

Ethical Code Sanction for Police Who Commits Narcotics Crime

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Abstract. A Professional Code of Ethics is a set of written norms, values, and rules that establish standards for correct and good behavior, as well as determine what is considered inappropriate for professionals in the field of policing. The Professional Code of Ethics protects individuals from the consequences of actions that do not meet professional standards. The Police Proficient Set of rules is managed by the Guideline of the Top of the Indonesian Public Police Number 7 of 2022 concerning the Set of principles of the Indonesian Public Police, which specifies preclusions for police individuals in doing their obligations, capabilities, and specialists. Drug-related crimes are criminal offenses; in addition, drug-related offenses are also subject to administrative sanctions. Administrative sanctions will be applied to alleged violators who commit violations categorized as moderate or severe. According to Article 17 paragraph (3) letter e of Police Regulation Number 7 of 2022, police members in such cases fall under severe KEPP violations for being involved in narcotics crimes. Therefore, the likely sanction for severe KEPP violations is administrative sanctions. Article 12 passage (1) letter an of Unofficial law Number 1 of 2003 makes sense of that a police part will be shamefully released from the police administration whenever viewed as liable and condemned to detainment in light of a court choice with super durable legitimate power.

Keywords: Police Professional Code of Ethics, Criminal Offenses, Drugs

1 Introduction

The law encompasses all rules and norms applicable in societal life, regulating behavior and enforceable through sanctions. According to Hans Kelsen, a sanction is a coercive reaction to human behavior that disrupts social order. In Kelsen's view, every normative system is always based on sanctions. Sanctions in law represent a regulation of force, and the law itself depends on a system of coercion aimed at maintaining certain social behaviors, where force is used to enforce the law, and there are institutions in society that carry this out. Any norm can be considered "legal" if accompanied by sanctions, even though the norm must be viewed as other norms.[1]

Professional ethics are norms established and accepted by a professional group to guide its members on how to maintain the profession's moral quality in the eyes of the public. Therefore, the professional group must handle this based on its authority. In carrying out its responsibilities and authority, the Indonesian National Police institution adheres to professional ethics. achieve the goals and functions of policing. These professional ethics aim to create a police force that is

professional, credible, and ethical in law enforcement.[2] Police are law enforcement officers responsible for ensuring security and comfort in societal life. The Police serve as an institution that protects the community in all social conditions, as controlled in Regulation No. 2 of 2002 concerning the Police. The police's job can be perceived as their situation as defenders of the local area. Notwithstanding, actually, some cops act contrary and do not adhere to professional police ethics, meaning they violate the police code of ethics. Such violations certainly have legal consequences and can lead to criminal offenses.[3]

During the course of reform, the Indonesian National Police (Polri) has faced various complex challenges. Despite significant progress in strengthening, development, and operations, there are serious issues related to the behavior of Polri members, such as abuse of power, and violations of moral, social, and religious norms. These infringement negate the disciplinary guidelines for Polri individuals as specified in Regulation No. 2 of 2002 on the Police, and its executing guidelines in Unofficial law of the Republic of Indonesia No. 2 of 2003 on the Disciplinary Guidelines for Polri Individuals. Article 32 of Law No. 2 of 2002 emphasizes the importance of developing the professional capabilities of Polri members in carrying out their duties and functions. This development is carried out through an approach of fostering professional ethics and enhancing knowledge and experience in technical police fields through education, training, and continuous and sustainable assignments.

The professional code of ethics for Polri serves as a guide for police officers in performing their duties following applicable laws in their environment. Therefore, this code of ethics plays a crucial role in creating a professional police force.[4] Law No. 2 of 2002 on the Indonesian National Police establishes a code of ethics for the Polri profession that is both based on professional requirements and normatively regulated through Police Chief Regulations. Thusly, the expert set of rules for Polri is restricting on the entirety of its individuals. In the event that a Polri part perpetrates a legitimate infringement or a crook act connected with drugs, legal procedures will be led by relevant guidelines, including Regulation No. 2 of 2002 on the Indonesian Public Police, Unofficial law No. 2 of 2003 on the Disciplinary Guidelines for Polri Individuals, and Police Boss Guideline No. 14 of 2011 on the Expert Set of principles for the Indonesian Public Police.[5]

