2022 concerning KEPP and KKEP is another Police Guideline and replaces the Guideline of the Top of the State Police of the Republic of Indonesia Number 14 of 2011 concerning the Expert Set of rules of the State Police of the Republic of Indonesia and Guideline of the Top of the State Police of the Republic of Indonesia Number 19 of 2012 concerning the Association and Work Methodology of the Commission. Set of rules of the Indonesian Public Police. It is because of the fast improvement of innovation and changes in moral, social, and conduct esteems that happen locally which influence the way of behaving of Polri authorities in doing their obligations, obligations, and specialists. Perpol 7 of 2022 concerning KEPP and KKEP is the execution of the arrangements of Article 34 passage (3) and Article 35 section (2) of Regulation Number 2 of 2002 concerning the Indonesian Public Police. The Public Police is a state instrument that assumes a part in keeping up with public security and request, implementing the law, and giving assurance, insurance, and administrations to the local area with regards to keeping up with homegrown security. The previous Top of the Propam Police Division, Monitor General Ferdy Sambo, went through a preliminary on the police overarching set of principles for the supposed planned murder of Nofriansyah Yosua Hutabarat or Brigadier J. The set of rules preliminary applies to all individuals from the police who commit infringement. A set of rules preliminary is held when an individual from the Public Police mishandles authority. Guidelines in regards to maltreatment of power are directed in the Police Disciplinary Guidelines or the Police Set of principles. A few general arrangements connected with the Police implicit set of principles are referenced in this guideline.

**Keywords:** code of ethics; criminal cases; uncommendable actions from superiors.

## 1 Introduction

At the point when an individual from the Public Police is associated with disregarding the set of principles, they will be managed by the Police Set of rules Commission. The Police Set of rules Commission is a gathering framed inside the Police climate which is entrusted with completing assessments in preliminaries for infringement of the Police Proficient Set of principles and different infringement as managed parents in law and guidelines. The extent of the Polri set of rules comprises of 4 morals, in particular:

1. Personality Ethics
2. State Ethics
3. Institutional Ethics
4. Ethics in public relations.

State morals is the ethical disposition of POLRI individuals towards the Unitary Condition of the Republic of Indonesia, Pancasila, the 1945 Constitution of the Republic of Indonesia, and variety. Republic of Indonesia Year 1945, Solidarity of Solidarity.

Institutional Morals, is the ethical disposition of POLRI individuals towards establishments that serve and should be maintained as the inward and external of all Bhayangkara faculty with all their pride and values by the qualities contained in Tribrata and Parya Honor, Institutional Morals contains social rules POLRI individuals about Tribrata as a lifestyle, Catur Prasetya as an aide for work, Vow of commitment by individuals from the POLRI, Pledge/commitment of office, Ten moral responsibilities to significantly impact mentalities.

Community Ethics is the moral attitude of POLRI members who maintain security and society, protect, protect, and serve the community by heeding local wisdom in Indonesian culture. This social ethic contains guidelines for the behavior of POLRI members regarding Community care and maintenance, law enforcement, protectors, protectors, and community servants, and local wisdom, including cooperation, solidarity, and tolerance.

Ethics. Personality is the behavior of POLRI members in religious life, obedience, obedience, and courtesy in family, community, nation, and state life. Personality ethics contains guidelines for the behavior of POLRI members in relationships: religious life, obedience, obedience to the law, courtesy in family life, society, nation, and state.

The four ethics mentioned above will lead to obligations and prohibitions for members of the POLRI, where violations of these obligations and prohibitions will result in sanctions or penalties after going through the process of enforcing POLRI's professional ethics.

## 2 Research Method

1. Observation : In this study, the author made direct observations about the impact and felt the impact of the criminal case that occurred to Brigadier J and his superiors.
2. Literature : In this writing, the author reads and listens a lot to the development of law enforcement from social media, as well as television information.