Regulation Number 22 of 1997 concerning Opiates makes sense of that opiates are substances or medications that can cause changes in cognizance, loss of sensation, decrease or kill torment, and can prompt dependence, whether got from plants or non-plants, in engineered or semi-manufactured structures. The authorization of the Polri implicit set of principles is significant to keeping up with impressive skill in the performance of Polri members' duties. Law enforcement will not succeed if law enforcers are undisciplined and do not perform their duties correctly. The Polri proficient set of principles gives rules to Polri individuals in cooperating with the local area, whether while on the job or off the clock. The standards contained in the Polri proficient set of principles are made sense of in the Guideline of the Head of the Indonesian Public Police Number 7 of 2022 concerning the Polri Proficient Set of rules, which has binding force and serves as a guide for Polri members to behave by moral values. Police ethics aims to uphold police ethics professionally in their relationship with the community and to instill in police members the belief that the proper, good, and strong internalization of police ethics is necessary. Article 1 number 5 defines KEPP as norms or ethical rules related to actions or statements that are prohibited, required, appropriate, or inappropriate for Polri members to perform in carrying out their duties, authorities, and responsibilities. Police ethics aim to create a police force that is professional, credible, and morally upright.

One of the causes of Polri members being involved in drug abuse is weak supervision from law enforcement agencies. This raises pessimism about the ability of the police to eradicate the circulation and abuse of narcotics. Society hopes that police officers involved in drug abuse can be punished according to applicable regulations. Polri members involved in cases of drug abuse violate the code of ethics because they are required to protect their reputation, the law, and their dignity as police officers. Infringement of the Polri overarching set of principles will be authorized by the Guideline of the Head of the Indonesian Public Police Number 7 of 2022 concerning the Polri Proficient Set of rules. The police force's reputation and public trust will suffer as a result of such actions., which will then affect distrust in the enforcement and prevention of drug abuse by the police. Although the police should carry out their duties well and responsibly, in reality, many police officers are involved in drug abuse, and law enforcement against them is not optimal. Therefore, an interesting legal issue to discuss is how ethical code sanctions are applied to police officers involved in drug-related crimes.

2 Method

2.1 Method

The examination strategy used to compose this is a regulating legitimate exploration technique, which is lawful examination completed by inspecting library materials and optional information, where the approach used will be a normative juridical (statute approach) with descriptive-analytical character.[6]

2.2 Approach

The normative approach is a method used to examine problems in the context of law and statutory regulations, including rules that can be used as a basis for examining problems and their legal consequences. In this case, examples are Regulation Number 2 of 2002 concerning the Police of the Republic of Indonesia and Guideline of the Head of Police Number 7 of 2022 concerning the Expert Set of principles for the Public Police of the Republic of Indonesia. A regularizing approach is taken in specific legal guidelines or composed regulations connecting with the police overarching set of rules. This exploration depicts what is happening of the item being contemplated, with an emphasis on the utilization of assents to the set of principles for police who perpetrate police wrongdoings.[7]

3 Result and Discussion

3.1 Police Ethical Code

Ethics has its roots in the Greek word "ethos", which refers to good customs or habits. It is the science of moral principles, rights, and obligations. Ethics is also a collection of values related to morals and the concept of right and wrong held by society. Ethics are standards of behavior that grow and develop through a process of socialization and internalization, which function as a guide to behaving voluntarily but with strong commitment.[8] In general, ethics

or ethics is a branch of philosophy that considers right and good behavior in human life. The main problem is what guides to determine good and bad behavior in society. To answer this question, we need to consider the norms that regulate moral rules.[9]

Norms or rules essentially serve as affirmations or reinforcements of values that are considered ideal, reflecting goodness, virtues, and sometimes grandeur in contrast to values deemed bad, low, or dishonorable. Judgments of good and bad are the result of each individual's reflection in carrying out daily activities and interacting with others. In Indonesia, for example, the ethics of national and state life are formulated to become the fundamental basis for the improvement of human quality that is faithful, pious, noble in character, and has an Indonesian personality in the context of national life.

The origin of the term "professional" comes from the word "profession," which derives from the Latin word "profiteri," meaning to make a vow or oath in public. A profession refers to a type of work that requires a high level of expertise, the application of scientific techniques, and high dedication. This expertise is usually obtained through specialized education from accredited institutions, offering curricula that are relevant to the field and profession. The measure of professionalism is often seen in the competence, efficiency, effectiveness, and level of responsibility possessed by an individual in performing their duties.[10] Professionalism is the foundation that makes a person an effective tool for the government in carrying out state duties through their role and responsibility as the caretaker and protector of society.

The Professional Code of Ethics is a set of norms, values, and written rules that establish standards of correct and good behavior, as well as determine what is considered inappropriate for professionals in the field of Policing. The Code of Ethics affirms actions deemed right or wrong, what must be done, and what must be avoided. Its purpose is to ensure that professionals provide the best service to the served community. The Professional Code of Ethics also serves to protect individuals from the consequences of actions not in line with professional standards. It is a moral agreement recognized by a specific community group, providing guidance and moral rules for members of the profession, and binding them in practice.

Implementing the Expert Set of principles of the Indonesian Public Police (Polri) includes a progression of steps by Polri authorities approved by relevant guidelines. These means incorporate an underlying assessment, hearings of the Polri Governing set of principles Commission, advance hearings of the Polri Set of rules Commission against Polri individuals associated with disregarding the Expert Set of principles of the Indonesian Public Police, and restoration of Polri individuals viewed as blameworthy or not demonstrated at fault for abusing the Expert Set of rules of the Indonesian Public Police. The Expert Set of rules of the Indonesian Public Police is directed in the Guideline of the Head of the Indonesian Public Police Number 7 of 2022 concerning the Overarching set of principles of the Indonesian Public Police, which manages preclusions for Polri individuals in doing their obligations, capabilities, and specialists. In the mean time, guidelines connected with judicial procedures in upholding the Expert Set of principles of the Indonesian Public Police are controlled in Police Boss Guideline Number 8 of 2006, which includes the formation of the Code of Ethics Commission, tasks, authorities, and obligations of the commission, membership, violation handling mechanisms, rights and obligations of the inspected, procedures, administration, and procedures for conducting hearings in the absence of the offender.

The Police Professional Code of Ethics discusses principles or norms related to the relationship between Police professionals and the communities they serve, between fellow

professionals, between professional organizations, as well as the relationship between professional organizations and the government. One example of the relationship between a professional and a client (service user), for example, is the interaction that occurs between members of the National Police and the public regarding their duties. The principles of the Police Professional Code of Ethics include:

- a. Obedience refers to the moral standards or values stated in the code of ethics for Polri members which must be reflected in their attitudes, words, and actions.
- b. Legal certainty, including clear guidelines that provide direction to Polri members in carrying out their duties, authority, and responsibilities in implementing the Polri Professional Code of Ethics.
- c. Straightforward, Basic alludes to the execution of the Police Proficient Set of rules which is completed in a simple, quick, and straightforward way, yet focusing on the standards of truth and equity.
- d. Equity of privileges, expresses that each individual from the Public Police who is addressed or turns into an observer in upholding the Police Proficient Set of principles will be given a similar treatment without qualification of rank, position, social, financial status, race, class, and religion.
- e. Applicative, that is, every decision of the National Police Professional Code of Ethics trial must be implemented as well as possible.
- f. Accountable, namely the implementation of the enforcement of the Police Professional Code of Ethics must be accountable administratively, morally, and legally based on existing facts.

The extent of KEPP guidelines incorporates state morals, institutional morals, local area morals, and character morals, each individual from the Public Police is denied from:

- a. State Ethics.
 - 1) Involved in movements aimed at replacing or opposing Pancasila and the 1945 Constitution
 - 2) Subsequently prohibited from involvement in movements against the legitimate government
 - 3) Becoming a member or officer of a political party
 - 4) Exercising voting rights and casting votes
 - 5) Becoming a member or officer of organizations or groups prohibited by the government
 - 6) Supporting, participating in, or sympathizing with ideologies/extremism based on violence leading to terrorism; and/or
- b. Institutional Ethics.
 - 1) Engaging in actions contrary to the provisions of laws and regulations, and/or operational standard procedures, including
 - 2) Disseminating and spreading unsubstantiated information about the Indonesian National Police (Polri) and/or individual civil servants in Polri
 - 3) Evading and/or refusing Official Orders in the context of Internal Inspections carried out by supervisory functions related to Reports or Complaints from the public
 - 4) Conspiring to violate KEPP (Professional Code of Ethics) or discipline or committing crimes
- c. Community Ethics.