### 3. Result and Discussion

This Guideline of the Head of Police (Perkap) was brought into the world from the combination and converging of two Guidelines of the Head of Police (Perkap), in particular Number 14 of 2011 concerning the Police Implicit set of principles and Perkap Number 19 of 2012 concerning the Association and Work Methodology of the Police General set of rules Commission.

In Perpol Number 7 of 2022, there are new standards that poor person been managed in Perkap 14 and Perkap 19, to be specific connected with standards for substance addiction issues, then freak sexual way of behaving, and a few different standards that observe the improvement of elements in the public eye. The Perpol is additionally connected with a few functional and instructing practical exercises that have been directed in regards to permitting acknowledgment of cops, and obtainment of labor and products. There is likewise a matter connected with the foundation of the Police Set of rules Survey Commission (KKEP PK) which approves the Public Police Boss to frame the KKEP PK initiative contraption. In the Perpol, the Public Police Boss has the position to survey the KKEP choice or the KKEP advance choice which is conclusive and restricting, in which the audit is done no later than three years after the KKEP choice or the KKEP Allure choice was chosen.

The Public Police morals preliminary concluded that Assessor General Ferdy Sambo was disgracefully excused or dismissed. The previous Top of the Public Police's Propam Division was viewed as at legitimate fault for disregarding the Bhayangkara corps set of principles. "Demonstrated legitimately and convincingly disregarded." There are seven sets of rules that Sambo abused on account of the planned homicide of Brigadier Yoshua (Brigadier J). The seven overarching sets of principles allude to the guidelines contained in Unofficial law Number 1 of 2003 concerning the Excusal of Individuals from the Indonesian Endlessly police Guideline Number 7 of 2022 concerning the Code of Expert Morals and the Commission for the General set of rules of the State Police of the Republic of Indonesia.

The seven violations of Sambo's ethics are as follows:

1. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 5 paragraph 1 letter B Perpol 7/2022  
It peruses: Individuals from the Indonesian Public Police might be disreputably released from the Public Police administration for disregarding the vow or commitment of an individual from the Police, the vow or commitment of office, or potentially the Polri set of principles related to each Polri official in institutional morals is obliged to keep up with and work on the picture, robustness, validity, notoriety, and honor.
2. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 8 letter C Perpol 7/2022  
It peruses: Individuals from the Indonesian Public Police can be despicably released from the Public Police administration for disregarding the vow or commitment of an individual from the Police, pledge or commitment of office, as well as the Police overarching set of principles related to each Oolri official in private morals who should tell the truth, capable, restrained, fair, mindful, firm, and humanist.
3. 3 Article 13 paragraph 1 PP 1/2003 in conjunction with Article 8 letter C number 1 Perpol 7/2002  
It peruses: Individuals from the Indonesian Public Police might be shamefully released from the Public Police Administration for disregarding the pledge or commitment of an

individual from the Public Police, the vow or commitment of office, or potentially the Police set of rules related to each Cop in private morals who should comply and regard legitimate standards.

4. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 10 paragraph 1 letter F Perpol 7/2022

It peruses: Individuals from the Indonesian Public Police might be disgracefully released from the Public Police Administration for disregarding the vow or commitment of an individual from the Police, the pledge or commitment of office, or potentially the INP implicit set of rules related to any Cop in institutional morals precluded from consenting to abuse the KEPP or disciplinary or criminal demonstrations.

5. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 11 paragraph 1 letter A Perpol 7/2022

It peruses: Individuals from the Indonesian Public Police might be despicably released from the Police Administration for disregarding the vow or commitment of an individual from the Police, the pledge or commitment of office, as well as the INP set of rules related to any cop as a prevalent being precluded from providing orders that are in opposition to lawful, strict, and moral standards.

6. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 11 paragraph 1 letter B Perpol 7/2022

It peruses: Individuals from the Indonesian Public Police might be disgracefully released from the Public Police administration for disregarding the vow or commitment of an individual from the Police, the pledge or commitment of office, or potentially the Polri general set of principles related to any Polri official who is predominant is restricted from utilizing his position recklessly.