- 1) Rejecting or neglecting requests for assistance, aid, or Reports and Complaints from the public within the scope of their duties, functions, and authorities;
 - 2) Spreading false news and/or conveying inappropriate news that may disturb the public;
 - 3) Uttering, gesturing, and/or acting to receive personal rewards or benefits in providing public services;
 - 4) Engaging in acts that degrade the honor of women while performing police actions;
 - 5) Imposing fees for services beyond the provisions of laws and regulations;
- d. Personality Ethics.
- 1) Adhering to radical ideologies and/or exclusivism towards cultural diversity, ethnicity, language, race, and religion;
 - 2) Influencing or coercing fellow Polri members to follow worship practices outside their beliefs;
 - 3) Displaying attitudes and behaviors of vilification, and insulting unity, superiors, and/or fellow Polri members;
 - 4) Engaging in sexual deviation or sexual disorientation.

3.2 Implementation of Code of Ethics Sanctions in Cases of Narcotics Crimes Committed by Members of the National Police

Criminal acts are actions performed by individuals that contradict criminal law provisions. One example of a criminal act that often occurs in Indonesia is drug abuse. This crime constitutes a violation of both legal and social norms that have long existed. The circulation and abuse of drugs are not new issues in Indonesia. Drug-related crimes are categorized as special crimes because they are regulated by the Narcotics Law, not by the Criminal Code (KUHP). Although generally, the legal process refers to the Criminal Procedure Code (KUHAP), there are certain exceptions regulated by the Narcotics and Psychotropic Substances Law.[11]

Police organizations, like other organizations, have a code of ethics emphasizing the importance of behaving according to regulations and expectations that require discipline in carrying out missions. They always have internal rules to enhance performance, professionalism, and organizational culture, and to maintain orderliness and task execution in line with their objectives, roles, functions, authorities, and responsibilities in society. Ethical issues are fundamental in human life. It's not just about acting according to instinct or heartfelt impulses but aiming and aspiring within the context of the community. When someone becomes a member of the police profession, professional ethics norms and institutional authority norms become binding obligations, and they must adhere to them. Obligations and compliance with norms are essential requirements for achieving the goals, visions, and missions of the profession.[12]

Polri Members' disciplinary policies are outlined in Government Regulation No. 2 of 2003, disciplinary regulations for Polri members contain basic content that emphasizes the obligations or duties that must be complied with by every Polri member, as well as prohibitions. When a police officer does not fulfill his duties or violates established prohibitions, this is considered a disciplinary offense. Violations of discipline by members of the National Police can result in sanctions in the form of disciplinary penalties. Article 1 point 3 of the regulation explains that the Police disciplinary regulations are a series of norms which aim to foster, enforce discipline and maintain order in the lives of Polri members.

In the event that an individual from the Public Police commits a demonstration that isn't by the arrangements of the Police Proficient Set of rules, this is viewed as an infringement of the governing set of principles. The Police Code of Expert Morals underscores the significance of moral mindfulness in the heart of each and every individual from the Police in doing their obligations by material principles. The Code of Expert Morals for the Indonesian Public Police (KEPP) is an assortment of moral standards, both composed and unwritten, which guide the perspectives, conduct and activities of authorities of the Indonesian Public Police.[13] The Expert Set of rules contains moral qualities that should be trailed by individuals from the Indonesian Public Police in completing their obligations in the domain of the Republic of Indonesia. An individual from the Public Police who is demonstrated to have perpetrated an opiates wrongdoing will go through judicial procedures in the general court like different regular citizens. After the legitimate cycle in court is finished, the following system looked by individuals from the Public Police is implementation of the Public Police's proficient set of principles. In upholding this set of principles, Propam Polri plays a critical capability as the area liable for this.