7. Article 13 paragraph 1 PP 1/2003 in conjunction with Article 13 letter M Perpol 7/2022

It peruses: Individuals from the Indonesian Public Police might be despicably released from the Public Police Administration for disregarding the vow or vow of an individual from the Police, the pledge or commitment of office, as well as the INP set of principles related to any Polri official.

The Ferdy Sambo case in the National Police Professional Code of Ethics Session appealed the decision given based on Article 69 of Perpol Number 7 of 2022. The development of the Ferdy Sambo case continues, many people have been declared suspects, and dozens of police officers are considered to have violated the code of ethics. Through the trial, the former Head of the National Police Propam Division was sentenced to one of the sanctions in the form of dishonorable dismissal or PTDH, in that trial Ferdy Sambo appealed the decision based on Article 69 of the Political Regulation Number 7 of 2022.

Ferdy Sambo also explained that he would continue to implement whatever decision was made after the appeal was submitted.

Paragraph 1: An appeal applicant who is imposed with an administrative sanction has the right to file an appeal against the court's decision to the official forming the KKEP for appeal through the KKEP secretariat.

Paragraph 2: The Statement of Appeal is signed by the Petitioner for Appeal and submitted in writing through the Secretariat of KKEP within a maximum period of 3 (three) working days after the decision of the Session is read by KKEP.

Paragraph 3: After the Statement of Appeal, the Appellant shall submit a memorandum to the Official forming the KKEP Appeal through the Secretariat of the KKEP Appeal within a maximum period of 21 (twenty-one) working days from the receipt of the decision of the KKEP Session.

Paragraph 4: The format of the statement of appeal and memorandum of appeal is contained in Appendix VIII which is an integral part of this Police Regulation. For information on the formation of the KKEP, the Appeal is stated in Article 71 of Perpol Number 7 of 2022 which reads:

Section 2: The Head of Police as alluded to in passage (1) may designate the position to lay out KKEP Requests to the Vice president of Police, for the level of the Public Police Central command; and the Top of the Territorial Police, for the Local Police level. Then, at that point, as far as possible for the arrangement of the KKEP Allure is expressed in Article 70 of the Political Guideline Number 7 of 2022 which peruses:

Section 1: The KKEP Secretariat subsequent to getting the update of Allure from the Wrongdoers, processes the organization of the proposition for the foundation of the Allure KKEP to the authority shaping the KKEP Allure inside a most extreme time of 5 (five) working days.

Section 2: The authority shaping the Allure KKEP will give a choice on the foundation of the Allure KKEP no later than 30 (thirty) days subsequent to getting the solicitation for the proposed foundation of the Allure KKEP.

Criminal regulation master from the College of Muhammadiyah Jakarta (UMJ) Chairul Huda said many articles could be charged against Overseer General Ferdy Sambo on account of the passing of Brigadier Nofriansyah Yosua Hutabarat or Brigadier J. Sambo's job, for this situation, was uncovered by his helper Bharada E in the Minutes of Examination. Moreover, to the deficiency of a few bits of proof in his home, for example, CCTV, Sambo is thought of as the most capable. Ferdy Sambo could basically be likely to Article 221 of the Crook Code, the rest could be liable to Article 338 related to 340 of the Lawbreaker Code, then Article 46 related to Article 30 of the ITE Regulation. In the Crook Code, Article 221 of the Lawbreaker Code is a demonstration of stowing away, assisting with trying not to be explored or confined, as well as deterring or confusing the examination or arraignment of individuals who perpetrate violations. Then, at that point, Article 338 states that any individual who purposefully takes someone else's life is undermined with murder with a greatest detainment of 15 years. Then, Article 340 contains any individual who purposefully and with planned plans ends the existence of another, is compromised with planned murder, with a capital punishment or detainment forever or for a specific period, a limit of twenty years, Article 46 related to Article 30 of the Law. ITE can likewise be charged. Article 46 of the ITE Regulation specifies a most extreme detainment of six years and a greatest fine of Rp. 600 million for hacking into others' electronic frameworks in any capacity. Then, Article 30 expresses that each individual purposefully without freedoms or illegal gets to PCs and additionally electronic frameworks in any capacity. Though 30 related to the ITE Regulation was forced in view of unlawful admittance to cellphones or information on the late Joshua's cellphone.