The Public Police has a Propam (Expert and Security) group whose occupation is to get reports and explore infringement or wrongdoings carried out by individuals from the police. This group will then, at that point, direct the interaction to the Police Set of principles Commission Hearing. The assessment of Polri individuals who abuse the Polri Overarching set of rules is finished by SIPROPAM, which is a vital piece of the police structure.[14] The Propam Unit fundamentally affects implementing the police overarching set of rules. The incredible skill of Polri individuals isn't just anticipated by the actual organization yet in addition by Indonesian culture all in all. The law enforcement process for individuals from the Public Police by and large keeps the procedural regulation that applies in everyday courts, as managed in Unofficial law of the Republic of Indonesia Number 3 of 2003 concerning the Specialized Execution of General Equity Foundations for Individuals from the Public Police of the Republic of Indonesia. The Criminal Procedure Law (KUHAP) of the Law of the Republic of Indonesia No. 8 of 1981 regulates the National Police's responsibilities for preventing and prosecuting criminal acts.[15]

Article 4 explains that investigations of members of the National Police who are involved in criminal acts are carried out by investigators by the procedures regulated in the criminal procedural law applicable in general courts. If a member of the National Police is proven to have violated the code of ethics involving a criminal offense and has undergone a general court process and received a legal decision that has permanent legal force with a minimum criminal sentence of more than 3 (three) months, then the member can be recommended to be tried in the Code Trial Polri ethics is to consider whether it is still appropriate or not to continue carrying out their duties and profession as members of the National Police. However, if the criminal sentence is less than 3 (three) months, then there is no need for a recommendation to be tried in the Police Code of Ethics Hearing. These members will still undergo criminal sentences and disciplinary sentences and will be under the supervision of the Provost/Propam and the leadership concerned until their rights as members of the National Police are restored.[2]

Based on the Discipline Regulations of the Indonesian National Police, Article 7 of Government Regulation Number 2 of 2003, it is stipulated that members of the Indonesian National Police who are proven to have violated disciplinary regulations will be subject to disciplinary actions and/or disciplinary punishments. To ensure the enforcement of the Indonesian National Police Professional Ethics, every leader at all levels of the Indonesian National Police (from Police Stations, Police Residences, Police Regions, and Provincial Police, to the National Headquarters) is expected to be able to impose sanctions on police officers who commit violations through the Professional Ethics Commission (KKEP) or Disciplinary

Hearings. Enforcement of ethics and discipline against members of the Indonesian National Police is expected to be carried out by every Head of the Police Organization Unit who acts as the Authorized Punishing Officer (Ankum) at all levels, so that every violation, no matter how small, must be followed up with corrective action or sanctions. By maintaining this condition, it is hoped that violations of the law committed by members of the Indonesian National Police can be minimized.

The goal of disciplinary infringement is controlled in Article 14 of Unofficial law Number 2 of 2003 concerning the Discipline Guidelines of the Indonesian Public Police. Violations committed by police officers can be grouped into several categories to facilitate the ethics code hearing process that will be conducted. There are three categories of KEPP violations, namely mild, moderate, and severe. Ethics code hearings consist of two types, namely hearings with quick examination and hearings with regular examination.[3] Hearings with quick examination are intended for mild ethics code violations, while hearings with regular examination are for severe ethics code violations. Police officers who are proven to have committed drug crimes, including in the severe ethics code violation category, will undergo hearings with regular examination. The procedure for hearings with regular examination is regulated in Article 62 of Police Regulation Number 7 of 2022. A police officer involved in a criminal act falls within the criteria of a severe KEPP violation as stipulated in Article 17 paragraph (3) letter e of Police Regulation Number 7 of 2022 concerning the Professional Ethics Code and the Commission of the Professional Ethics Code of the Indonesian National Police. The article explains that severe KEPP violations include committing criminal acts and having obtained a final legal verdict. [16]

According to Article 107 of Police Regulation Number 7 of 2022, Indonesian National Police officials proven to have violated KEPP will be subjected to the following sanctions:

a. Ethical sanctions

Ethical sanctions are imposed on violators who commit minor violations, as explained in Article 108 of Police Regulation Number 7 of 2022.

b. Administrative sanctions

Administrative sanctions will be applied to suspected violators who commit violations categorized as moderate and severe. In accordance with Article 17 paragraph (3) letter e of Police Regulation Number 7 of 2022, police officers in this case are included in the severe KEPP violation category for involvement in drug crimes. Therefore, the possible sanction for severe KEPP violations is administrative sanctions.