#### **4. Conclusion**

The General set of rules for the police calling has been managed in the Guideline of the Top of the Republic of Indonesia Number 7 of 2022, concerning the Set of principles of the State Police

of the Republic of Indonesia with the goal that the Overarching set of principles of the Public Police of the Republic of Indonesia applies to each individual from the Indonesian Public Police. To guarantee the Police Proficient Set of principles, at each level of the Police (Polsek, Polres, Polwil, Polda, and Central command), should have the option to give authorizations to Police Individuals who commit infringement through the Expert Set of rules Meeting (KEP) and Disciplinary Meetings. It is trusted that the implementation of morals to individuals from the Public Police should be completed by each Top of the Public Police Hierarchical Unit as a better with the right than rebuff (Ankum) at all levels so regardless of how little it should be circled back to remedial activities or approvals. On the off chance that this is constantly kept up with, infringement of the law committed by individuals from the Public Police can be limited.

Perpol Number 7 of 2022 is a significant matter for individuals from the Public Police, avowing that the errand of the Public Police later on will be more troublesome and brimming with difficulties. As of now, it isn't just completing fundamental undertakings yet in addition doing errands outside the principal errands of the Public Police, for example, dispersing help following, immunization, and different errands commanded by the Public authority, in this manner individuals from the Public Police in completing their obligations are expected to be proficient to serve, safeguard, safeguard the local area, as well as good examples for partners and the local area and not to commit acts that disregard the law that can hurt individuals. In this way, every individual from the Public Police should keep in mind and execute the expert morals of the Police which are the rules for doing their obligations.

## References

- [1] Agus Dwiyanto, 2006, Mewujudkan Good Governance Melayani Publik, Yogyakarta: Universitas Gadjah Mada
- [2] CST Kansil, SH, Christine ST Kansil, SHMH, 2006, Pokok-pokok Etika Profesi Hukum, Jakarta: PT. Pradnya paramita
- [3] Candra Darusman, 2013, Penegakan Hukum Anggota Polri, Jakarta: Rajawali Press
- [4] Dina Putri, 2014, Perkembangan Organisasi di Tubuh Polri, Jakarta: Pradnya Paramitha.
- [5] Gunawan Ahmad, 2014, Sanksi Disiplin Terhadap Anggota Polri, Jakarta: Pustaka Kartini.
- [6] Kiswah Ambara, 2013, Penerapan Disiplin Anggota Polri, Jakarta: Raja Grafindo Persada
- [7] Kunarto, 1997, Etika Kepolisian, Jakarta: PT.Cipta Manunggal
- [8] Iqbal, Muhammad. "Perkembangan kejahatan dalam upaya penegakan hukum pidana: Penanggulangan kejahatan perdagangan profesional organ tubuh manusia." PROSEDUR UNIVERSITAS PAMULANG
- [9] Artikel detikedu, "Mengenal Kode Etik Polri, Sidang Pelanggaran yang Dijalani Ferdy Sambo" selengkapnya <https://www.detik.com/edu/detikpedia/d-6253736>.
- [10] Anton Tabah, Menatap Dengan Mata Hati Polisi Indonesia, PT. Gramedia Utama, Jakarta, 1991.
- [11] Artikel Hukum Pidana dan Pelanggaran Kode Etik, dikutip dari: <https://www.researchgate.net/publication/42353598Artikel-hukum-pidanapelanggaran-kode>
- [12] Agib Tanjung, 90 Persen Publik Kecewa atas Kinerja Reserse Polri, dikutip dari <http://www.merdeka.com/peristiwa/90-persen-publik-kecewa-atas-kinerja-reserse-polri-ht>