Article 109 of Police Regulation Number 7 of 2022 details administrative sanctions covering several measures, such as demotion for a minimum of 1 year, postponement of promotion for a minimum of 1 year and a maximum of 3 years, suspension of education for a minimum of 1 year and a maximum of 3 years, placement in a specific position for a maximum of 30 working days, and as the most severe sanction, dismissal dishonorably abbreviated as PTDH. In the context of ethics code violations by proven Indonesian National Police members, enforcement actions handled by the Professionalism and Security Bureau (Propam) may result in the dismissal of the member without honor or their departure from the police force. This action also imposes the responsibility on dismissed members to maintain the confidentiality of information they possess as long as they remain part of the Indonesian National Police. [17]

Dismissal Dishonorably, abbreviated as PTDH, is the termination of a police officer's service by authorized officials due to specific reasons. Dismissal Dishonorably is outlined in A member of the Indonesian National Police is defined in Article 11 of Government Regulation No. 1 of 2003, which deals with the Termination of Members of the Indonesian National Police

will be dismissed dishonorably if they commit a crime, violate regulations, abandon their duties, or other serious matters. Dismissal Dishonorably (PTDH), or the termination of a police officer's service by authorized officials, is a step taken for various reasons. It is regulated in Article 11 of Government Regulation No. 1 of 2003 concerning the Termination of Members of the Indonesian National Police. These reasons include committing a crime, violating the code of ethics, abandoning duties, or other serious matters. Article 12 paragraph (1) letter a of the same regulation explains that a police officer will be dismissed dishonorably if they are sentenced to prison based on a final and binding court decision and, according to the consideration of the authorized official, cannot be retained in the police service.[18]

Article 12 paragraph (1) letter a of Government Regulation No. 1 of 2003 explains that a police officer will be dismissed dishonorably from the police service if they are found guilty and sentenced to prison based on a final and binding court decision. Additionally, the decision must also consider that the member can no longer be retained in the police service. As explained in Article 109 of Police Regulation Number 7 of 2022, Article 11 of Government Regulation Number 1 of 2003, and Article 12 of Government Regulation Number 1 of 2003, a police staff member involved in drug crimes is already eligible and suitable for dismissal dishonorably (PTDH).

4 Conclusion

The Code of Professional Ethics is a set of norms, values, and written rules that establish the standards of correct and proper behavior, as well as determine what is considered inappropriate for professionals in the field of policing. This Code emphasizes actions that are considered right or wrong, what should be done, and what should be avoided. Its purpose is to ensure that professionals provide the best service to the communities they serve. The Code of Professional Ethics also functions to protect individuals from the consequences of actions that do not meet professional standards. It represents a moral agreement recognized by certain societal groups, providing guidance and moral rules that bind members of the profession in their practice. The Code of Expert Morals for the Indonesian Public Police is controlled in Guideline No. 7 of 2022 by the Head of the Indonesian Public Police, which sets restrictions for police individuals in completing their obligations, capabilities, and specialists.

Drug abuse is a criminal offense, and it also falls under administrative sanctions. Administrative sanctions will be applied to suspected violators who commit offenses categorized as moderate and severe. According to Article 17 paragraph (3) letter e of Regulation No. 7 of 2022, police officers in this case are considered to have committed a severe violation of the Code of Professional Ethics due to involvement in drug-related crimes. Therefore, the possible sanction for severe violations of the Code of Professional Ethics is administrative. Article 12 paragraph (1) letter a of Government Regulation No. 1 of 2003 explains that a member of the Indonesian National Police will be dishonorably discharged from the police service if found guilty and sentenced to prison based on a final and binding court decision.

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